

On **WEDNESDAY, NOVEMBER 11, 2020**, the **GREATER ORLANDO AVIATION AUTHORITY** met in regular session in the Carl T. Langford Board Room of the Aviation Authority offices in the main terminal building at the Orlando International Airport (OIA), One Jeff Fuqua Boulevard, Orlando, Florida. Chairman Good called the meeting to order at 2:00 p.m. The meeting was posted in accordance with Florida Statutes and a quorum was present. *[Live Streaming from Orlando, FL]*

Authority members present,

M. Carson Good, Chairman  
Ralph Martinez, Vice Chairman  
Mayor Jerry Demings, Treasurer  
Mayor Buddy Dyer

Also present,

Phillip N. Brown, Chief Executive Officer and  
Secretary  
Kathleen Sharman, Chief Financial Officer  
Carolyn Fennell, Senior Director of Public  
Affairs  
Larissa Bou, Manager of Board Services and  
Assistant Secretary  
Dan Gerber, Interim General Counsel

*For individuals who conduct lobbying activities with Aviation Authority employees or Board members, registration with the Aviation Authority is required each year prior to conducting any lobbying activities. A statement of expenditures incurred in connection with those lobbying instances should also be filed prior to April 1 of each year for the preceding year. Lobbying any Aviation Authority Staff who are members of any committee responsible for ranking Proposals, Letters of Interest, Statements of Qualifications or Bids and thereafter forwarding those recommendations to the Board and/or Board Members is prohibited from the time that a Request for Proposals, Request for Letters of Interests, Request for Qualifications or Request for Bids is released to the time that the Board makes an award. Lobbyists are now required to sign-in at the Aviation Authority offices prior to any meetings with Staff or Board members. In the event a lobbyist meets with or otherwise communicates with Staff or a Board member at a location other than the Aviation Authority offices, the lobbyist shall file a Notice of Lobbying (Form 4) detailing each instance of lobbying to the Aviation Authority within 7 calendar days of such lobbying. Lobbyists will also provide a notice to the Aviation Authority when meeting with the Mayor of the City of Orlando or the Mayor of Orange County at their offices. The policy, forms, and instructions are available in the Aviation Authority's offices and the web site. Please contact the Chief Administrative Officer with questions at (407) 825-7105.*

#### **CHAIRMAN'S OPENING REMARKS**

Chairman Good indicated that this is the first in-person meeting in eight months, due to the COVID-19 pandemic. He also acknowledged that today is Veterans Day and asked Mayor Demings to lead the Board in the Pledge of Allegiance.

Chairman Good stated that due to the COVID-19 pandemic, and our ongoing focus on safety, the Greater Orlando Aviation Authority (Aviation Authority) will be following the Centers for Disease Control (CDC) guidelines regarding events and gatherings. Seating will be limited to the seats available, and attendance is on a first-come, first-served basis. Face coverings are required and temperature checks will be conducted before entering the Aviation Authority Offices.

Individuals who wish to speak at the Board meeting on an item being considered on the agenda will be asked to fill out a speaker request card. Speakers that do not have inside seating will be asked to wait outside the Aviation Authority offices until their name is called. Once done with their comments, they must promptly leave the Board Room.

Before proceeding with business, Mr. Gerber asked the Board to report any conflicts of interest or violations of the Aviation Authority's Code of Ethics and Business Conduct; lobbying activities policy; or the Florida Sunshine Law with regard to any agenda item. None were expressed by any Board member.

#### **APPROVAL OF MINUTES**

1. Upon motion by Mayor Dyer, second by Mayor Demings, vote carried to accept the October 21, 2020, minutes as written.

#### **TWENTY-YEAR SERVICE AWARD TO QUINTAIN OLDEN**

2. Mr. Draper, along with Mr. Brown and the Board, recognized Mr. Olden for his 20 years of service to the Aviation Authority.

