



SYRACUSE REGIONAL AIRPORT AUTHORITY PROCUREMENT AND CONTRACTING POLICY

I) GUIDELINES FOR THE PROCUREMENT OF GOODS AND SERVICES AND CONTRACTING FOR LAND OR CONCESSION LEASES FOR THE SYRACUSE REGIONAL AIRPORT AUTHORITY

Among the powers granted to the Syracuse Regional Airport Authority ("Authority") under Article 8, Title 34 of the New York Public Authorities Law ("Enabling Act") is the power to "enter into contracts . . . and to execute all instruments necessary and convenient to accomplishing its corporate purpose."¹ It shall be the practice of this Authority to adopt such policies and procedures as are designed to promote the prudent and economic use of public monies and facilitate the acquisition of goods and services having the best value under any given set of circumstances.² Apart from the provision in the Authority's Enabling Act dealing with contracts for construction³ there are no statutory requirements for local public authorities to competitively bid procurement contracts.

Therefore, the Syracuse Regional Airport Authority hereby formally adopts the following written procurement and contracting policy (Policy) applicable to all purchases of goods, equipment, services, concessions, and leases for land. This Policy is meant to actively promote competitive procurement of all goods, equipment, and services, with the limited exceptions as set forth herein. It is also designed to optimize revenue from land and concession leases. The Executive Director, Chief Fiscal Officer, and staff are required to comply with this Policy and to retain the necessary documentation as required herein to substantiate such compliance.

II) DEFINITIONS

A) "Best Value" means the basis for awarding contracts for services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors.⁴ Non-price factors may be addressed to determine Best Value. Non-price factors include, but are not limited to: reliability of a product; efficiency of operation; difficulty/ease of maintenance; useful lifespan; ability to meet needs regarding timeliness of performance and experience of a service provider with similar contracts.⁵

B) "Construction Contracts" mean contracts to perform the erection, construction, reconstruction, or alteration of buildings or other structures or site work.

C) "Quotations" or "Quotes" means any written or verbal offer containing information regarding price, quantity, and a description of a good, equipment, or service. All Quotes communicated to the Authority shall be documented. Bid or quote solicitation must include shipping, handling and other ancillary charges, if applicable.

D) "Professional Services Contract" means a contract or agreement to provide a personal service of a consulting, professional, or technical nature to the Authority for a fee, commission, or other compensation by a person or organization. Such Professional Services shall be in relation to the Authority's operation, management, and administration of its offices or personnel; acquisition, construction, management, operation, maintenance, or disposition of facilities under its ownership or control; or dissemination of publications or other information. Professional Services of a consulting, professional, or technical nature include, but are not limited to, legal, accounting, management consulting, planning, training, statistical, research, public relations, architectural, engineering, surveying, or other similar Professional Services.

E) "Responsible" or "Responsibility" means the financial ability, legal capacity, integrity, and past performance of a business entity and as such terms have been interpreted relative to public procurement.⁶

F) "Responsive" means a bidder or other offeror meeting the minimum specifications or requirements as prescribed in a solicitation for commodities or services.⁷

G) "Revenue Contract" means a written agreement under which the Authority receives revenue for: the lease of space within an Authority owned building; land owned or operated by the Authority; or the provision of services on airport premises.

H) "Supervisor" means an Authority employee who holds a position of trust and power to act on behalf of the Authority.

III) PURCHASES OF GOODS, EQUIPMENT, OR SERVICES

A) For the purchase of goods, equipment, or services involving an expenditure of \$150.00 or less, competitive quotes are not required. Such purchases must be approved by a Supervisor.

B) For purchase of goods, equipment, or services involving an expenditure of more than \$150.00, but less than \$5,000.01 the Authority's Executive Director or his/her designee may seek a verbal or telephone quote from different vendors, i.e. provider or providers of the goods, services or equipment that best meet the standards of efficiency, timeliness, practicality, and convenience. Given these objectives, a price quote from a single vendor will be sufficient. Such expenditures must be approved by a Supervisor and either the Fiscal Officer or the Deputy Commissioner of Aviation.

