

**MINUTES OF MEETING
THE DELAWARE RIVER AND BAY AUTHORITY
James Julian Board Room
Tuesday, October 15, 2024**

The meeting convened at 10:00 a.m. at the James Julian Board Room, with Chairperson Lathem presiding.

Chairperson Lathem called on the Authority Assistant Secretary to read the meeting notice. The Assistant Secretary announced that a notice of the meeting had been distributed to the offices of the Governor of New Jersey and the Governor of Delaware, to appropriate staff members and consultants, to the press in both States and to any other individuals who had indicated an interest in receiving a copy of the meeting notice.

The opening prayer was given by Chairperson Lathem, followed by the Pledge of Allegiance.

Chairperson Lathem called on the Assistant Secretary to take the roll.

Commissioners from Delaware

Samuel Lathem, Chairperson
Crystal L. Carey
Michael Ratchford
Veronica O. Faust - Zoom
James Collins - Absent
Vacant

Commissioners from New Jersey

M. Earl Ransome, Jr., Vice-Chairperson
Shirley R. Wilson - Zoom
Sheila McCann
Heather Baldini
Debra Behnke - Zoom
James Mehaffey

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Chairperson Lathem called for the acceptance of the Agenda.

Commissioner Ratchford made a motion to accept the agenda, seconded by Commissioner Mehaffey, and the motion was carried by a voice vote of 10-0.

Chairperson Lathem opened the meeting for public comment on any matters of interest.

The Deputy Executive Director, Ceil Smith, introduced the DRBA marketing team. James Salmon, Director of Communications & Marketing; Michael Porch, Ferry Marketing and Community Relations Manager; Jennifer Oberle-Howard, Airports Marketing and Community Relations Manager; Maya Paveza, Digital Content Manager; Amelia Rizzo, Social Media Manager; and Alexis Sterling Social Media Specialist Intern.

Chairperson Lathem called for a motion to move to the Executive Session. Commissioner Ratchford made a motion, seconded by Commissioner Mehaffey, and the motion was carried by voice vote of 10-0.

Members of the public and certain staff were excused from the room during the Executive Session.

The Executive Session started at 10:13 a.m. At 11:42 a.m. Chairperson Lathem called for a motion to close the Executive Session, and recess to conduct Committee Meetings. Commissioner Ratchford made a motion, seconded by Commissioner Mehaffey, and the motion was carried by a voice vote of 10-0.

The Committee meetings began at 11:42 a.m. and ended at 12:03 p.m. During that time, the following Committee meetings were held:

- Budget and Finance
Economic Development
Projects

At the conclusion of the Committee meetings, Chairperson Lathem called the Board meeting back to order at 12:04 p.m.

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12362. APPROVAL OF THE SEPTEMBER MINUTES

Commissioner Ratchford made a motion to approve meeting minutes for September 17, 2024, seconded by Commissioner Carey, and approved by a voice vote of 10-0.

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12363. DELAWARE RIVER AND BAY AUTHORITY – TRAFFIC AND REVENUE SUMMARY.

The Chief Financial Officer (CFO) presented charts showing Actual versus Projected Revenues for the Delaware Memorial Bridge, the Cape May-Lewes Ferry, Airports, Delaware City-Salem Ferry Crossing and Food Service for September 2024. Without objection, the charts were ordered filed with the permanent records of the Authority.

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12364. DELAWARE RIVER AND BAY AUTHORITY – STATEMENT OF INCOME AND EXPENSE.

The CFO presented charts showing statements of income and expense for September 2024 with comparisons to the same periods last year.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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12365. DELAWARE RIVER AND BAY AUTHORITY – OPERATING EXPENSE BY DIVISION.

The CFO presented charts for September 2024 showing expenses by division for the quarter to date vs. the projected quarter and for year to date vs. total budget.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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12366. DELAWARE RIVER AND BAY AUTHORITY – CAPITAL IMPROVEMENT PROGRAM.

The CFO presented charts for September 2024 showing the capital budgets for crossings and economic development projects and dollars committed to date for the projects. The charts also included cash expenditures spent to date for the committed projects.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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12367. DELAWARE RIVER AND BAY AUTHORITY – CASH POSITION (MARKET VALUE) FOR SEPTEMBER 30, 2024.