#### **RECOGNIZING YEARS OF SERVICE**

3. Mr. Brown recognized Mr. James Conrad, Maintenance, Gate and Fence Technician, and Mr. Abderrahim "Abdu" El Baroudi, Operations, for 20 years of service. Additionally, he recognized Mr. William Vargas, Orlando Executive Airport Maintenance,

**RECOGNIZING YEARS OF SERVICE (con't)**

Ground Maintenance Lead, for 25 years of service. He thanked them for their hard work and dedication to the Aviation Authority.

Mr. Brown also recognized Ms. Denise Schneider, Assistant Director of Purchasing and Material Control, for receiving the 2020 Anne Deatherage Meritorious Service Award from the National Institute of Governmental Purchasing (NIGP) - The Institute for Public Procurement, which is an association of over 16,000 professionals. NIGP representatives described Ms. Schneider as "a fixer who is always willing to step up".

Before proceeding with the meeting, Mr. Brown stated that, because today we celebrate Veterans Day, he would like to recognize veterans who work in the Aviation Authority. Using visual aids (copy on file) he presented various employee pictures and names to honor and thank all who served.

**LOBBYING POLICY DISCUSSION**

4. Mr. Gerber indicated that at the last Board meeting, Mayor Demings suggested for the Board to have a workshop or meeting to further discuss the Aviation Authority's current Lobbying Policy. The Aviation Authority has two policies, Organizational Policy Section 180.01, Lobbying Activities, and Organizational Policy Section 180.03, Selection Period Communication.

Mr. Gerber began by providing the definition of "Lobbying" as defined in Organizational Policy Section 180.01, which was last revised about 8 years ago. Under this policy, an attorney representing any client in connection with an existing contract with the Aviation Authority or in connection with the negotiation of any contract with the Aviation Authority, shall not be deemed lobbying. He also provided the definition of "Lobbyist" per the same policy. He indicated that the policy requires lobbyists to register, re-register, and de-register, as appropriate. Lobbying expenditure reports must be filed in a timely basis. Moreover, the policy requires lobbyists to record lobbying contacts with staff and Board members. Board members who are elected officials, the Mayor of the City of Orlando and the Mayor of Orange County, have their own lobbying regulation efforts and sign-in procedures at their offices. For non-elected officials, we urge that any lobbying occurs within the Aviation Authority's offices. This is because, in the reception area, there are lobbying sign-in forms, which must be filled out before meeting with any Board or staff member. There are other forms of contacts that occur, in those instances, we require lobbyists to obtain the "Notice of Lobbying" form on-line and submit it within seven calendar days of having lobbying contact, as defined by the policy.

Continuing with the discussion, Mr. Gerber stated that the current policy has a no-lobbying period, which means that there shall be no lobbying from the time a procurement is advertised until final decision is made by the Aviation Authority Board on that procurement. Lobbying any Aviation Authority staff that is part of the selection Committees or Board during the no-lobbying period is a violation of the policy. Violation of the no-lobbying period may result in warning, reprimand, suspension or prohibition following a due process procedure. Prohibition of lobbying during the no-lobbying period is communicated to bidders, proposers, etc., through the procurement packages, which additionally state that violation of this policy could result in disqualification at many levels of the procurement procedure.

Former Board members and former staff cannot lobby the Aviation Authority's current Board or staff members for six (6) months after departure. As a consequence for this violation, the Aviation Authority Board may warn, reprimand or censure the violator or may suspend or prohibit the violator from lobbying the Aviation Authority Board or any advisory body of the Aviation Authority for up to two years after a due process procedure. For lobbyists who are not former Board or staff members, the policy states that the General Counsel or the Chief Executive Officer shall be notified of any lobbyist who has failed to comply with registration and/or expenditure reporting requirements. In such instance, the General Counsel or the Chief Executive Officer may request further information and may conduct such investigation. The results of each investigation shall be reported to the Board; however, over the past eight (8) years that this policy has been in place, there has not been a consequence prescribed for such violations.

