

**GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY  
MONTHLY MEETING**

**Meeting Highlights**

**Thursday, September 14, 2000**

**City Hall, Lower Level - Conference Room 016**

**Call to Order by the Chairman**

Chair Mulligan called the meeting to order at 5:04 p.m.

**Roll Call**

Roll call was taken.

Members present at roll call were: Patrick Bainter, Roger Brower, Mac McEachern, Jim Gallagher, Richard Mulligan, and Portia Taylor.

Absent at roll call: Marilyn Tubb and Charles Perry. Robert Todd arrived at 5:07 p.m.

**GACRAA Appointment**

On August 1, 2000, Governor Bush reappointed Mr. Patrick Bainter to serve on GACRAA. Mr. Bainter's appointment is effective August 1, 2000. This 3-year appointment will expire July 31, 2003.

*Mr. McEachern moved to offer congratulations by unanimous consent. Motion carried 6-0.*

**Determination of a Quorum**

Quorum was met

**Approval of Meeting Highlights**

The Airport Authority will review and approve the GACRAA monthly meeting highlights of August 10, 2000.

**Recommendation:** Motion to approve meeting highlights of the August 10, 2000 meeting, and authorize the Chair and Secretary/Treasurer to execute the document on behalf of the Airport Authority.

*Mr. Brower moved to approve the meeting highlights of August 10, 2000, and authorize the Chair and Secretary/Treasurer to execute the document on behalf of the Airport Authority. Dr. Taylor seconded. Motion carried 6-0*

**Adoption of Agenda**

**Recommendation:** Motion to adopt the agenda.

Dr. Gallagher requested 8a be moved from the Consent Agenda to the regular Agenda. Mr. Brower seconded.

Mr. Bainter stated he would like to discuss having an archived e-mail system in place so that the

Authority would be in compliance with the Sunshine Laws.

Chair Mulligan stated that the item could be addressed during the Authority Member Input portion of the meeting.

The Director stated the Supplemental Agenda includes back-up materials to Agenda items 13 and 16c. He further stated that the Supplemental Agenda includes one new Agenda item – Construct Group III Aircraft Storage Hangar ~ GACRAA Project No. 00-008.

Chair Mulligan stated Construct Group III Aircraft Storage Hangar ~ GACRAA Project No. 00-008 would be added to the Agenda as item 15a, and Consent Agenda item 8a would be moved to the regular Agenda at item 11a.

***Dr. Taylor moved to approve the agenda, with the new Agenda item – Construct Group III Aircraft Storage Hangar ~ GACRAA Project No 00-008 as Agenda item 15a, and to move the Consent Agenda item 8a to the regular Agenda as Agenda item 11a. Dr. Gallagher seconded. Motion carried 7-0***

#### **Citizen Input - Non-Agenda Items**

Don Dannenhoffer, cab driver, stated that the airline's voucher tickets are very important to the cab drivers and that the current cab line-up system seems to be working fine now that the cabs can be seen by the airline agents. Mr. Dannenhoffer stressed the importance of trying to get new airlines to GNV, as the Airport's passengers are an important source of income for many of the cab drivers.

Mr. Hicks stated he believes an incorrect statement was made at the last Authority meeting. Mr. Hicks referred to FAR Part 139, Conduct 121; paragraph 3-11 and 135 business states the beacon is the number 3 item that must be operating. Mr. Hicks stated the beacon is a call out item that is to be fixed in 4 hours. Mr. Hicks stated that the Airport's Certification could have been removed for having an inoperative beacon.

Mr. Hicks further stated he did not believe the old beacon was maintained, according to AC150, which requires recording of quarterly maintenance reporting.

Mr. Bainter stated he would like this issue looked into further.

Mr. Fisher stated he would not be able to respond to Mr. Hicks' comments without reviewing the documents Mr. Hicks is talking about.

The Director stated that staff would research this issue and bring an answer to the Authority at the next meeting.

Mr. Barber asked if there were any spare parts available on hand for the beacon, in case the beacon were to become inoperable again, and what spare parts are maintained on site as

replacement.

The Director stated the information to Mr. Barber's questions would be given at the next Authority meeting.

Mr. Dannenhoffer stated when he worked in South Florida, the cab drivers there could only work 12 hours, and then they were required to have six hours off. Mr. Dannenhoffer asked if the same rules applied for the cab drivers in Alachua County.

Mr. Brower stated that this was not an issue for the Airport Director, it was a licensing issue for the cab companies and that the cab companies needed to police themselves.

Mr. Dannenhoffer stated he would investigate the issue further.

**GACRAA's General Counsel Agreement**

At the Airport Authority's August 10, 2000 meeting, GACRAA selected Allen Dell, Attorneys at Law, as the top ranked firm to provide GACRAA's General Counsel services. An agreement for legal services has been negotiated with the firm for the period September 1, 2000 through August 31, 2005. The contract contains provisions for extending the term, as well as early cancellation of the agreement.

**Recommendation:** Motion to approve the Agreement for Legal Services for the Gainesville-Alachua County Regional Airport Authority, between Allen, Dell, Frank, & Trinkle, P.A. and GACRAA; and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority in substantially the same form as submitted.