C) For purchase of goods, equipment, or services involving an expenditure of more than \$5,000.00, but less than \$50,000.01, the Authority's Executive Director or his/her designee shall seek written quotes from not less than three vendors, shall document and retain those quotes for a

period of at least one year, and shall select the vendor offering the Best Value from those who respond to the request for quotations. Such expenditures must be approved first by either the Fiscal Officer or the Deputy Commissioner of Aviation and then by either the CFO or the Executive Director.

D) Except as otherwise expressly provided herein, all purchases of goods, equipment, or services by the Syracuse Regional Airport Authority involving an expenditure of more than \$50,000.00⁸ shall be made pursuant to a formal, open competitive bidding process as set forth herein and shall be awarded on the basis of Best Value as defined in section II(A). The Authority reserves the right to reject all bids and re-advertise for new bids in the manner provided by this Procurement Policy. Such expenditures must be approved first by the CFO and then by the Executive Director.

E) All purchases of goods, equipment, or services by the Syracuse Regional Airport Authority involving an expenditure of more than \$100,000.00, and which were not previously included in the annual budget approved by the Authority's Board, must be approved first by the Executive Director and then by the Board of the Authority.

F) Where the Authority is a partial contributor to the acquisition of a good, equipment, or service, the Authority shall work in consultation with the other funding parties. Procurement methods satisfactory to all the involved parties shall be agreed to and implemented prior to the acquisition of a good, equipment, or service. Procurement methods may include solicitation from a single vendor. If the Authority's portion of the funding exceeds \$50,000.00, the acquisition of a good, equipment, or service shall be made pursuant to a formal, open competitive bidding process. The competitive bid process will consist of the solicitation from not less than three vendors and in consultation with the other funding parties, the contract will be awarded on the basis of Best Value as defined in section II(A).

IV) PROFESSIONAL SERVICE CONTRACTS

A) For professional services having a value of \$5,000 or less and a term of 1 year or less the Authority's Executive Director or his/her designee shall seek written proposals from different providers that best meet the Authority's goals of efficiency, timeliness, practicality, and convenience. Given these objectives, a proposal from a single provider will be sufficient. These agreements may be approved by the CFO or the Executive Director.

B) For professional services having a value of \$35,000.00 or less and a term of 3 years or less, the Authority's Executive Director or his/her designee shall seek written proposals from not less than three providers, shall document and retain those proposals for a period of at least one year, and shall select the provider offering the Best Value. Such agreements must be approved first by the CFO and then the Executive Director.

C) Professional service agreements having a value of more than \$35,000.00 but less than \$100,000.00, or a term of more than 3 years, shall be made pursuant to a formal, open competitive Request for Proposal process as set forth herein. Such agreements must be approved first by the CFO and then by the Executive Director.

D) Professional service agreements having a value of more than \$100,000.00, or a term of more than 3 years, shall be made pursuant to a formal, open competitive Request For Proposal (RFP) process as set forth herein. Such agreements must be approved first by the Executive Director and then by the Authority's Board.

E) The award of a professional services agreement following a formal RFP process will be based on the proposal that provides the Best Value to the Authority given the evaluation criteria contained in the RFP. The Authority may reject any proposal if, in its judgment, the business and technical organization, plant, resources, financial standing, or experience of the provider justifies such rejection in view of the work to be performed.⁹

F) Where the Authority utilizes an agent/broker to secure specialized media resources on its behalf (e.g. television time, radio time, newspaper ads, etc.), those media resources may be obtained based upon the agent's/broker's recommendation in order to provide the broadest dissemination of Authority messages and the Authority may contract directly for such services based upon that plan or recommendation. The agent/broker shall consider competitive prices, effectiveness of message dissemination and other relevant factors to provide the most effective message presentation within the resources budgeted.

IVA) PROFESSIONAL SERVICE CONTRACTS (GENERAL AIRPORT CONSULTANTS)

A) Periodically the Authority will issue Requests for Qualifications (RFQs) for firms wishing to be designated General Airport Consultants (GACs). A General Airport Consultant provides architectural, engineering, and planning services for FAA grant-eligible projects and for non-eligible projects. The Authority will select one or more firms as GACs for an upcoming period and present that recommendation to the Board for approval by resolution.