Mr. Gerber moved on to describe the external accountability for this policy. The policy is on-line on the Aviation Authority website. Additionally, at every Sunshine committee meeting and/or procurement meeting, at which a decision will be made, the lobbyist policy is announced along with a reminder about the no-lobbying period. The no-lobbying period has been in effect longer than the actual lobbying policy.

**LOBBYING POLICY DISCUSSION (con't)**

There is also internal accountability. At the beginning of any public meeting at which a procurement may occur or decisions may be made, the public body is asked to confirm that no lobbying in prohibition of the policy has occurred.

As part of Mayor Demings' and the Board's request, Mr. Gerber benchmarked other lobbying policies against the Aviation Authority's policy. Mr. Gerber stated that he looked at over 60 different policies in the state of Florida. He indicated that there are some notable similarities, such as registration and expense reporting requirements. Many of the policies have a similar no-lobbying period for procurements. Likewise, there were some notable dissimilarities such as an absence of sanctions for consequences for lack of compliance, and for many agencies, there were no consequences for lobbying during the no-lobbying period.

Mr. Gerber provided a few examples of other lobbying policies, starting with Orange County's policy. He indicated that they have similar registration and no-lobbying period language. Mr. Gerber stated that the Aviation Authority's lobbying policy, which has been in effect for eight (8) years, largely mirrors Orange County's policy. If there is a failure to comply with the registration and expenditure reporting requirements in Orange County, there are specific consequences that may result in a warning, reprimand, censure and suspension following due process proceedings. Orange County's policy also provides for the possibility of voiding a contract award if lobbying occurred during the no-lobbying period. However, there is another provision that states that commission action is not voided necessarily by a violation.

Continuing, Mr. Gerber indicated that the City of Orlando has a similar policy regarding registration requirements. Its policy states that registration occurs no later than one business day after lobbying. Violations, specifically under the city code, do not invalidate city action. However, the city also has a provision that states how violations may be enforced under city code Section 1.08. After analyzing Section 1.08 the most likely outcome, following other procedures, would be a fine of up to \$500.

Moving on, Mr. Gerber discussed some important details about Osceola County's lobbying policy. The policy also has a no-lobbying period, which states that violation to the policy may result in disqualification of the competitor. Likewise, Central Florida Expressway Authority's (CFX), has a no-lobbying period, but there are no specific sanctions identified for violations. However, there could be a disqualification in procurement procedures.

Looking at different airports, Mr. Gerber indicated that Jacksonville International Airport lobbying policy, which follows the city of Jacksonville's lobbying code, states that a knowing and willful failure or refusal to follow the city lobbying code may result in a fine or other punishment. Tampa International Airport's governing board has no lobbying policy in effect. Palm Beach International Airport's (PBI) governing board is an extension of the county government. In contrast to the Greater Orlando Aviation Authority, PBI has an ethics commission. First violation by a lobbyist results in a report to the ethics commission and a possible nominal fine following due process procedures. The second and third violations may result in lobbyist prohibition.

Continuing with the discussion, Mr. Gerber stated that the Ft. Lauderdale International Airport has violation consequences similar to ours, which may result in a warning, reprimand, suspension or prohibition. No sanction may occur until notice is issued and opportunity is given to the lobbyist to be heard.

The State of Florida has its own lobbying rules. There are registration and reporting procedures similar to ours. Within the state statutes there is a one-time waiver for late reporting and there may be additional waivers applied to excuse a reporting violation. If there are repeat violations and sanctions pending, the lobbyist has an opportunity to have a hearing before the Florida Commission on Ethics. If it continues to be elevated, the Cabinet may reprimand, censure, or prohibit the lobbyist following due process procedures.

Before ending his presentation, Mr. Gerber indicated that, at the moment, the Aviation Authority does not have consequences in place for lobbyist who are not former employees or former Board members. He thanked the Aviation Authority Board for their time and asked if there were any questions.

