

**RESOLUTION 21-41 - AUTHORIZING AUTHORITY EXPENDITURES  
PURSUANT TO RESOLUTION 01-84 FOR THE PERIOD, JANUARY 1, 2021 THROUGH  
DECEMBER 31, 2021**

WHEREAS, The Delaware River and Bay Authority (the “Authority”) adopted Resolution 01-84 requiring Commissioner review and approval of all Authority expenditures in excess of \$25,000; and

WHEREAS, the Authority anticipates expenditures at or over the \$25,000 amount to the following vendors:

DELAWARE RIVER & BAY AUTHORITY  
VENDORS PROJECTED TO BE PAID OVER \$25,000  
FOR THE PERIOD 1/1/21 THROUGH 12/31/21

<b>VENDOR</b>	<b>PURCHASE DESCRIPTION</b>	<b>CLASSIFICATION</b>	<b>ESTIMATED \$</b>
ADB Safegate Americas LLC	Airfield Lighting System Components	Sole Source	\$35,000
Diamond Electric, Inc.	Replacement Infrared Viewing Windows for DMB Switchgear	Quotes	\$49,000
E.O. Habhegger Co., Inc.	Fuel Management System Upgrades	State Contract	\$125,000
Hertrich Fleet Services, Inc.	2022 Replacement Police Vehicles	State Contract	\$252,000
Runway Safe, Inc.	EMAS Bed Inspections, Maintenance and Field Strength Testing at ILG	Sole Source	\$56,000

NOW, THEREFORE, BE IT RESOLVED, that the Authority authorizes expenditures to the above-listed vendors for the described purposes and authorizes payment.

## **Resolution 21-41 Executive Summary Sheet**

**Resolution:** Authorizing Authority Expenditures Pursuant to Resolution 01-84 for the period January 1, 2021 through December 31, 2021.

**Committee:** Budget & Finance

**Committee and Board Date:** October 19, 2021

### **Purpose of Resolution:**

Authorizes expenditures of \$25,000 or greater with the identified vendors during the 2021 calendar year.

### **Background for Resolution:**

The proposed Resolution meets the requirements of Resolution 01-84, whereby the Authority shall not enter into any contract committing the Authority to spend or make any other expenditures relating to services, material and supplies in the amount of \$25,000 or more unless it has first been approved by a vote of Commissioners.

### **Purchase Detail:**

#### ADB Safegate Americas LLC: Airfield Lighting System Components

The FAA recently clarified certain elements of several Advisory Circulars as they pertain to recipients use of non-original equipment manufacturer (OEM) components in FAA-certified airport lighting equipment. Airfield lighting systems purchased by the Authority as part of a federal Airport Improvement Program (AIP) project, or if funded with passenger facility charge (PFC) revenue, are required to be maintained in the same configuration as that which existed at certification and thus the FAA has confirmed that the replacement of OEM parts with non-OEM parts is forbidden. Additionally, the FAA has advised that if the Authority were to elect to use a non-OEM part on a self-funded project, we would no longer be able to rely upon the FAA certification, and in such a case, the responsibility (including the responsibility to satisfy FCC regulatory requirements) would fall on the Authority to make sure that the system with the non-OEM replacement parts or components meets the federal requirements. Therefore, Authority staff recommends using solely OEM components in all FAA-certified airport lighting equipment, whether the Authority acquired or installed the lights with AIP, PFC, or its own funds. ADB is the OEM manufacturer of Authority airfield lighting systems.

Diamond Electric, Inc: Replacement Infrared Viewing Windows for DMB Switchgear

The Authority plans to hire a contractor to provide the necessary labor and materials to supply and install 106 Fluke CV400 ClirVu 4-inch infrared viewing windows for use in the switchgear equipment located at the various Delaware Memorial Bridge substations. DRBA staff invited six (6) contractors for quotes and received quotes from two (2). Diamond Electric submitted the lowest bid.