The Director stated a copy of the proposed Legal Services Agreement was included in the Agenda packet. The Director stated the agreement was consistent with Allen Dell's presentation and response to the RFP. The Director stated it is a five (5) year agreement and has provisions for extending the term or early cancellation. The Director stated Allen Dell is in agreement with the proposed document.

***Dr. Taylor moved to approve the Agreement for Legal Services for the Gainesville-Alachua County Regional Airport Authority, between Allen, Dell, Frank, & Trinkle, P.A. and GACRAA; and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority in substantially the same form as submitted. Mr. Todd seconded.***

Mr. McEachern stated he read Mr. Hauck's letter dated September 7, 2000 that was included in the agenda packet, and wanted more information regarding Mr. Hauck's statement about the language change implying exclusivity of the law firm.

The Director stated Mr. Hauck had assisted in evaluating and drafting the Legal Services contract. The Director stated an earlier draft of the agreement had language stating the Legal Services Agreement would be a non-exclusive agreement. Allen Dell had indicated they wanted

the exclusive agreement for them to be the Authority's General Counsel.

The Director stated he spoke with Mr. Hauck regarding the Airport Authority wanting to retain the right to hire outside legal counsel for special projects or litigation. Mr. Hauck's September 7<sup>th</sup> letter makes reference to that. The Director stated that the proposed Legal Services Agreement gives the Airport Authority the right to hire an outside firm for special projects, litigation, or a second opinion.

Mr. Brower stated he wanted it to go on record that, in his opinion, the Authority was wasting taxpayers' money on acquiring a service that had been adequately provided for by the City Attorney's office.

***Chair Mulligan moved to vote on the motion. Motion carried 6-1. Mr. Brower dissenting.***

Chair Mulligan welcomed Mr. Stanley, the Authority's new attorney.

### **FDOT Grant Agreement – General Aviation Terminal**

The Florida Department of Transportation (FDOT) has agreed to increase the project budget associated with the renovation of the general aviation terminal. The proposed Supplemental Joint Participation Agreement #2 (SJPA) would increase the State's 50% participation by \$90,000 and would require an equal match by GACRAA. GACRAA's match is included in the proposed FY 00-01 Airport Budgets.

**Recommendation:** Motion to approve Resolution 00-007 accepting the FDOT – SJPA #2 for the referenced project; and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority in substantially the same form as submitted, subject to the approval by the Attorney for the Airport Authority. **ROLL CALL VOTE REQUIRED.**

The Director stated the FDOT is offering an additional \$90,000, with matching funds from GACRAA, to assist with the additional renovation costs to the General Aviation Terminal, which includes the two (2) additional bid alternates the Authority supported at their August 10, 2000 meeting.

The Director stated the FDOT originally participated in the buy out of Kenn Air's leasehold and fuel farm through the Joint Participation Agreement. In addition to the prior acquisitions of the Kenn Air leasehold site and the Kenn Air fuel farm, the SJPA # 2 also includes the renovation of the general aviation terminal.

The Director referred to the handouts included in the Agenda packet and reviewed those handouts tracking the history of the grants. The Director stated there are more funds available in the JPA than the actual estimated project costs due to the contingency factor.

Mr. McEachern asked how much money GACRAA borrowed to purchase Kenn Air, and how much money was still owing on the loan.

The Director stated GACRAA's loan was for \$750,000, to match the FDOT grant. Mr. Rowell

stated the balance of the loan is approximately \$630,000.

*Dr. Taylor moved to approve Resolution 00-007 accepting the FDOT – SJPA #2 for the referenced project; and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority in substantially the same form as submitted, subject to the approval by the Attorney for the Airport Authority. Mr. Brower seconded. Roll Call: Mr. Todd, aye; Dr. Taylor, aye; Mr. Brower, aye; Mr. Bainter, aye; Dr. Gallagher, aye; Mr. Mulligan, aye; Mr. McEachern, aye. Motion carried 7-0*

**FDOT Grant Agreement – General Aviation Terminal Auto Parking Lots Renovation**

The Florida Department of Transportation (FDOT) has agreed to increase the project budget associated with the renovation of the general aviation terminal parking lots. The proposed Supplemental Joint Participation Agreement #3 (SJPA) would increase the State’s 50% participation by \$16,000 and would require an equal match by GACRAA. GACRAA’s match is included in the proposed FY 00-01 Airport Budgets.

**Recommendation:** Motion to approve Resolution 00-008 accepting the FDOT – SJPA #3 for the referenced project; and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority in substantially the same form as submitted, subject to the approval by the Attorney for the Airport Authority. **ROLL CALL VOTE REQUIRED.**

The Director stated several years ago GACRAA received a grant from the FDOT to provide vehicle parking lots to the T-hangars. The T-hangar parking lots were installed in 1987 and 1992. The Director further stated as part of the ongoing renovation project, the parking lots around the general aviation terminal are being funded under this same grant. The Director stated to cover the additional costs, FDOT has agreed to a Supplemental Joint Participation Agreement #3 in the amount of \$16,000.00.

*Dr. Gallagher moved to approve Resolution 00-007 accepting the FDOT – SJPA #2 for the referenced project; and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority in substantially the same form as submitted, subject to the approval by the Attorney for the Airport Authority. Mr. Brower seconded.*

The Director stated that the contractor is proposing to do an overflow parking lot, as they had mistakenly paved a portion of that area. The Director stated that the contractor is asking GACRAA to consider paving the balance of the overflow parking lot and said that staff is negotiating a Change Order to pay for the work performed and the unpaved portion of the parking lot.