Mayor Demings suggested that, where our policy is deficient, we should add some type of sanction. For example, referring to the current lobbying policy, there are no sanctions

**LOBBYING POLICY DISCUSSION (con't)**

in place for violating the no-lobbying period. There needs to be a provision that states that a violation could result in, for example, the voiding of a contract. Additionally, Mayor Demings stated that there should also be a provision indicating that failure to comply with registration or expenditure reporting requirements could result in a warning, reprimand, censure, or another type of sanction. Mayor Demings also made a point to mention that there are sanctions in place for former Board and staff members that violate the six month prohibition time after their departure; therefore, we should be consistent with other violations of the policy. Lastly, Mayor Demings indicated that Orange County and the City of Orlando's policies define what a warning, reprimand, censure and other sanctions mean. He suggested we do the same when revising the policy.

Vice Chair Martinez asked for confirmation of the two airports that have sanctions in their policies. Mr. Gerber reiterated that both Ft. Lauderdale International Airport and Palm Beach International Airport have sanctions in place. Vice Chair Martinez concurred with Mayor Demings comments and suggestion regarding adding sanctions to violations of the policy; however, he expressed his concerns regarding punishing the client for the actions of the lobbyist. The idea of voiding a contract, in his opinion, would be punitive to the client as a result of the lobbyist's actions. He communicated that he is open to further discuss this matter.

In response to Vice Chair Martinez's comments and concerns, Mayor Demings stated that Mr. Gerber presented some comparatives that included said sanction. Discussion ensued regarding the infrequency in which these type of violations occur and how the severity of the lobbyist actions can call for more stern sanctions.

Mayor Dyer concurred with Mayor Demings' call for consistency in regards to sanctions, with addition of having the option of not awarding a contract if there is a severe lobbying violation. Mayor Dyer asked about the process for when there is a complaint against a lobbyist. Mr. Gerber explained that the current policy states that the General Counsel or Chief Executive Officer would investigate the matter, prepare a report and communicate the findings to the Aviation Authority Board. The Aviation Authority Board then would make a decision on how to move forward. Mr. Gerber highlighted that the problem we are facing at the moment is that, after the report, there is no notice given as to what are the possible sanctions. He continued by stating that once the report is provided to the Aviation Authority Board, General Counsel and the Chief Executive Officer may provide their recommendations based on the findings and communications that occurred during the investigation process. Again, the decision is ultimately taken by the Aviation Authority Board as the leadership of the organization.

With regard to the issue of voiding a contract, Mr. Gerber stated that the language on the regulations he previously presented use the word "may", and it is his understanding that by using this term, Orange County and the City of Orlando have been able to address that issue.

Continuing, Mr. Gerber indicated that, in regards to procurement processes, the Aviation Authority has Committees that hold public procurement meetings, in which there are full discussions among Committee members regarding the procurement; competitors have the right to speak at the meetings; competitors have the right to appeal any decision made by the Committees to the Chief Executive Officer; and competitors can also appeal to the Aviation Authority Board. If a competitor felt that there was impermissible lobbying which influenced the decision of the Committee, they have the right to appeal. Additionally, our policy, as well as others around the state, allow the Aviation Authority to go to court to seek an injunction against a lobbyist who continues to violate the policy. Additionally, Mr. Gerber detailed how the appeal hearings with the Chief Executive Officer ensue.

Mayor Dyer reiterated that sanctions must be consistent across the board.

Chairman Good agreed with fellow Board members and added that he would like our policy to mirror the City of Orlando's and Orange County's policies as much as possible, as it appears that they have stronger consequences.

Vice Chair Martinez commented that when someone applies to be a lobbyist, they should be provided the policy and sign a proof of receipt to ensure that, if they commit any violations, we have in file that they were provided the information. Mr. Gerber affirmed that this policy is on the website together with the lobbyist registration and recording requirements.