B) For projects with an estimated total project cost of \$5,000,000 or less, the Authority's Executive Director may issue a Work Order to any of the approved GACs which she or he has determined to be best qualified for the particular project.

C) For projects with an estimated total project cost of \$5,000,001 to \$10,000,000, the Authority's Executive Director shall recommend to the Board's Finance Committee that 1) a Work Order be issued to any of the approved GACs which have been determined to be best qualified for the particular project or 2) to conduct a "mini-RFQ" amongst the approved GACs to determine the best qualified GAC for the particular project. Upon the concurrence of the Finance Committee, the Executive Director shall issue such Work Order or conduct a "mini-RFQ."

D) For projects with an estimated total project cost of \$10,000,001 or greater, the Authority will conduct a "mini-RFQ" amongst the approved GACs to determine the best qualified GAC for the particular project. The Finance Committee, along with the Executive Director, CFO, and Aviation Project Officer shall serve as the "mini-RFQ" Review Committee. Based on the "mini-RFQ" process, the Review Committee shall recommend to the Board that a Work Order be issued to any of the approved GACs which have been determined to be best qualified for the particular project. Upon a resolution of the Board approving the recommendation, the Executive Director shall issue such Work Order.

E) The Executive Director, or her/his designee, will provide to the Finance Committee, no less than twice annually, a report showing all Work Orders issued to General Airport Consultants under the current GAC agreements.

V) CONSTRUCTION CONTRACTS

A) For construction contracts having a value of \$25,000.00 or less, the Authority's Executive Director or his/her designee may seek verbal or telephone bids from different vendors that best meet the Authority's standards of efficiency, timeliness, practicality, and convenience. Given these objectives, a price quote from a single vendor is sufficient. These contracts may be approved by the CFO or the Executive Director.

B) For construction contracts having a value of more than \$25,000.00, but less than \$50,000.01, the Authority's Executive Director or his/her designee shall seek written bids from not less than three vendors, shall document and retain those quotes for a period of at least one year, and shall select the vendor offering the Best Value. Such contracts must be approved first by the CFO and then by the Executive Director.

C) Construction contracts having a value of more than \$50,000.00, but less than \$100,000.01 shall be made pursuant to a formal, open competitive bidding process as set forth herein. Such contracts must be approved first by the CFO and then by the Executive Director.

D) Construction contracts having a value of more than \$100,000.00 shall be made pursuant to a formal, open competitive bidding process as set forth herein. Any contract in excess of \$500,000.00 shall be let in conformity with section one hundred thirty-five of the state finance law.¹⁰ Such contracts must be approved first by the Executive Director and then by the Authority's Board.

E) Award of Construction Contracts. The Authority shall not award any construction contract except to the lowest bidder who, in its opinion, is qualified to perform the work required and who is responsible and reliable. The Authority may reject any bid if, in its judgment, the business and technical organization, plant, resources, financial standing, or experience of the bidder justifies such rejection in view of the work to be performed.¹¹

VI) REVENUE CONTRACTS

A) Revenue contracts having a value of \$10,000.00 or less and a duration of one year or less may be executed by either the CFO or the Executive Director.

B) Revenue contracts having a value greater than \$10,000.00 but less than \$100,000.01 and a duration of five years or less must be executed by both the CFO and the Executive Director, after legal review.

C) Revenue contracts having a value greater than \$100,000.00 or a duration of more than five years will be awarded based on a formal RFP process. The successful contract will be executed by the Executive Director following approval by the Authority's Board.

D) The award of a revenue contract following a formal RFP process will be based on the Proposal that provides the Best Value to the Authority given the evaluation criteria contained in the RFP. The Authority may reject any proposal if, in its judgment, the business and technical organization, plant, resources, financial standing, or experience of the provider justifies such rejection in view of the services to be provided.