*Chair Mulligan moved to vote on the motion. Roll Call: Mr. McEachern, aye; Mr. Mulligan, aye; Mr. Bainter, aye; Dr. Taylor, aye; Dr. Gallagher, aye; Mr. Brower, aye. Motion carried 6-0. [Staff Note: Mr. Todd was absent from the room during the vote.]*

### **AMJ Construction, Inc (AMJ) – Change Order No. 1**

The Florida Department of Transportation (FDOT) has now agreed to fund all four Bid Alternates for the above project while they originally approved only the Base Bid with Bid Alternates 1 & 4. The project was awarded to AMJ at the May meeting for (Base Bid with Bid Alternates 1 & 4) for a total estimated cost of \$757,509. The total estimated cost of the projects (Base Bid with Bid Alternates 1, 2, 3, & 4) amounts to \$821,064.

Bid Alternate # 2 – Construct Covered Walkway to Ramp  
Bid Alternate # 3 – Provide Folding Partition in Conference Room

Also included in Change Order No. 1 are additional items to be added to the scope of work to include:

- Striping of the temporary parking area adjacent to the modular office building serving as the temporary General Aviation Terminal.
- Installation of primary electric conduits to serve the proposed corporate hangar project.
- Patching a section of pavement on N.E. 40<sup>th</sup> Terrace adjacent to the project site.
- Removing of miscellaneous concrete and asphalt ramps on the south side of the General Aviation Terminal.

**Recommendation:** Motion to approve Change Order No. 1 to AMJ Construction, Inc. construction contract in the amount of \$66,620.00 with a contingency of \$5,700.00 for additional services if deemed necessary by the Director of Aviation (revised contract amount \$683,615.00); and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority in substantially the same form as submitted, subject to the approval by the Attorney for the Airport Authority.

The Director stated the Change Order No. 1 includes the addition of the covered walkway; adding the partition in Flightline’s conference room; and a series of change order work to the project, as referenced above. The Director stated the Change Order No. 1 adds \$66,620.00 and five (5) additional days to the contract. He further stated all additions to the contract are eligible for FDOT participation, except the road pavement repair costing \$462.00, which GACRAA will fund 100%.

***Mr. Brower moved the Authority to approve Change Order No. 1 to AMJ Construction, Inc. construction contract in the amount of \$66,620.00 with a contingency of \$5,700.00 for additional services if deemed necessary by the Director of Aviation (revised contract amount \$683,615.00); and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority in substantially the same form as submitted, subject to the approval by the Attorney for the Airport Authority. Dr. Taylor seconded. Motion carried 7-0.***

Chair Mulligan commended management on its pro-active, cost effective handling of the project.

The Director gave credit to Mr. Hedgecock.

**Nominating Ad Hoc Committee – Election of GACRAA Officers**

The Airport Authority will conduct the annual election of GACRAA Officers – Chair, Vice-Chair, and Secretary/Treasurer. The Nominating Ad Hoc Committee met on August 24, 2000 to develop a nomination slate for each office. The Committee’s Chair Brower will report on the recommended slate.

GACRAA’s By-Laws provide that nominations for elected office may also be made from the floor at the time of the election for that office.

**Recommendation:** Conduct election of officers.

Mr. Brower, Chair for the Nominating Committee, stated the Committee moved to offer the following recommendations: Marilyn Tubb, Chair; Patrick Bainter, Vice-Chair; Dr. Jim Gallagher, Secretary/Treasurer.

The Director stated GACRAA’s By-Laws for electing officers may be made from the floor, as well as the slate selected by the Nominating Committee.

*Mr. McEachern moved to nominate Marilyn Tubb as Chair to the Gainesville-Alachua County Regional Airport Authority. Mr. Bainter seconded. Motion carried 7-0*

*Mr. McEachern moved to nominate Patrick Bainter as Vice-Chair to the Gainesville-Alachua County Regional Airport Authority. Mr. Brower seconded. Motion carried 7-0*

*Mr. McEachern moved to nominate Dr. Gallagher as Secretary/Treasurer to the Gainesville-Alachua County Regional Airport Authority. Mr. Brower seconded. Motion carried 7-0*

Chair Mulligan congratulated the newly elected officials.

Dr. Gallagher stated that there was discussion during the Nominating Committee’s meeting that the positions were looked at as an ascension process.

**SunTrust Bank of North Central Florida**

The Airport Authority will be requested to approve a Resolution authorizing the newly elected GACRAA officers to execute SunTrust Bank of North Central Florida signature cards.

**Recommendation:** Motion to approve Resolution No. 00-006; and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority, in substantially the same form as submitted, subject to the approval by the Attorney for the Airport Authority. **ROLL CALL VOTE REQUIRED**

*Mr. Bainter moved to approve Resolution No. 00-006; and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority, in substantially the same form as submitted, subject to the approval by the Attorney for the*

*Airport Authority. Roll Call: Dr. Gallagher, aye; Mr. Bainter, aye; Dr. Taylor, aye; Mr. Brower, aye; Mr. McEachern, aye; Mr. Todd, aye; Mr. Mulligan, aye. Motion carried 7-0*

### **FY 2000-01 Proposed Airport Budgets**

The Airport Authority will conduct a public hearing on the proposed Airport budgets for the period beginning October 1, 2000 and ending September 30, 2001.