**LOBBYING POLICY DISCUSSION (con't)**

Mayor Demings made reference to the previous discussion regarding sanctions applying to the lobbyists and not to the Board members, and indicated that as a general rule, before he meets with anyone in his office, he wants to know the purpose of the meeting, in order to avoid any appearance of impropriety. Also, as a general rule, he does not meet with any lobbyist who is actively doing business for the airport. He indicated that he prefers that they meet with staff, again, to avoid any appearance of impropriety. In addition, there are so many contracts in the airport, that makes it very difficult for Board members to know who the lobbyists are (because they can change). Therefore, it should be the lobbyist responsibility to make the Board members aware that they are lobbyist and who they represent. He further stated that because of his and Mayor Dyer's public capacities, they are constantly in the community and events where people approach them to talk, and they may not even be aware of who they are speaking to at that moment. Mayor Demings explained that he is bringing this up because, in the media, someone questioned why these type of sanctions are applied to the Board members, when these type of activities occur. Mayor Dyer added that, as Mayors, they serve on various Boards and there are hundreds of procurements at any given time and, unless it is a major procurement, they may not be aware of the details of each procurement. Chairman Good concurred with Mayor Demings' and Mayor Dyer's statements.

Chairman Good thanked Mr. Gerber and Mr. Brown for the information provided and indicated that he looks forward to the next meeting where they will bring revisions to the policy for the Board's consideration.

**CHIEF EXECUTIVE OFFICER'S REPORT**

5. Moving on, Mr. Brown stated that Mayor Dyer suggested to have a monthly report from the Chief Executive Officer presented to the Board. Mr. Brown indicated that the Marketing department creates a report that details the latest information regarding air service. Additionally, Mr. Draper and the Operations team provide a daily report that details passenger traffic activity, parking activity, and flight activity. Mr. Brown stated that, moving forward, he will gather all that information and provide Board members an informational package prior each meeting, with hard copies provided at the dais.

Mr. Brown informed the Board that, based on TSA reports, in October the Orlando International Airport was the 6<sup>th</sup> busiest airport in the country and for the week ending in November 8, 2020, we were the 2<sup>nd</sup> busiest airport in the country. Even though we are operating at an average of 40% of departing passenger traffic compared to last year, it is a good indicator of increased activity. We are doing as well as we can and hoping to keep attracting traffic to our airport.

Mr. Brown announced that Tampa International Airport was scheduled to close at 3:00 p.m. today, due to the storm that is approaching. The Orlando International Airport will continue operations and will continue to monitor the weather.

Chairman Good stated that this is a great and encouraging report and thanked Mr. Brown for the update.

Before moving on to the Consent Agenda, Chairman Good asked if there were speakers for any of the Consent Agenda items. Mr. Gerber responded in the affirmative and informed the Board that there were 7 speakers on Consent Agenda Item M.

**CONSENT AGENDA**

6. Item M was considered separately. Upon motion by Vice Chair Martinez, second by Mayor Dyer, vote carried to adopt a resolution as follows: It is hereby resolved by the Greater Orlando Aviation Authority Board that the following Consent Agenda items are approved, accepted, and adopted and execution of all necessary documents is authorized by the Aviation Authority's Officers or Chief Executive Officer:

A. accept for filing the following minutes: September 21, 2020, Concessions/Procurement Committee; September 8, 2020, Construction Finance Oversight Committee; June 30, 2020, Construction Committee;

B. accept the recommendation to: (1) find the property listed in this memorandum no longer necessary, useful, or profitable in the operation of the Airport System; (2) request Orlando City Council concurrence and resolution of this finding; and (3) authorize staff to dispose of this property in accordance with the Aviation Authority's Policies and Procedures;