The CFO presented charts showing the cash fund balances for the entire Authority for September 2024.

Without objection, the charts were ordered filed with the permanent records of the Authority.

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12368. PUBLIC COMMENT ON ACTION ITEMS

Chairperson Lathem noted that one (1) Contract Award and six (6) Resolutions were being considered at today’s meeting.

All items requiring committee action have been reviewed and recommended for consideration during today’s Committee meetings. He then called for public comments on any action items.

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12369. AWARD OF CONTRACT #CMLF-C24-04R – CAPE MAY TERMINAL BUILDING ELEVATOR REHABILITATION

The Chief Operations Officer (COO) noted that a public bid opening was held on September 19, 2024. The COO and Projects Committee recommended awarding the contract to the lowest responsible bidder, West End KB LLC of Oceanport, New Jersey in the amount of \$698,850.00.00.

A motion to award CONTRACT #CMLF-C24-04R to the aforementioned firm was made by Commissioner Ratchford, seconded by Commissioner Mehaffey, and approved by a voice vote of 10-0.

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12370. CHAIRPERSON’S CALL FOR RESOLUTIONS BEFORE THE BOARD

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RESOLUTION 24-46 - AUTHORIZING AUTHORITY EXPENDITURES PURSUANT TO RESOLUTION 24-17 FOR THE PERIOD, JANUARY 1, 2024, THROUGH DECEMBER 31, 2024

WHEREAS, The Delaware River and Bay Authority (the “Authority”) adopted Resolution 24-17 requiring Commissioner review and approval of any professional service contract, non-professional service contract, materiel contract, or supply contract valued at \$50,000 or above and any construction management or construction contract valued at \$200,000 or above; and

WHEREAS, the Authority anticipates expenditures at or above the aforementioned thresholds to the following vendors:

DELAWARE RIVER & BAY AUTHORITY
VENDORS PROJECTED BE AWARDED
A MATERIEL, SUPPLY, PROFESSIONAL SERVICE, OR NON-PROFESSIONAL SERVICE CONTRACT
VALUED \$50,000 OR ABOVE
OR
A CONSTRUCTION MANAGEMENT/CONSTRUCTION CONTRACT
VALUED \$200,000 OR ABOVE
DURING THE PERIOD 1/1/24 THROUGH 12/31/24

| <u>VENDOR</u> | <u>PURCHASE DESCRIPTION</u> | <u>CLASSIFICATION</u> | <u>ESTIMATED</u> |
|----------------------------------|-----------------------------|-----------------------|------------------|
| Eastern Lift Truck Company, Inc. | Yale Propane Forklift | State Contract | \$57,000 |

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

Resolution 24-46 was moved by Commissioner Mehaffey, seconded by Commissioner Ratchford, and was approved by a roll call vote of 10-0.

Resolution 24-46 - Executive Summary Sheet

Resolution: Authorizing Authority Expenditures Pursuant to Resolution 24-17 for the period January 1, 2024, through December 31, 2024.

Committee: Budget & Finance

Committee and Board Date: October 15, 2024

Purpose of Resolution:

To receive Commissioner approval of the identified vendors and expenditures for those specific professional service contracts, non-professional service contracts, materiel, and supply contracts valued at \$50,000 or above, and for those specific construction management or construction contracts valued at \$200,000 or above, that otherwise would require a public competitive process per Resolution 24-17.

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 24-17, 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 \$50,000 or more, or a construction management or construction contract in the amount of \$200,000 or more, unless it has first been approved by a vote of Commissioners.

Purchase Detail:

Eastern Lift Truck Company, Inc.: Yale Propane Forklift

The Authority intends to replace one (1) Yale propane forklift at the Lewes Ferry Terminal as the previous equipment has exceeded its useful life and is currently programmed in the 2024 Capital Equipment Plan. The equipment will be purchased at prices pursuant to state contract (*GSS19843-FORKLIFT*).

Classification Definitions:

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 24-17 Part 2.a.).

