

**11306. RESOLUTION 17-45 – RESCINDING THE AWARD OF CONTRACT #33N-17-B – CARRIER VEHICLE WITH PLOW, BLOWER, AND BROOM AND AUTHORIZING THE AWARD OF CONTRACT #33N-17-B2 – CARRIER VEHICLE WITH PLOW, BLOWER, AND BROOM.**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey, created by Compact, that owns, operates and controls Delaware Airpark (33N); and

WHEREAS, Authority Operations has previously determined a need for a multi-use vehicle with plow, blower, and broom for use at 33N (the “Equipment”); and

WHEREAS, the Authority previously authorized the award of Contract #33N-17-B, 90% of the cost of which will be reimbursed by an FAA Airport Improvement Program grant, subject to approval; and

WHEREAS, the FAA has ruled that the bids do not fulfill the FAA “Buy American” component of the grant requirements, thus the Authority has informed all bidders that all bids on Contract 33N-17-B been rejected, formally closing the procurement; and

WHEREAS, in an effort to exhaust all possibilities to secure the FAA grant funds, the Authority distributed a new set of Contract Documents to the single firm that was found capable of meeting FAA domestic component requirements and technical specifications for the Equipment (“M-B Companies”); and

WHEREAS, it is reasonable to conclude that M-B Companies is the only source of Equipment that will satisfy the requirements of the Authority; and

WHEREAS, the compliant Equipment cost (\$146,942.00) is lower than the previous two (rejected) bids, thus the Authority has met its obligation to examine cost data prior to award; and

WHEREAS, the FAA supports this procurement path and plans to authorize an amended grant application; and

WHEREAS, the Authority desires to enter into a purchase agreement (the “Agreement”) with M-B Companies for the Equipment, contingent upon FAA final approval and grant award; and

WHEREAS, the Projects Committee reviewed the recommendation and concurs; and

THEREFORE BE IT RESOLVED, that the Projects Committee hereby rescinds its approval to award DRBA Contract 33N-17-B and that the Executive Director is hereby authorized to finalize the terms and conditions of an Agreement with M-B Companies to provide the Equipment to the Authority and to have the Agreement, with the advice and consent of Counsel, executed by the Chairperson, Vice-Chairperson and Executive Director.

A motion to approve Resolution 17-45 was made by Commissioner Decker, seconded by Commissioner Wilson, and approved by a roll call vote of 10-0.

## **Resolution 17-45 Executive Summary Sheet**

**Resolution:** Rescinding the award of Contract #33N-17-B – Carrier Vehicle with Plow, Blower, And Broom and authorizing the award of Contract #33N-17-B2 – Carrier Vehicle with Plow, Blower, and Broom.

**Committee:** Projects Committee

**Committee/**

**Board Date:** September 19, 2017

### **Purpose of Resolution:**

To rescind a prior contract authorization (#33N-17-B) and to authorize the execution of a revised contract (#33N-17-B2) for the purchase of a carrier vehicle with plow, blower, and broom for Delaware Airpark.

### **Background for Resolution:**

The Authority recently completed a public solicitation (Purchase Agreement 33N-17-B) for the equipment listed above, 90% of the cost of which is to be reimbursed by a FAA Airport Improvement Program grant. Two (2) bids were received, with prices ranging from \$166-197,000. Award of the contract was approved by Commission at the July 18, 2017 meeting, contingent upon FAA final approval and grant award.

The bidders made every effort to configure the equipment to comply with the FAA “Buy American” component of the grant requirements, but ultimately neither was able to fulfill this obligation and thus gain FAA approval. Because contract award remained contingent upon FAA final approval, the Authority proceeded to formally reject the contract and notified all participating bidders.

In its effort to exhaust all available methods to secure the FAA grant, the Authority was able to locate an equipment supplier able to meet the technical specifications and the FAA domestic content requirements. Time was not available to both rebid the contract and meet the FAA grant application deadline, therefore the previous contract documents were revised and a quote was requested. The quoted cost, \$146,920.00, came in lower than the previous two bids. The FAA supports the procurement path chosen by DRBA and plans to authorize our amended grant application.