C. accept the recommendation of the Construction Committee to: (1) approve Amendment No. 4 to Addendum No. 10 to the Construction Management at Risk (CM@R) Entity Services for South Terminal C, Phase 1, Agreement with Hensel Phelps Construction for BP No. S00154, South Terminal C, Phase 1, Fueling System (GMP No. 11-S) at the Orlando

**CONSENT AGENDA (con't)**

International Airport, for a total negotiated deductive GMP Amendment amount of (\$1,483,861), which includes a deductive amount of (\$274,042) for CM@R Contingency, a deductive amount of (\$1,116,186) for Owner Contingency, a deductive amount of (\$9,789) for Performance and Payment Bonds, and a deductive amount of (\$83,844) for the CM@R's Fee (6.031%), resulting in a revised GMP amount of \$32,394,501, with funding credited to General Airport Revenue Bonds (Fuel) and (2) authorize an Aviation Authority Officer or the Chief Executive Officer to execute the necessary documents following satisfactory review by legal counsel [**FILED DOCUMENTARY NO. 100929**];

D. accept the recommendation of the Construction Committee to: (1) approve an Addendum to the Continuing Environmental Engineering Consulting Services Agreement with Terracon Consultants, Inc. for Abatement and Air Monitoring Services at the APM Station outside of the West Security Checkpoint at the Orlando International Airport, for the total amount of \$324,687, which includes the not-to-exceed fee amount of \$90,987 and the not-to-exceed reimbursable expense amount of \$233,700, with funding from previously-approved Capital Expenditure Funds and (2) authorize an Aviation Authority Officer or the Chief Executive Officer to execute the necessary documents following satisfactory review by legal counsel [**FILED DOCUMENTARY NO. 100930**];

E. accept the recommendation of the Construction Committee to: (1) approve Change Order No. BP-00483-03 in the amount of \$0, a 175 calendar day time extension to Substantial Completion, and a 63 calendar day time extension to Final Completion, with funding as outlined in Attachment A (copy on file); (2) approve Change Order No. BP-00486-08 in the deductive amount of (\$1,260,177.69) and a 96 calendar day time extension to Substantial Completion, and request Orlando City Council and Federal Aviation Administration (FAA) concurrence (as required because of FAA funding), with funding as outlined in Attachment A; (3) approve Change Order No. BP-S00132-09 in the amount of \$2,783,933 and a 365 calendar day time extension to Substantial Completion, with funding as outlined in Attachment A; (4) approve Change Order No. BP-S00132-10 in the amount of \$1,000,000 and no time extension, with funding as outlined in Attachment A; (5) approve Change Order No. V-00943-05 in the amount of \$908.93 and a 15 calendar day time extension to Substantial Completion, with funding as outlined in Attachment A; and, (6) authorize an Aviation Authority Officer or the Chief Executive Officer to execute the change order(s) following satisfactory review by legal counsel;

F. accept the recommendation of the Construction Committee to: (1) approve a No-Cost Addendum to the Continuing Horizontal Construction Services Agreement with Carr & Collier, Inc. to exercise the first one-year renewal option and extend the Agreement to March 13, 2022; (2) approve a No-Cost Addendum to the Continuing Horizontal Construction Services Agreement with Cathcart Construction Company - Florida, LLC to exercise the first one-year renewal option and extend the Agreement to March 13, 2022; (3) approve a No-Cost Addendum to the Continuing Horizontal Construction Services Agreement with Gibbs & Register, Inc. to exercise the first one-year renewal option and extend the Agreement to March 13, 2022; (4) approve a No-Cost Addendum to the Continuing Horizontal Construction Services Agreement with Prime Construction Group, Inc. to exercise the first one-year renewal option and extend the Agreement to March 19, 2022; (5) approve a No-Cost Addendum to the Continuing Horizontal Construction Services Agreement with The Middlesex Corporation to exercise the first one-year renewal option and extend the Agreement to March 13, 2022; (6) approve a No-Cost Addendum to the Continuing Horizontal Construction Services Agreement with Valencia Construction Group, Inc. to exercise the first one-year renewal option and extend the Agreement to March 20, 2022; and, (7) authorize an Aviation Authority Officer or the Chief Executive Officer to execute the necessary documents following satisfactory review by legal counsel [**FILED DOCUMENTARY NO. 100931-100936**];

G. accept the recommendation of the Construction Finance Oversight Committee to (1) authorize funding transfer for Project G-00035 in the amount of \$50,215, with funding as outlined in Attachment A (copy on file) and (2) request Orlando City Council concurrence for this non-budgeted expenditure.