**Recommendation:** Hear the report from the Budget Review Committee. Conduct a public hearing. Motion to approve Resolution No. 00-005 approving the Airport's budgets for the period beginning October 1, 2000 and ending September 30, 2001; and authorize the Chair and Secretary/Treasurer to execute the appropriate document on behalf of the Airport Authority, in substantially the same form as submitted, subject to the approval by the Attorney for the Airport Authority. **ROLL CALL VOTE REQUIRED.**

The Director stated that the Budget books were distributed on July 24<sup>th</sup>. The Budget Review Committee met on August 9<sup>th</sup> and September 7<sup>th</sup>.

Mr. Brower, Chair for the Budget Review Committee, stated the Committee approved the addition of TARDIS at \$25, 000 with a \$5,000 contingency factor and added \$30,000 to the Advertising Budget to use as an incentive to lure air carriers to GNV. Mr. Brower stated the revised pages for the budget book reflect those changes.

Chair Mulligan opened the public hearing on the proposed Airport budgets for FY 2000-2001. Dr. Gallagher stated he was concerned about the increases in the Administration costs without seeing an increase in revenue on the airline side.

Chair Mulligan asked if the new budget included the funding for the new legal services arrangement.

The Director stated there are three major changes in the FY 2000-01 budget: The addition of the Engineering and Marketing positions for the full fiscal year; and the change in legal services that the Authority authorized.

Mr. Bainter stated the Authority would need to seek additional sources of income in the future.

Chair Mulligan stated having eight (8) years of Airport Authority experience, he was impressed at how lean and efficient the Airport's operation runs.

The Director stated GACRAA has been in existence for 14 years, and the Authority has always operated within its own operating revenues. There is no local tax money from the City or County in the Airport budgets. He further stated the grants received could only be used for construction projects. The Director stated even with a decrease within airline services, GACRAA would not need to go into reserves in FY 99-00, as previously forecasted.

Don Dannenhoffer, taxi driver, stated there needs to be an incentive to have the airlines lower their fares, otherwise the public will not use GNV.

Dr. Gallagher stated the Airport Authority needs to make a concerted effort to educate the community that the Airport Authority is a landlord, and that the Authority is not the problem as to why the airlines are not coming.

Ms. Szwed, Marketing Director, stated the Authority cannot control what the airlines are charging.

Mr. Brower agreed with Dr. Gallagher, and suggested the Authority educate the City and County Commissioners, especially the liaisons, as they do not have a full understanding of how the Airport and Airlines operate.

The Director stated it is a matter of supply and demand with the airlines. The Director stated the Airport's cost per enplanements to the airlines is \$4.32, which does not justify the fare differential between GNV and neighboring airports. The Director stated the Authority could not use its funds subsidize an airline; the Airport funds can only be used to introduce an airline to the community, on a limited duration.

Mr. Hicks stated the landing fees would be more if larger aircraft were to come to GNV.

Mr. Langston stated Northwest Airlines came to Tallahassee three months ago and has had a considerable impact on Delta's fares. He further stated the competition forced a market response from Delta.

Mr. Barber referred to the Detailed Comparative Statement of Expenses and asked why the Travel & Training expenses have doubled since FY 99. Mr. Barber further questioned why the Dues, Memberships & Publications fees were so high.

The Director stated each of the expenditures are itemized on pages A9, A10, and A11 under the Administration section of the FY 2000-01 Budget Book. The Director further stated there is a possibility that not all meetings will be attended, depending on whether or not the agenda merits attendance. He further stated the FY 00-01 dollar figures listed are budgeted dollars verses actual dollars spent in previous fiscal years.

Mr. Brower stated as Chair of the Budget Review Committee, he had discussions with the Director regarding those items. Mr. Brower stated the costs are reasonable as there are two additional staff members in the FY 00-01 budget; and the conferences attended are those most appropriate to the Airport's operations.

Chair Mulligan closed the public hearing on the proposed Airport budgets for FY 2000-2001.

The Director further stated the revised/updated FY 00-01 Budget Book pages included in the Agenda packet should be inserted in the Budget Book. The Resolution 00-005 would then cover the entire document.

***Dr. Gallagher moved to approve Resolution No. 00-005, approving the Airport's budgets for***

*the period beginning October 1, 2000 and ending September 30, 2001; and authorize the Chair and Secretary/Treasurer to execute the appropriate document on behalf of the Airport Authority, in substantially the same form as submitted, subject to the approval by the Attorney for the Airport Authority. Mr. Brower seconded.*

Mr. McEachern stated he would vote against approving the budget, as there are way too many operating expenses. Mr. McEachern stated his negative vote would be an indication of his feelings to the FY 00-01 Budget.

***Roll Call taken: Mr. Brower, aye; Mr. Mulligan, aye; Mr. McEachern, nay; Mr. Todd, aye; Mr. Todd, aye; Dr. Taylor, aye; Dr. Gallagher, aye; Mr. Bainter, nay. Motion carried 5-2***

### **Air Service, Advertising & Marketing Committee**

The Air Service, Advertising & Marketing Committee met on September 1, 2000. Chair Tubb will brief the Airport Authority on the Committee Meeting.