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RESOLUTION 24-47 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND MAVERICK AIR, LLC

WHEREAS, The Delaware River and Bay Authority (the “Authority”), is the operator of the Wilmington Airport (“Airport”); and

WHEREAS, Maverick Air, LLC (“Maverick”) would like to lease 25% of the space in a facility commonly referred to as Hangar 17 at the Wilmington Airport; and

WHEREAS, Maverick is acquiring a new aircraft and needs space to house their current aircraft until such time that it is sold; and

WHEREAS, the term of this agreement shall be for One (1) year; and

WHEREAS, rent during the initial term shall be One Hundred and Twenty-One Thousand and Sixty-Eight Dollars (\$121,068.00); and

WHEREAS, Maverick shall have the right to terminate this agreement with Fifteen (15) days’ notice in the event that the aircraft should be sold; and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement with Maverick Air, LLC, and, with the advice and consent of counsel, to have such Agreement executed by the Chairperson, Vice Chairperson and the Executive Director.

Resolution 24-47 was moved by Commissioner Mehaffey, seconded by Commissioner McCann, and was approved by a roll call vote of 10-0.

Resolution 24-47 - Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Maverick Air, LLC., regarding Wilmington Airport.

Committee: Economic Development

Committee Date: October 15, 2024

Board Date: October 15, 2024

Purpose of Resolution: To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a Lease Agreement for space at the Wilmington Airport.

Background for Resolution:

The Delaware River and Bay Authority owns a hangar located at 17 DRBA Way commonly referred to as Hangar 17 at the Wilmington Airport. Maverick has been a tenant in this space since 2001. They are acquiring a new aircraft and will need to lease additional space in order to store the current aircraft until such time that it can be sold. The rate is based upon the current FMV.

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RESOLUTION 24-48 - LEASE AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND MAVERICK AIR, LLC.

WHEREAS, The Delaware River and Bay Authority (the “Authority”), is the operator of the Wilmington Airport (“Airport”); and

WHEREAS, Maverick Air, LLC (“Maverick”) is a current month-to-month tenant leasing space in a facility commonly referred to as Hangar A at the Wilmington Airport; and

WHEREAS, Maverick is acquiring a new aircraft and would like to increase their share of Hangar A from 25% to 66.66% of the space; and

WHEREAS, the initial term of this agreement shall be for One (1) year; and

WHEREAS, Maverick shall have the right to renew this Lease Agreement for Two (2) Five (5) year renewal periods; and

WHEREAS, rent during the initial term shall be Three Hundred and Twenty-Two Thousand Eight Hundred and Forty-Eight Dollars (\$322,848.00); and

WHEREAS, rent shall be adjusted to the Fair Market Value at the beginning of each renewal term; and

WHEREAS, rent shall adjust annually during each renewal term by the Consumer Price Index (CPI); and

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of the Lease Agreement with Maverick Air, LLC, and, with the advice and consent of counsel, to have such Agreement executed by the Chairperson, Vice Chairperson and the Executive Director.

Resolution 24-48 was moved by Commissioner Mehaffey, seconded by Commissioner McCann, and was approved by a roll call vote of 10-0.

Resolution 24-48 - Executive Summary

Resolution: Authorizing the Execution of a Lease Agreement between the Delaware River and Bay Authority and Maverick Air, LLC., regarding Wilmington Airport.

Committee: Economic Development

Committee Date: October 15, 2024

Board Date: October 15, 2024

Purpose of Resolution: To permit the Executive Director, Chairman and Vice Chairman to execute and deliver a Lease Agreement for space at the Wilmington Airport.

Background for Resolution: The Delaware River and Bay Authority owns a hangar located at 137 North DuPont Hwy commonly referred to as Hangar A at the Wilmington Airport. Maverick has been a tenant in this space since 2001. They are acquiring a new aircraft and will need to lease additional space to accommodate the plane. The rate is based upon the current FMV.

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RESOLUTION 24-49 - AUTHORIZING AN AMENDMENT TO THE SCHEDULE OF FEES AND CHARGES AT THE WILMINGTON AIRPORT ILG.