E.O. Habhegger Co., Inc: Fuel Management System Upgrades

The Authority plans to hire a contractor to remove the existing PetroVend fuel island equipment that has exceeded its useful life and replace with new PetroVend equipment at the Lewes Trolley Barn, Cape May Ferry, New Castle Airport, Millville Airport, Delaware Airpark, and Delaware Memorial Bridge. E.O. Habhegger is an authorized reseller and installer of PetroVend. The Authority will be purchasing the hardware and software for this project at pricing pursuant to the vendor's state contract for the same (*T-0849, Above-Ground Fuel Tanks: Installation, Removal, Repair and Related Equipment, Contract #42261*).

Hertrich Fleet Services, Inc.: 2022 Replacement Police Vehicles

Due to a world-wide shortage in certain vehicle components and ongoing supply chain disruptions, the vendor has notified the Authority that it cannot guarantee the price nor the availability of 2022 police models if we were to choose to wait to attempt to purchase the vehicles the new year. Thus, in an effort that is both fiscally responsible and will help to ensure that its Police vehicle fleet remains properly equipped, Authority staff recommends placing the order as soon as possible for seven (7) new 2022 police vehicles that have exceeded their useful life and meet the Authority's vehicle replacement criteria. The pricing at which the Authority will purchase the vehicles is pursuant to the vendor's state contract (*GSS20013-POLICE\_VEH*).

Runway Safe, Inc: EMAS Bed Inspections, Maintenance & Field Strength Testing at ILG

An EMAS is a passive safety system that will quickly de-accelerate an aircraft and bring it to a safe stop in case of an overrun. FAA Advisory Circular 150/5220-22B, titled "*Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns*", contains specific standards for the planning, design, installation, and maintenance of EMAS's in runway safety areas at U.S. airports. According to a letter from the FAA Airport Engineering Division dated February 22, 2021, the Runway Safe Group, through their acquisition of the EMAS Max product from Safran, parent company of Zodiac Aerospace, is the sole enterprise that has demonstrated and validated a design method and manufacturing process that meets the requirements satisfactory to the FAA. The scope of the service agreement includes annual EMAS

bed inspections, routine EMAS maintenance, and field strength testing for 19 departure EMAS's at ILG.

### **Classification Definitions:**

**Quotes.** A purchase of equipment, supplies or non-professional services or a contract for construction or construction management that is anticipated to cost between \$25,000 and \$49,999 during a calendar year and for which the Authority has solicited written quotes. *“Contracts for materiel and supplies and non-professional services, awarded to any [vendor for an amount of] more than \$25,000 but less than \$50,000 in the aggregate require the solicitation of three written quotes or all available sources, whichever is less...Construction management contracts or construction contracts...which are less than \$50,000 do not require formal solicitation of competitive prices and, if more than \$25,000 but less than \$50,000 require the solicitation of three written quotes or all available sources, whichever is less...”* (DRBA Resolution 98-31 Part 4).

**Sole Source.** A purchase made without a competitive process, based on the justification that only one known source exists or that only one single supplier can fulfill the requirements of the Authority. Sole source procurement is appropriate when the goods or services being acquired: are uniquely qualified to meet the objectives of the Authority; must be compatible with existing equipment; are available within a limited geographic boundary (e.g., distributor with exclusive rights or sales area); are required for use in conjunction with a grant or contract, etc. *“A contract may be awarded without competition if the General Manager or Director of Operations of an Authority facility, or Police Administrator, prior to procurement, determines in writing that there is only one source for the required contract and no other reasonable alternative sources exist that will satisfy the requirements of the Authority”.* (DRBA Resolution 98-31 Part 2.f.)

**State Contract.** A purchase of equipment, supplies or non-professional services which, under normal circumstances, would require competitive bidding, however the vendor has agreed to provide the goods or services to the Authority at fees less than or equal to that vendor's respective contract as awarded by the State of Delaware or New Jersey. *“Any contract for the purchase of materiel and supplies and non-professional services...which contract individually exceeds \$50,000, or in the combination with other contracts, exceeds \$50,000 in any one calendar year shall be pursuant to a contract entered into by the Authority after competitive bidding. This provision shall not apply to purchases by the Authority from suppliers in cases where the Authority is purchasing at prices pursuant to contracts awarded by the States of Delaware or New Jersey for state agencies.”* (DRBA Resolution 11-36 Part 2.a.)