**Recommendation:** Listen to the presentation; take any action deemed appropriate by GACRAA.

Mr. Todd stated it was the consensus of the Marketing Committee to recommend to the Budget Review Committee to increase the FY 00-01 Budget by \$30,000 for advertising incentives for new airlines.

Dr. Gallagher stated Air 21 required community involvement. The Marketing Committee's Chair Tubb would take the initiative, on behalf of the Authority, in identifying a group of business/political leaders to be part of the Air 21 Committee.

The Director further stated the action item at the Committee's September 1<sup>st</sup> meeting was that the Committee recommend to the full Authority that the Marketing Committee also serve as a sub-Committee for Air 21.

The Director stated the Agenda packet included an excerpt on Air 21 that discusses an Air Service Development Pilot Program. The program was authorized by Congress but no federal funding has been appropriated. The program is looking to have the public/private partnerships come up with at least 25% of the cost. The community would need to be the applicant, as the funds cannot come from airport revenues.

The Director stated the Committee asked staff to have discussions the consultants and the Airport's new legal counsel regarding the lobbying efforts in Washington, to ensure GNV's application would get the best consideration.

***Mr. Bainter moved to have the Marketing Committee officially act on behalf of the full Authority for Air 21's application. Mr. Brower seconded. Motion carried 7-0***

Mr. Stanley stated he would be attending an ACI-NA meeting in New York in two weeks and he

would be contacting the lobbyists at that time.

Mr. Stanley stated he has spoken with marketing officials at Hillsboro County regarding additional flights to GNV.

Dr. Gallagher stated the Marketing Committee also discussed appointing another sub-committee that would focus on obtaining air carrier service, which is not to be confused with the Air 21's sub-committee.

Ms. Szwed stated she has been talking to various companies, on an informal basis, about the idea of the community showing its support upfront and getting travel commitments from those companies as an incentive to draw air carriers to GNV.

➔ Chair Mulligan stated Mr. Graham, a guest at the meeting, would like to address the Board on an item that has already passed on the Agenda.

Ernest Graham, cab driver, stated he was issued a warning by GPD that, in his opinion, was unjustified. Mr. Graham stated the warning was issued due to his refusal to transport a passenger, which he knew nothing about. Mr. Graham stated he never spoke with the supposed passenger.

Mr. McEachern offered his sympathy, but stated that the warning was related to a City Ordinance, which the Authority has no control over. Mr. McEachern suggested he discuss the issue with the City Manager or the City Commissioners.

Dr. Gallagher asked the Director if there were any discussions with the Airport's police staff that could have brought about the issuance of the warning.

The Director stated that there had not been any previous discussions. The Director further stated he had a copy of the police report to be forwarded to Mr. Bainter, Chair to the Tenant Relations Committee, but he would be happy to share it with the rest of the Board. He further stated there was additional information in the report that hadn't been disclosed.

Mr. Bainter, as Chair of the Tenant Relations Committee, stated he would investigate the incident further.

Mr. Brower stated before the Authority gets involved, he recommended Mr. Graham contact the City Commissioner for his district & the GPD first, since his complaint is over a City Ordinance that the Authority has no control over. Mr. Brower stated it would not be in the Authority's best interest, in his opinion, for the Authority to be arbitrating or refereeing between the cab drivers.

### **Construct Group III Aircraft Storage Hangar ~ GACRAA Project No. 00-008**

**Recommendation:** Motion to award a construction contract to AMJ Construction, Inc. in the amount of \$664,000 (Base Bid with Bid Alternate 1) with a contingency of \$66,400 for additional services if deemed necessary by the Director of Aviation; and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority in

substantially the same form as was included in the PROJECT MANUAL, subject to the approval of the Attorney for the Airport Authority, and with concurrence in the award and with additional funding in an amount equal to 50% of the eligible project costs by the Florida Department of Transportation.

The Director stated that at their June 8, 2000 meeting, the full Authority rejected the sole bid received from the proposed project's first bid date of May 25, 2000 and moved to have the Airport Engineer collaborate with Hoyle, Tanner & Associates (HTA) to "value engineer" the project specifications. At their July 13, 2000 meeting, the Authority moved to have HTA conduct the rebidding of the project. A second invitation to bid was issued July 31, 2000, with a bid date of August 30, 2000 at 3:00 p.m. The Director stated HTA conducted the bid opening, five (5) bids arrived by the advertised time, and three (3) bids arrived after the advertised time, which were not accepted. The Director further stated HTA's evaluation and bid recommendation were included in the Agenda packet, as well as staff's recommendation.

The Director stated two (2) bid protest letters were received after the bid opening and were forwarded to General Counsel for review. Response letters were included with the Supplemental Agenda items.

Based upon the advice of the Attorney for the Airport Authority, staff's recommendation conflicts with HTA's recommendation.

The Director stated the low bidder, J. McLauchlin & Company, had a material defect, as they did not include a list of their subcontractors as required, which warranted its rejection.

The Director recommended the full Authority award a construction contract to AMJ Construction, Inc.