WHEREAS, the Delaware River and Bay Authority (the “Authority”) is the operator of the Wilmington Airport ILG (the “Airport”), and

WHEREAS, the Authority has previously adopted a Schedule of Fees and Charges for the Airport; and

WHEREAS, the Authority has fiduciary responsibility to review this schedule of fees and charges and make modification necessary to meet the financial requirements of the Airport; and

WHEREAS, in the pursuit of competitive commercial aviation opportunities, the Authority desires to establish a modified Fee regime that is widely recognized and in use at other airports accommodating scheduled air carrier service operations, and

WHEREAS, the Authority has determined that a revised Schedule of Fees and Charges is necessary and proper to generate revenue sufficient to support Airport activities; and

WHEREAS, under Article VII(d) of the Compact, after the Board of Commissioners approval, the Schedule of Fees and Charges will be filed with the Secretary of State of the States of Delaware and New Jersey and will take effect at that time; and

NOW, THEREFORE, BE IT RESOLVED, that the previously published Schedule of Fees and Charges dated October 2022 for the Wilmington Airport is hereby rescinded and replaced with the attached Schedule of Fees and Charges which will become effective November 15, 2024.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Secretary of the Board of Commissioners is hereby authorized and directed to file a copy of said Schedule of Fees and Charges with the Secretary of State of the States of Delaware and New Jersey.

Resolution 24-49 was moved by Commissioner Mehaffey, seconded by Commissioner Ratchford, and was approved by a roll call vote of 10-0.

Resolution 24-49 - Executive Summary

Resolution: Authorizing an Amendment to the Schedule of Fees and Charges for the Wilmington Airport ILG.

Committee: Economic Development

Committee Date: October 15, 2024

Board Date: October 15, 2024

Purpose of Resolution: To amend the Schedule of Fees and Charges at the Wilmington Airport ILG and place them on file with the Secretary of each State.

Background for Resolution: There is a Schedule of Fees and Charges adopted for each airport operated by the Authority that sets predetermined rates for various operations at each facility. The Authority is implementing several changes and adding new definitions to its fee structure to address new business opportunities and statutory authority of the airport Rules and Regulations.

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SCHEDULE OF FEES AND CHARGES

Effective November 2024

The following schedule of fees and charges for the use or uses of the Wilmington Airport is hereby established:

1. **Aircraft Operations:**

(For fee purposes, an operation shall consist of an arrival and a departure.)

(a) **Landing Fee:**

All aircraft, including rotorcraft, with a certificated maximum gross landing weight (MLW) of 7,500 pounds or more, shall be assessed a landing fee of One Dollar and twenty-five cents (\$1.25) per one thousand (1,000) pounds. The MLW shall be established as set forth in the flight manual for the aircraft or any Federal Aviation Administration documents. The following exemptions to this subsection are hereby established:

- (i) **Signatory users.** Those aircraft owned and operated by users of the airport having a lease, permit or other operating agreement with Delaware River and Bay Authority with provisions in their contract with Delaware River and Bay Authority for the payment of aircraft operations. If such provisions exist, they may govern in lieu of the landing fee or other user charges.
- (ii) **Publicly owned aircraft.** Aircraft owned and operated by the government of the United States of America, including Military aircraft owned and operated by the military forces of the United States of America, and aircraft owned and operated by foreign governments and military forces.
- (iii) **Aircraft operated in support of military operations.** Members of the Civil Air Patrol and the United States Coast Guard Auxiliary may, upon written application to the Airport Manager and supported by military orders, request that fees for landings performed during search and rescue missions and exercises be exempted. Each such landing must be identified on the individual landing fee invoice.

The Delaware River & Bay Authority may use a third-party to bill and collect landing fees on behalf of the airport.

2. **Aircraft Storage**

(a) **Aircraft t-hangar storage: The monthly fee for storing aircraft in public t-hangar spaces shall be:**

| | | |
|-------------------------------|-------|--|
| T-hangar #'s 13 -19 and 28-34 | \$425 | |
| T-hangar #'s 2-12 and 20-27 | \$450 | |
| T-hangar #'s 1 and 10 | \$650 | |

(b) **In public tie-down spaces.** The monthly fee for storing aircraft in public tie-down spaces shall be one hundred and twenty-five dollars (\$125.00) per month.

(c) **Apron aircraft parking.** The public aprons are provided for short-term loading and unloading of passengers and cargo within designated areas. The daily fee for all apron use is:

| Type of Aircraft | DRBA Ramp Fee Daily Rate |
|-------------------------|--------------------------|
| Design Group 1 Aircraft | \$10.00 |
| Design Group 2 Aircraft | \$50.00 |
| Design Group 3 Aircraft | \$150.00 |
| Design Group 4 Aircraft | \$300.00 |
| Design Group V | \$500.00 |
| Helicopters | \$30.00 |

Delaware River and Bay Authority assumes no responsibility for the securing of aircraft on public aprons. Long term parking is provided by fixed-base operators or through Tie-down agreements with the airport.