VII) EXCEPTIONS TO COMPETITIVE BIDDING AND RFP PRACTICES

A) Emergencies¹²

Notwithstanding any of the other provisions in this Policy, if any public emergency, accident, or other unforeseen occurrence, affecting the life, health, safety or property of the Authority and/or its officers, members, staff, or the general public require immediate action and cannot await a formal, open competitive bidding process or any other kind of competitive process, the Executive Director or his/her designee may temporarily waive any or all requirements set forth herein.

B) Sole Source

1) There are times when the purchase of certain goods, equipment, or services, the purchase of certain professional services, or the award of certain revenue contracts, is unique and that the vendor is the only vendor from whom the good/service can be obtained.

2) When goods, services, or equipment, professional services, or revenue contracts which would otherwise under this policy require multiple quotes or a formal bid or RFP process, are procured under this “sole source” exception, the Executive Director or CFO shall document the rationale for such exception and retain that documentation pursuant to the Authority’s Record Retention Policy.

C) Not in the Best Interest of the Authority¹³

1) There are times when the purchase of certain goods, equipment, or services, the purchase of certain professional services, or the award of certain revenue contracts, is required to: comply with federal regulations; to interface with existing systems; by virtue of the unique operating environment of the Airport; or due to the impracticability of obtaining competitive quotes. The Board of the Authority, in its sole discretion, has determined that in such instances the solicitation of alternative proposals or an RFP process will not be in the best interest of the Authority.

2) When goods, services, or equipment, professional services, or revenue contracts which would otherwise under this policy require multiple quotes or a formal bid or RFP process, are to be procured under this “best interest” exception, the Executive Director or CFO shall give all members of Authority’s Finance Committee at least five (5) business days advance notice of such proposed procurement via email. The Executive Director or CFO shall also document the rationale for such exception and retain that documentation pursuant to the Authority’s Record Retention Policy.

D) Surplus and Second-Hand Supplies.¹⁴

Surplus and second-hand supplies, material, or equipment may be purchased by the Authority without competitive bidding from the Federal Government, the State of New York or from any other political subdivision, district or public benefit corporation.

E) Purchases Through Other Government Contracts¹⁵

1) Notwithstanding the provisions of this Policy, the Authority is authorized to make purchases of goods, equipment, or services, when available, utilizing the County of Onondaga's, State of New York or any other political subdivision, district, or public benefit corporation of New York's, or United States of America's existing, current competitive procurement lists directly. Any goods or services on such lists are hereby considered Best Value.

2) The sole exception to paragraph 1 of this section is when formal bids have previously been received by the Authority for the purchase of goods, equipment, supplies, or services, and an additional purchase cannot be made with the same terms, conditions and specifications and at a lower price through the County of Onondaga or State of New York. When there are multiple local vendors for the same product at the same price under these State or County contract lists, the Authority's policy is to distribute purchases among all of these vendors and thereby equitably distribute business opportunities to as many vendors as practical.

VIII) FORMAL BIDDING AND RFP PROCESS¹⁶

A) Advertisements for bids and requests for proposals shall be published in the official Authority newspapers and website designated for such purpose. Any advertisement shall contain a statement of the time by which all bids and proposals must be received, and the method by which they must be submitted. Authority staff shall take any additional measures practical to maximize the response to the bids and requests for proposals and thereby increase competition.

B) At least ten working days shall elapse between the first publication of such advertisement and the date so specified for the opening and reading of the bids and proposals.

IX) SUPPORT FOR MINORITY AND WOMEN-OWNED BUSINESSES

The Syracuse Regional Airport Authority is subject to the requirements of Article 15-A of New York Executive Law¹⁷, which encourages contracts with minority and women-owned businesses when awarding contracts in purchasing goods, services and equipment, and, in procuring goods, equipment and services, the Authority shall comply with Article 15-A of New York Executive Law and all rules and regulations promulgated thereto.

X) STATEMENT OF NON-COLLUSION REGARDING BIDS AND PROPOSALS SUBMITTED TO THE AUTHORITY

Every bid or proposal subject to the formal bid or RFP process required by this Policy, made to the Authority to provide goods, equipment, or services shall contain a detailed statement subscribed by the bidder or proposer, under penalty of perjury, certifying that the prices were arrived at independently without collusion, consultation, communication or agreement; that the prices have not been disclosed and will not knowingly be disclosed by the bidder or proposer

prior to the opening; and that no attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition. No contract shall be awarded where the statement of non-collusion required herein is not properly completed and submitted with the bid or proposal.