***Dr. Taylor moved to award a construction contract to AMJ Construction, Inc. in the amount of \$664,000 (Base Bid with Bid Alternate 1) with a contingency of \$66,400 for additional services, if deemed necessary by the Director of Aviation; and authorize the Chair and Secretary/Treasurer to execute the appropriate documents on behalf of the Airport Authority in substantially the form as was included in the PROJECT MANUAL, subject to the approval of the Attorney for the Airport Authority, and with concurrence in the award and with additional funding in an amount equal to 50% of the eligible project costs by the Florida Department of Transportation. Mr. Brower seconded.***

Dr. Taylor stated the bid process seemed tainted with the "tweaking" of math and other corrections made to the bids by Mr. Holliday, HTA's Engineer.

The Director stated it is not unusual for bids to have minor mistakes. He further stated if the Authority is aware of the mistakes, there are provisions that allow the Authority to waive those mistakes, if the Authority determines that they are honest, minor mistakes.

The Director stated Mr. Holliday made corrections to the bids and submitted a recommendation to award the proposed project to the low bidder, J. McLauchlin & Company. The Director

stated, in his opinion, Mr. Holliday had offered some opinions that were legal in nature, not engineering in nature, which is the basis of the conflicting recommendations.

The Director stated one bid protest involved a disqualified bidder's late submission of a bid. The time on the bidder's watch and the Airport's clock were different. The Director further stated the language in the contract documents notifies all bidders that the official clock for determining the time specified for receipt of the bids is located in the Administrative Offices at the Gainesville Regional Airport.

The Director stated the other bid protest came from the second low bidder, AMJ Construction, Inc., who is protesting that the low bidder did not submit a list of subcontractors with the bid package, as mandated in the contract documents, Instructions to Bidders, paragraph 4.3.

The Director stated that General Counsel reviewed the documents and determined that the omission of the subcontractors list was a major deficiency in the low bidder's submittal, and therefore the submittal should have been disqualified.

Dr. Taylor stated if the low bidder did not submit the appropriate documents, she agreed with Counsel, the bid should be disqualified. Dr. Taylor further stated she wanted to go on record that she was disappointed with HTA and how they conducted their bid process.

Mr. McEachern stated in 1996, the Airport Authority accepted an irregular bid with subcontractor flaws, which sets precedence that bids that have subcontractor flaws can be accepted.

Mr. Stanley stated the Airport Authority exercised its option to waive a technicality in the 1996 bid that Mr. McEachern was referring to. The bidder had failed to include the subcontractor registration numbers on the subcontractor list that was part of that Company's bid submittal package.

Mr. Stanley stated he hadn't seen Mr. McLaughlin's bid, but assuming the HTA information presented is accurate – that a subcontractors list was not included in the bid package; it would be a material change in the bid, making the bid noncompliant with the document; therefore, in his opinion, the irregularity should not be waived.

Mr. Stanley stated he did not think a bid protest hearing would be beneficial for either of the bid protests. The first bid protest had a written acknowledgement that the time on the official clock indicated 3:05 p.m.; and the second bid protest did not have the subcontractors list included in the bid. Those facts cannot be changed.

Mr. Bainter asked Mr. Stanley if the Authority could be sued for accepting a bid that had a material irregularity. Mr. Stanley said yes, the Authority could be sued.

The Director stated that case precedence was established in 1995, where there was a similar situation involving a bid from D. E. Wallace that did not include the subcontractors list in its bid package. The Director distributed a letter dated October 11, 1995 from Mr. Hauck, who was

General Counsel for the Airport's Authority at that time (copy attached). Based on the law that Mr. Hauck submitted to the Authority, it was determined that the contractor's failure to submit a list of subcontractors was a material defect in the bid, and warranted rejection of the bid.

Mr. McEachern quoted from Section 2, paragraph 2-6 (b) of the bid document and the last sentence of the paragraph 2-6 where it states, "The Owner reserves the right to reject any irregular bid or to waive technicalities if such waiver is in the best interest of the Owner, in the sole judgment of the Owner." Mr. McEachern stated the Authority should exercise their right to reject or waive any irregularities it wants to, in the best interest of the Airport.

Jerry McLauchlin, J. McLauchlin & Co., stated he believed he was the sole bidder at the May 25<sup>th</sup> bid opening and low bidder at the August 30<sup>th</sup> bid opening. Mr. McLauchlin stated he went to two (2) pre-conferences, visited Kissimmee, the site where the hangar is to be patterned after, and submitted his bid on time. Mr. McLauchlin stated the engineer called the morning after the bid opening and asked him to submit the subcontractors list, which he did. He further stated his bid was \$30,000 lower than the next lowest bid and asked the Authority to exercise their right to waive J. McLauchlin & Co.'s technicalities, as it would be financially in the best interest of the Airport to do so.

Mr. McLauchlin stated his bid did list the concrete company, plumber, and the electrician. He stated it was an honest mistake that the subcontractors list was omitted from the bid package. He further stated he had approximately \$5,000 invested in the bid process and hoped that the Authority would take that into consideration.

Robert Weinstein, Vice President -AMJ Construction Inc., stated, for the record, their Company was the sole bidder at the May 25<sup>th</sup> bid opening. He stated his Company also went to the pre-bid opening, and visited Kissimmee. Mr. Weinstein stated in the contract specifications it required the contractor to provide a list of subcontractors. Mr. Weinstein stated, in his opinion, General Counsel's recommendation was correct.

Mr. McLauchlin stated if the Authority voted J. McLauchlin & Co.'s bid as non-responsive, then the first four (4) bids should be thrown out as all four (4) have irregularities, and the Authority would have to go with the fifth bidder.