H. accept the recommendation of the Professional Services Committee to: (1) approve an Addendum to the IT Consulting Services Agreement with Faith Group Consulting, LLC for C-Cure 9000 Version 2.8 Software Upgrade at the Orlando International Airport, for a total lump sum fee amount of \$499,916.60, with funding from previously-approved Capital Expenditure Funds and (2) authorize an Aviation Authority Officer or the Chief Executive Officer to execute the necessary documents following satisfactory review by legal counsel [**FILED DOCUMENTARY NO. 100937**];

I. accept the recommendation of the Professional Services Committee to: (1) approve the ranking of the firms for PS-647, Advertising Production Services at the Orlando International Airport and Orlando Executive Airport, as follows: First - Six Degrees Marketing Insights and Creative LLC dba SIX The Agency; Second - Fry Hammond Barr, Inc. dba &Barr; Third - Starmark International; and, Fourth - Evok Advertising and Design, Inc.; (2) authorize negotiations with the first-ranked firm in accordance with the Aviation Authority's policy, and if those negotiations are unsuccessful, negotiate

**CONSENT AGENDA (con't)**

with the other firms in their ranked order; and (3) upon reaching agreement with the successful proposer, present the final agreement terms to the Aviation Authority Board for consideration for PS-647, Advertising Production Services, at the Orlando International Airport and Orlando Executive Airport;

J. accept the recommendation of the Concessions/Procurement Committee to: (1) approve Amendment No. 3, Second Renewal Option for Purchasing Contract 13-17 Predictive Maintenance and Vibration Analysis Services at Orlando International Airport with Corelusa Plant Services, Inc., beginning June 1, 2021 and ending May 31, 2022; (2) authorize funding from the Operations and Maintenance Fund in the not-to-exceed amount of \$112,900; and (3) authorize an Aviation Authority Officer or the Chief Executive Officer to execute the necessary documents following satisfactory review by legal counsel [**FILED DOCUMENTARY NO. 100938**];

K. accept the recommendation to: (1) approve a Fire Training Services Contract with Florida State College at Jacksonville for live fire training for the Aviation Authority's ARFF personnel; (2) authorize funding from the Operations and Maintenance Fund in the not-to-exceed amount of \$38,130; and (3) authorize an Aviation Authority Officer or the Chief Executive Officer to execute the necessary documents, following satisfactory review by legal counsel [**FILED DOCUMENTARY NO. 100939**]; and

L. accept the recommendation of the Ad Hoc Committee (PS-643) to: (1) approve the Committee's selection of Heffley and Associates for State Governmental Relation Consultants; (2) authorize negotiations with Heffley and Associates; and (3) upon reaching an agreement with the successful proposer, present the final agreement terms to the Aviation Authority Board for consideration for PS-643, State Governmental Relation Services.

Chairman Good asked Mr. Gerber to review the framework for public comments. Mr. Gerber explained that there were 7 speaker requests for Consent Agenda Item M. Mr. Brown will present the item. After his presentation and before Board consideration, Mr. Gerber will identify each pre-registered speaker. Each speaker will be given 2 minutes to provide their comments. Mr. Gerber reminded those speaking today to avoid repetition and to please consolidate any similar points of view.

**RECOMMENDATION OF THE CHIEF EXECUTIVE OFFICER TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER**

6. Mr. Brown stated that there has been departures of several key personnel in Concessions, Commercial Properties and Administration; therefore, it is imperative to combine the oversight of a number of functions in order to insure effective operations at the Aviation Authority.