XI) ETHICS AND CONFLICT OF INTEREST

Each successful bidder or proposer of a formal bid or RFP process under this Policy shall submit to the Authority, prior to acceptance of a contract relative thereto, a statement affirming that the contractor, its officers and employees do not have a conflict of interest relative to supplying the goods, equipment or services and the Authority.

XII) ANNUAL REVIEW¹⁸

The Finance Committee of the Board shall annually review this Policy and report to the Authority's Board.

Adopted by Resolution No. 29 of 2011, November 10, 2011

Amended by Resolution No. 2 of 2014, March 14, 2014

Amended by Resolution No. 15, May 9, 2014

Amended by Resolution No. 17, September 11, 2015

Amended by Resolution No. 7, March 10, 2017

Appendix A – Procurement and Contracting

Thresholds	Quotes/Bids	Approvals	
		1 st	2 nd
Goods/Equipment/Services			
\$150 or less	None	Supervisor	
\$151 - \$5,000	Verbal/at least one	Supervisor	Fiscal Officer or Dep Comm
\$5,001 - \$50,000	Written/at least three	Fiscal Officer or Dep Comm	CFO or Exec Dir
\$50,001 and over	Formal Bid Process	CFO	Exec Dir
over \$100,000 & not budgeted	Formal Bid Process	Exec Dir	Board
Professional Services			
\$5,000 or less and	Written/at least one	CFO or Exec Dir	
1 year or less			
\$35,000 or less and	Written/at least three	CFO	Exec Dir
3 years or less			
over \$35,000 or	Formal RFP Process	CFO	Exec Dir
over 3 years			
over \$100,000 or	Formal RFP Process	Exec Dir	Board
over 3 years			
Professional Services (GAC)			
\$5M or less	No additional	Exec Dir	
Over \$5M - \$10M	No additional	Exec Dir	Finance Committee
Over \$10M	Mini-RFQ	Exec Dir	Board
Construction Contracts			
\$25,000 or less	Written/at least one	CFO or Exec Dir	
\$25,001 - \$50,000	Written/at least three	CFO	Exec Dir
\$50,001 - \$100,000	Formal Bid Process	CFO	Exec Dir
over \$100,000	Formal Bid Process	Exec Dir	Board
(over \$500,000 in compliance	w/State Finance Law §135)		

Revenue Contracts	e.g., Concession/Airline/ Terminal or Land Lease		
\$10,000 or less and 1 year or less	Written	CFO or Exec Dir	
\$100,000 or less and 5 years or less	Written/Legal Review	CFO	Exec Dir
Over \$100,000 or over 5 years	Formal RFP Process	Exec Dir	Board

¹ Public Authorities Law, §2799-ggg(11)

² See, e.g., GML, §104-b(1)

³ Public Authorities Law, §2799-sss

⁴ See, e.g., State Finance, §163(1)(j)

⁵ NYS Office of the State Comptroller, “Seeking Competition in Procurement,” p. 8, May 2013.

⁶ See, e.g., State Finance, §163(1)(c)

⁷ See, e.g., State Finance, §163(1)(d)

⁸ See, e.g., State Finance Law, §163(6)

⁹ See, e.g., Public Authorities Law, §2799-sss

¹⁰ Public Authorities Law, §2799-sss

¹¹ Public Authorities Law, §2799-sss

¹² See, e.g., GML, §103(4)

¹³ See, e.g., GML, §104-b(2)(g)

¹⁴ See, e.g., GML, §103(6)

¹⁵ See, e.g., GML, §103(16); State Finance Law, §163(3)(a)(4) and (4)(e)

¹⁶ See, e.g., GML, §103(2)

¹⁷ Public Authorities Law, §2799-bbb(7)

¹⁸ See, e.g., GML, §104-b(4)