- (d) **Lighter-than-air aircraft use.** Lighter-than-air aircraft such as airships, dirigibles, blimps, or balloons shall pay a daily use fee of hundred dollars (\$100.00). The payment of this fee shall entitle the operator to a mooring location that shall be a 300-foot diameter circle centered on the mooring mast or inflation site assigned by the airport, as well as parking for support vehicles. Prior permission of the airport manager is required.
- (e) **Use of Gates and Terminal Facilities** Airlines who fail to comply with the Maximum Parking Occupancy Periods as set forth in the “Rules and Regulations for Assignment and Use of Gates and Terminal Facilities” or otherwise fails to comply with the Authority’s movement directives, may be subject to a fee of \$250 for each successive 15-minute period or fraction thereof until the aircraft is moved. After two hours, the fee shall increase to \$500 for each successive 15-minute period. A fee assessed under this paragraph shall not exceed \$5,000 per aircraft per day.
- (f) **Signatory users.** Those aircraft owned and operated by users of the airport having a lease, permit or other operating agreement with Delaware River and Bay Authority with provisions in their contract with Delaware River and Bay Authority for the payment of aircraft operations. If such provisions exist, they may govern in lieu of the landing fee or other user charges.

3. Terminal Use Fees:

The airline terminal portion of the Terminal Building is provided by the airport as common use by scheduled, nonscheduled and charter airlines, or other transportation services as approved by the airport. Such uses are normally covered in a lease or other operating agreement and will include a terminal Cost per Turn fee of \$2.50 per enplaned passenger for common use areas. A per turn fee in this section refers specifically to the airline payment for each aircraft departure from a common use gate.

- (a) **Signatory users.** Those aircraft owned and operated by users of the airport having a lease, permit or other operating agreement with Delaware River and Bay Authority with provisions in their contract with Delaware River and Bay Authority for the payment of aircraft operations. If such provisions exist, they may govern in lieu of the landing fee or other user charges.

- (b) Each airline is responsible to arrange for or provide personnel and screening equipment necessary to comply with Transportation Security Administration (TSA) regulations. Such costs shall be the responsibility of the airline.

4. Fuel flowage fee. Aviation fuel delivered to the fuel storage facilities on the airport and dispensed from such facilities shall be subject to the following fuel flowage fee:

- (1) Fixed-base operators - Nine cents (\$0.9) per gallon
- (2) Non-Airline Signatory users who have been given approval to self-fuel- Eleven cents (\$0.11) per gallon
- (3) Airline Signatory users - Three cents (\$0.03) per gallon.

5. Passenger Facility Charge (“PFC”). Pursuant to 14 Code of Federal Regulations (“CFR”) Part 158, the DRBA is authorized by the United States Department of Transportation (“USDOT”) and the Federal Aviation Administration (“FAA”) to impose a Passenger Facility Charge (“PFC”) on the fares charged to passengers departing from Wilmington Airport. Air Carriers shall collect and remit all PFCs to DRBA in accordance with 14 CFR Part 158 and DRBA’s authorization from the USDOT and FAA, as either may be amended from time to time. Additional information concerning the PFC and the obligations of Air Carriers with respect thereto is on file with the DRBA Airports Division.

- (a) Non-aeronautical transportation services that use the terminal common areas in which PFC’s are not applicable may be charged a Capital Recovery Fee (CRF) equal to the airport’s approved PFC collection tier.

6. Removal of wrecked or damaged aircraft in any movement area. Disabled aircraft that cannot be taxied or towed from any movement area of the airport (runways and taxiways) shall be removed as expeditiously as possible. It shall be the responsibility of the aircraft operator to promptly remove the disabled aircraft. If the disabled aircraft operator cannot or will not promptly remove the disabled aircraft from the movement area, the staff of the airport or a company contracted by the airport may remove the disabled aircraft and charge the aircraft operator for the actual cost of removal. In addition, an administrative fee in the amount of two hundred fifty dollars (\$250.00) for a single engine aircraft and five hundred dollars (\$500.00) for aircraft with more than one engine shall be imposed.