Dr. Taylor asked Mr. Stanley if the Authority could be sued if all the bids were rejected. Mr. Stanley stated yes, the Authority could be sued, as the re-bidding of the project could be considered an arbitrary and capricious move.

Dr. Taylor stated she was not comfortable with staff's recommendation to award the bid to AMJ Construction Inc. She stated if there were a chance of being sued, she would rather go with the low bidder.

The Director stated he would have preferred to go with the low bidder too, but the low bid had a major deficiency. The Director further stated General Counsel had a conference with an associate in the firm, who deals with Construction Law, and came back to staff with the same recommendation that the General Counsel did in the 1995 case.

Dr. Gallagher stated the best thing would be to reject the first four (4) bids as being irregular and reject the fifth bid as being too high, and then start all over.

Chair Mulligan stated there was a motion on the floor and moved to vote on it. Chair Mulligan requested a roll call.

**Roll call: Mr. Todd, nay; Dr. Taylor, aye; Mr. Brower, aye; Mr. Bainter, nay; Dr. Gallagher, nay; Mr. Mulligan, aye; Mr. McEachern, nay. Motion fails 3-4**

**Dr. Gallagher moved the full Authority to reject the first four (4) bids for irregularities and reject the fifth bid for being too high. Dr. Taylor seconded.**

Mr. McEachern stated another option would be to reject the first four bids and have the Director negotiate with the final bidder.

Dr. Gallagher stated the Authority should be consistent in what it does. If the first four (4) bids are irregular and the fifth bid is too high, the very reason the sole bid was rejected at the June 8, 2000 meeting, then the Authority should be consistent in rejecting this bid for being too high, as well.

Mr. Bainter suggested that the motion should be tabled for now.

Dr. Taylor asked Mr. Stanley if the Authority could be sued for rejecting all bids.

Mr. Stanley stated the Authority could be sued for making an arbitrary and capricious decision for rejecting the fifth bid. Mr. Stanley further stated he had not seen the bids, but if there are no discrepancies in the fifth bid, and the Authority chooses not to waive any technical discrepancies, then the Authority could be sued.

Dr. Gallagher stated since the first four bids are irregular, that only leaves the Authority with one bid, and that bid should be rejected for being too high.

Mr. Stanley stated the Authority has the right not to waive any irregularities, which would eliminate the first four (4) bids. The risk factor would then be on the fifth bid only, and if the Authority chose not to accept the fifth bid because it did not conform with the engineer's estimate, that could be a rational basis for rejecting all five (5) bids.

The Director asked Mr. Stanley if a judge could find the Authority's decision to be arbitrary and capricious if the contract allowed minor irregularities to be waived, and the Authority chose not to exercise that provision. Mr. Stanley stated yes.

**Mr. McEachern stated he would like the makers of the motion to include language in the motion that the Authority is doing this in the best interest, and in a fiduciary concern, of the Airport. Dr. Gallagher, the maker of the motion, stated it was acceptable to him.** [Staff Note:

When listening to the tapes, it could not be determined if the seconder of the motion had also agreed to Mr. McEachern's suggestion. Staff contacted Dr. Taylor, the seconder of the motion, who stated she was also in agreement with adding the language to the motion.]

Mr. Brower stated he agreed with Mr. Bainter, that the Authority should table the motion for now.

Chair Mulligan stated the options available: 1) a yes vote to not accept any of the bids; 2) a no vote to table the motion; or 3) make another motion.

Chair Mulligan moved to vote on Dr. Gallagher's motion.

***Roll Call: Mr. Brower, nay; Mr. Mulligan, nay; Mr. McEachern, aye; Mr. Todd, aye; Dr. Taylor, aye; Dr. Gallagher, aye; Mr. Bainter, nay. Motion carries 4-3***

Mr. McEachern recommended staff have further discussions with the Attorney and come back with a recommendation on how to proceed with the project at the next meeting. Chair Mulligan directed staff to bring a recommendation before the Board at the October 12, 2000 meeting.

### **Information Items**

#### **Air Service Marketing**

Passenger traffic during August 2000 decreased 7.9% (-1,978 passenger trips) versus August 1999.

Year-to-date traffic is down 3.2% (-6,489 passenger trips) compared the same period in CY99.

#### **General Aviation Terminal and Parking Lot Renovations – GACRAA Project No. 00-005**

Construction activities underway! Paving of parking lot north of the general aviation terminal completed. Building occupancy expected March 2001.

#### **Budget Report**

Report titled Gainesville Regional Airport Statement of Operating Revenues, Expenses & Income for the period of October 1, 1999 through July 31, 2000 is included in the agenda back-up materials

#### **FAA's VORTAC**

FAA's commissioning of the on-Airport VORTAC, scheduled for October 2000, has been postponed due to technical issues associated with the construction of the unit. It is anticipated the navigational aid will be operational in Spring 2001.

The Director stated there is an outside chance that the VORTAC could be commissioned on January 25, 2001, but due to technical problems associated with the wiring installed in the facility, the commissioning date would most likely be March 22, 2001.

**Tenant Reports:**

**Airport Tenants Association**  
**Gainesville Pilots Association**

Mr. Hicks, Gainesville Pilots Association, stated the electrical installation for the port-a-ports is approximately 93% complete. Mr. Hicks stated he would like the Authority to provide a completion date.