7. Vehicle Operations and Parking.

- (a) **Parking.** Vehicle parking is available in public lots near the terminal building. The fee for parking in such lots shall range from \$5.00 to \$15.00 per day with charges beginning after 15 minutes. Lost parking tickets for gate-controlled lots or non-payment in Pay-by-Plate lots will be charged equal to 14 days of the lot’s parking rate.. Unless authorized by Airport Management, no vehicle may be left in public parking lots for more than thirty (30) days.
- (b) **Reserved parking by signatory users.** Certain parking spaces in public parking lots may be reserved for the exclusive use of certain airport tenants if arranged by lease or other agreement with Delaware River and Bay Authority. Payment for such space shall be included in the lease or other agreement. Reserved parking spaces shall be marked by signage or paint.
- (c) **Removal of wrecked, damaged, or abandoned vehicles from the airport.** Disabled or abandoned vehicles that cannot be moved under their own power shall be removed in accordance with the Delaware River and Bay Authority Police Department towing policy. Any vehicle left in any airport parking lot for longer than thirty (30) days, without prior approval of the Airport Manager, shall be considered abandoned.
- (d) **Rental Cars and Vehicle Share Services.** All rental car services or peer to peer vehicle sharing entities conducting business in public areas of the Airport must agree to the most current permit agreement, terms, and associated fees.
- (e) **Motor Carriers, Bus Transportation Services and Transportation Network Companies.** All motor carriers for hire or transportation network companies (TNC) conducting business at the Airport must agree to the most current operating agreement, terms, and associated fees, including Access or Per Trip fees

- (f) **Unauthorized Vehicles.** Unauthorized vehicles parked in reserved or marked spaces will be issued a penalty in accordance with paragraph (g) of this section. In certain cases, and in the interest of safety, vehicles may be towed in accordance with the Delaware River and Bay Authority Police Department towing policy.
- (g) **Violations.** Pursuant to provisions of §1729, Title 17 of the Delaware Code, the Delaware River & Bay Authority may issue penalties for any violations or failure to comply with the Airport Rules & Regulations. The penalties are as follows:

| | | |
|-------------------------|-------------------------|-------------------------|
| 1 st Offense | 2 nd Offense | 3 rd Offense |
| \$100 | \$250 | \$500 |

- 8. **Special events.** The landing facilities of the airport may be used for special events with the prior written permission of the Airport Manager. Such special events must be compatible with the use of the land and facilities as a public use airport and must not, in any way, interfere with aircraft operations. Access to movement areas (runways and taxiways) must be coordinated with the Airport Manager and airport traffic control tower. The fee for such special events shall be set by contract with Delaware River and Bay Authority.
- 9. **Aviation Fuel Permit Fee:** Each operator of a storage tank and/or mobile fueler shall be required to have a fuel permit issued by the airport to demonstrate compliance with FAA FAR Part 139 safety requirements. The annual calendar year permit fee is \$150.00.
- 10. **ID Badge Application Fee:** ID badge types shall be:

| | Tenant (2 years) | AOA (Annual) | SIDA (Annual) | Lost Badge | Not Returned |
|------------------|---------------------|-----------------|------------------|------------|--------------|
| Initial | \$15 | \$25 | \$50 | \$25 | \$250 |
| Recurrent | \$15 | \$15 | \$15 | \$100 | No Badge |

- 11. **Billing and payment procedures.**
 - (a) **Billing.** Monies due to the airport for the activities and uses in this section shall normally be billed by the airport monthly.
 - (b) **Payment.** Payment of bills shall be due within thirty (30) days of the billing date. Remittance shall be made to:

Delaware River and Bay Authority
P.O. Box 62952
Baltimore, MD 21264-2952

- 12. **Annual Increases.** All Fees and Charges set forth above shall escalate at a rate of 2% per annum. Such change shall go into effect on September 1 of each year.

RESOLUTION 24-50 – AUTHORIZING AN AGREEMENT BETWEEN THE DELAWARE RIVER AND BAY AUTHORITY AND C&S ENGINEERS, INC., TO PROVIDE ON-CALL GENERAL ENGINEERING SERVICES FOR AUTHORITY AIRPORTS

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 operates and maintains the Delaware Memorial Bridge, Cape May-Lewes Ferry, Forts Ferry Operation, five regional airports, and the adjoining facilities and infrastructure at each of the aforementioned sites; and

WHEREAS, the Authority seeks to engage a professional engineering firm to provide “on-call” general engineering consulting services, including but not limited to, design, architectural, real property, environmental, facilities, materials testing, and construction administration and inspection services, at Wilmington Airport (ILG), Delaware Airpark (33N), Cape May Airport (WWD), Millville Airport (MIV), and Dover Civil Air Terminal (hereinafter, “Airport GEC Services”); and

WHEREAS, the Authority publicly advertised a Request for Qualifications (“RFQ”) for Airport General Engineering Consultant Services in compliance with DRBA Resolution 24-17, as amended, which governs the Authority’s procedures for the procurement of professional services; and

WHEREAS, the Authority received two (2) responses to the RFQ and performed a thorough evaluation of each respondent’s qualifications; and

WHEREAS, following preliminary evaluation of each submission, the Authority short-listed C&S Engineers, Inc. (“C&S Engineers”), and conducted an analysis of the firm’s proposed maximum fees to provide Airport GEC Services, which were determined to be fair and reasonable; and

WHEREAS, with the consent of the Chairman and Vice-Chairman of the Board of Commissioners, the Authority desires to enter into a Master Service Agreement with C&S Engineers for Airport GEC Services; and

WHEREAS, the Master Service Agreement has a base term of four (4) years, with the Authority having the option to extend for one (1) additional year following the expiration of said base term, such option term subject to prior authorization by the Projects Committee and the Chairman and Vice-Chairman of the Board of Commissioners; and

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

THEREFORE BE IT RESOLVED, that the Executive Director is hereby authorized to finalize the terms and conditions of a Master Services Agreement with C&S Engineers to provide Airport GEC Services to the Authority, and, with the advice and consent of Counsel, to have such Master Service Agreement executed by the Chairman, Vice-Chairman and Executive Director.

Resolution 24-50 was moved by Commissioner Mehaffey, seconded by Commissioner McCann, and was approved by a roll call vote of 10-0.

Resolution 24-50 - Executive Summary Sheet

Resolution: Authorizes an agreement between the Authority and C&S Engineers to provide “on-call” General Engineering Services related to the Authority’s Airports.

Committee: Projects Committee

**Committee/
Board Date:** October 15, 2024

Purpose of Resolution:
The Authority requires the assistance of a professional engineering firm to provide “on-call” general engineering consulting services, including but not limited to, design, architectural, real property, environmental, facilities, materials testing, and construction administration and inspection services, at Wilmington Airport (ILG), Delaware Airpark (33N), Cape May Airport (WWD), Millville Airport (MIV), and Dover Civil Air Terminal.

Background for Resolution:
The procedures leading to this Resolution followed the requirements of Resolution 24-17, as amended, which governs the Authority’s purchasing thresholds and policies.

The Authority received and evaluated the qualifications submitted by the following firms:

- C&S Engineers, Inc.
- RS&H, Inc.

A Consultant Selection Committee performed a thorough evaluation of each submission, short-listed C&S Engineers, Inc., and conducted an analysis of the firm’s proposed maximum fees and determined them to be fair and reasonable.

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RESOLUTION 24-51 – AUTHORIZING THE AUTHORITY TO NO LONGER REQUIRE BIDDERS TO SUBMIT A CASHIER’S CHECK AS A FORM OF BID SECURITY ON CONSTRUCTION CONTRACTS ESTIMATED LESS THAN \$2 MILLION

WHEREAS, it is the policy of the Delaware River and Bay Authority (the “Authority”) that any contract for construction work which is estimated to exceed \$200,000 is awarded as the result of a public competitive bid or as otherwise approved by a vote of the Board of Commissioners; and

WHEREAS, the Authority encourages and affords opportunities to a diverse supplier base and strives to establish a level playing field for every firm that seeks its business; and

WHEREAS, the Authority reviews its policies and procedures on a regular basis to assess and measure their effectiveness and to eliminate unintended barriers to its public competitive bidding process and thereby enhance opportunities for all businesses to participate in the bid process; and

WHEREAS, the Authority has a long-standing General Provision which requires bidders to submit both a cash bond and a bid bond in order to be eligible to bid on construction projects; and

WHEREAS, on its construction contracts estimated at \$2 million or under, the Authority is of the opinion that the cash bond requirement potentially presents a disparate burden on small, minority-owned, and women-owned firms; and