The Director stated that airport staff has completed their phase of the work and the project is now waiting for GRU to do their portion of the work.

Mr. Fisher stated GRU was scheduled to come out last week, but due to the heavy rains from the previous week, GRU informed staff that they would not commit to a date, other than to say that the Airport was on their schedule.

The Director stated GRU requires prepayment of the bill before any work is done. The Director stated that the \$2,400 bill had been paid.

Mr. Brower suggested the Gainesville Pilots Association contact the City's liaison person for assistance, since the City controls GRU.

Mr. Hicks stated when he contacted GRU, a GRU representative informed him that GRU was not aware that the airport staff had completed their portion of the work. Mr. Hicks requested a deadline from the Authority as to when the work would be completed.

Dr. Gallagher stated Mr. Hicks had brought the electrical wiring for the port-a-ports issue before the Authority numerous times, and stated it would be a reasonable request to have the Authority ask the Director to contact GRU to get the problem resolved. Mr. Bainter stated he would second that.

Mr. Hedgecock stated he has been in contact with GRU's electrical engineer and technicians on numerous occasions. He further stated All Florida Electric is GRU's subcontractor assigned to do the work, who also has a backlog of work to do.

Mr. Hedgecock stated once All Florida Electric connects the meter box, staff will run its conduit up to the box. Mr. Hedgecock cautioned that further delays would take place as staff will have to wait for All Florida Electric to come back out and open up the meter box so that the wiring can be connected, and to allow for the City's electrical inspector to come out and do the inspection.

***Mr. Bainter moved to have the Director write GRU a letter asking them to furnish the Authority with an installation date in writing.*** [Staff Note: There was no second to Mr. Bainter's motion.]

Chair Mulligan stated GRU should be contacted and informed that they must provide the Authority with a firm date for completion of the job.

On a final note, Chair Mulligan stated that, as Chairman, he is available for phone calls anytime and would be happy to take a personal interest in resolving concerns involving the Airport Authority, before they come before the Board. Chair Mulligan stated he would have gladly tried to get answers regarding GRU's delays had he been informed in advance of Mr. Hicks' concerns.

➔ Mr. Hicks stated recently there was gear up landing at GNV. Mr. Hicks stated Chip Eno from Gulf Atlantic Airways and his crew; Gene (Hunter), Ray (Zinsli), and Jim (Weeks) should be commended for getting the aircraft off the runway in record time, preventing the airfield from having to close.

Chair Mulligan offered his congratulations on behalf of the Authority.

### **Airport Authority Input**

Mr. Bainter stated he spoke with a programmer about establishing a central system whereby each Authority member would have an e-mail address with a forwarding capability to his or her individual mailbox. Mr. Bainter stated this would protect the Authority from any Sunshine violations. The cost would be \$45.00 per month (\$5.00 per address) for this capability.

***Mr. Bainter moved to have a central system established whereby each Authority member would have an e-mail address with a forwarding capability to his or her individual mailbox. Mr. McEachern seconded. Motion carried 7-0.***

Mr. Bainter stated he would prefer to receive information from the Administration Office via e-mail rather than fax.

Dr. Gallagher stated the Authority needs to be aware of inoperable equipment on the Airport's property, even if it is not the Authority's responsibility, such as with the FAA equipment. Dr. Gallagher stated he would have further discussions with the Director as to what information would be important for the Authority to be made aware of.

Mr. McEachern stated, for the record, he spoke with Dean at J. McLauchlin & Co. to ask him why he had not turned in a list of subcontractors.

Mr. Todd asked Mr. Van Riper if all the tenants had signed their lease (aircraft storage) agreements. Mr. Van Riper stated over 60% of the leases have been signed. He further stated a second letter has been sent to the tenants requesting a lease response. Mr. Van Riper stated there currently is no deadline for signing the lease.

***Mr. Todd moved to have a 60-day deadline, with a 30-day vacate clause, established for the lease agreements.*** [Staff Note: There was no seconder to the motion.]

Chair Mulligan asked Mr. Van Riper if a deadline with consequences would help to get the leases signed.

Mr. Langston asked the Authority to wait for 30 days before taking any action to allow Flightline

to contact the tenants and find out if there are any issues or concerns as to why the tenants have not signed the leases, and bring this information to the full Authority at the next meeting.

Mr. Todd stated that was acceptable to him.

Mr. Todd asked Mr. Van Riper if there was anything the Authority could do to help secure the Government Fuel Contract. Mr. Van Riper stated the paperwork has already been submitted.

Mr. Brower suggested the Authority instruct the Director to have a plaque made for Charlie Hauck recognizing his many years of service to the Airport Authority, and have it presented at the next meeting.

Chair Mulligan stated with the agreement of the Authority members, he would like to see that request carried through.

### **Airport Authority Attendance**

### **Adjournment**

*There being no further business, Mr. Brower moved to adjourn the meeting. Seconded by Dr. Taylor. Motion carried 7-0*

The Airport Authority meeting of September 14, 2000, adjourned at 8:23 p.m.

Respectfully submitted,

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Gene P. Clerkin, Director of Aviation

GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY

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Marilyn Tubb, Chair

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Dr. Jim Gallagher, Secretary/Treasurer

DATE: \_\_\_\_\_