WHEREAS, on construction contracts estimated at \$2 million or under, the Authority is of the opinion that the removal of the cash bond requirement does not significantly impact risk to construction bid non-performance on our publicly-bid construction projects; and

WHEREAS, the Authority wishes to no longer require a cash bond on future solicitations for construction projects estimated at \$2 million or under; and

THEREFORE, BE IT RESOLVED, with the consent of the Projects Committee and the Chairman and Vice-Chairman of the Board of Commissioners, and, unless otherwise specified in the contract documents, bidders will no longer be required to submit a cash bond as a form of bid security on any construction contract estimated at \$2 million or less.

Resolution 24-51 was moved by Commissioner Mehaffey, seconded by Commissioner Ratchford, and was approved by a roll call vote of 10-0.

Resolution 24-51 - Executive Summary Sheet

Resolution: Authorizes staff to no longer require participants to submit a cash bond (a certified check payable to DRBA) in order to be eligible to bid on a construction project which is estimated to cost under \$2 million.

Committee: Projects Committee

**Committee/
Board Date:** October 15, 2024

Purpose of Resolution: The Authority has a long-standing General Provision which requires bidders to submit both a cash bond and a bid bond in order to be eligible to bid on construction projects. As this provision potentially presents a disparate burden on minority-owned and/or women-owned businesses, the Authority intends to no longer require bidders to submit a cash bond as a form of bid security on any construction project estimated at \$2 million or under.

Background for Resolution:

The DRBA has traditionally required contractors to submit two individual forms of bid security in order to be eligible to bid on over-threshold construction projects: both a cash bond and a traditional bid bond.

The two bid securities serve to ensure that the bidder enters into the contract upon award. The Authority is of the opinion that this provision, specifically, the cash bond requirement, potentially presents a disparate burden on small, minority-owned, and women-owned firms when included in contracts valued under \$2 million.

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12371. EXECUTIVE DIRECTOR’S COMMENTS

The Executive Director displayed a picture of Colonel Wayne McFadden “Dancing with the Stars” fundraiser at Salem Community College. The next picture displayed Dancing with the Stars top fundraiser Charlie Hassler, Commissioner Behnke’s husband.

The Executive Director acknowledged T.J. Murray, Jennifer Oberle-Howard and Lavar Matthews recognizing Breast Cancer Awareness Month at the DRBA.

The City of Lewes, the DRBA and State of Delaware lost a true gentleman. Our thoughts and prayers are extended to Commissioner Ted Becker’s family. Ted Becker’s celebration of life will be held October 26, 2024, in Lewes, Delaware.

Events:

October 23, 2024 - \$20 million Ferry Grant Press Conference, Lewes Ferry Terminal - 10:00 a.m.

October 24, 2024 – DRBA/FOP Trunk or Treat Event – Rte. 9 Library – 6:00 p.m.

October 26, 2024 – Ted Becker Celebration of Life, Lewes Canal Front Park – 11:00 a.m.

October 30, 2024 – Wilmington Airport – Parking Lot Ribbon Cutting – 10:30 a.m.

November 11, 2024 – Veterans Day Ceremony Veterans Memorial Park – 10:30 a.m.

November 19, 2024 – Board of Commissioners Meeting – 10:00 a.m.

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12372. COMMISSIONERS PUBLIC FORUM

Commissioner Lathem called for comments from the Commissioners.

Commissioner Behnke thanked Commissioner Baldini for assisting with the Budget & Finance Committee and assisting new committee members.

Chair Lathem thanked the Executive Director, CFO and Lavar Matthews for their hard work regarding Resolution 24-51. This Resolution authorizes the Authority to no longer require bidders to submit a cashier’s check as a form of bid security on construction contracts estimated at less than \$2 million dollars. This will support minority businesses, and the community appreciates it as well.

Chair Lathem discussed the passing of Commissioner Becker. He was an asset to the DRBA Board and will be missed.

With no additional forthcoming comments, a motion to adjourn the Board meeting at 12:20 p.m. was made by Commissioner Ratchford, seconded by Commissioner Mehaffey, and approved by a voice vote of 10-0.

Respectfully submitted,

THE DELAWARE RIVER AND BAY AUTHORITY

James Salmon
Assistant Secretary