The objective is to oversee the overall activities of Concessions, Small Business Development, Public Records, and Title VI functions of the Aviation Authority, as well as development and implementation of goals for assigned areas that result in the efficient and effective accomplishment of strategic and tactical objectives. In addition, part of the objective is to provide oversight of our safety program for the Automated People Movers and legal advice and analysis to the assigned departments, under the supervision of General Counsel.

Mr. Brown recommended the establishment of the position of Chief Administrative Officer (CAO) and nominated Ms. Yovannie Rodriguez, Esquire. Ms. Rodriguez served as the former Deputy General Counsel for the Aviation Authority. She left the firm Marchena and Graham last October and established her own firm. Since August of this year, she serves as the current Interim Senior Director of Concessions and Commercial Properties and has been instrumental to assist with various administrative, permitting, and concessions matters. She has been a member of the Florida Bar since 1999. She has in-depth experience with the Aviation Authority's diversity programs, infrastructure development, contract documents, risk management, and insurance and bonding plans, as well as in other areas.

Her annual salary would be \$225,014.40. Funding is available through previously-approved Operations and Maintenance Fund.

Mr. Brown respectfully requested that the Aviation Authority Board resolve to: (1) establish the position of Chief Administrative Officer under Organizational Policy, Section 110.05 in salary grade Level 3 (E3) and (2) accept the Chief Executive Officer's recommendation to nominate and appoint Ms. Yovannie Rodriguez as Chief Administrative Officer.

**RECOMMENDATION OF THE CHIEF EXECUTIVE OFFICER TO ESTABLISH THE POSITION OF CHIEF ADMINISTRATIVE OFFICER (CON'T)**

Chairman Good asked Mr. Gerber to present the speakers. He called Ms. Emily Geary, followed by Ms. Kourtney Monroe who spoke in opposition of the recommended action. He then called Mr. Delaun Stokes who also spoke in opposition of the recommended action, and accused Mr. Gerber of lying at a previous meeting. Chairman Good interjected and stated that, even though he appreciates the speakers' comments, he will not allow anyone to call our General Counsel a liar. This is out of order and it is not proper. Chairman Good continued by stating that Mr. Gerber is a well-respected and acclaimed attorney.

Moving on, Mr. Gerber called Mr. Cody Hughes, Ms. Carmen Arroyo, and Ms. Hilda Renteria Hernandez, all who spoke in opposition of the recommended action.

Mr. Gerber raised a point of order in regards to parliamentary procedures. He communicated that there is a time for public comments on specific items coming before the Aviation Authority Board. Public personal attacks on someone like Ms. Rodriguez, are not in keeping with the measures of decorum that the Aviation Authority has during these type of meetings. Ms. Rodriguez is an outstanding candidate for this position. She has demonstrated professionalism, experience, ethics, and compassion. As a reminder for all future speakers, public decorum will be appropriately given at these meetings.

Upon motion by Mayor Dyer, second by Vice Chair Martinez, vote carried to approve the recommendation of the Chief Executive Officer, as presented.

Mayor Demings asked Mr. Brown for an update regarding HMS Host advertising for vacant positions and if furloughed/terminated employees are able to re-apply for work. Mr. Brown indicated that Mr. Gerber received communication from HMS Host's general counsel and, as of last Friday, there have been five (5) furloughed/terminated employees that have been re-hired. Mr. Brown added that there are some requests pending for HMS Host to reopen some of their facilities.

*The Chairman called for a recess from 3:07 p.m. - 3:09 p.m.*

Mr. Gerber indicated that there was one more speaker left that was not called. He then called Ms. Maria Gonzalez who also spoke against the recommended action.

Chairman Good reiterated that the motion passed.

Mr. Brown indicated that there are three (3) New Business items. The first two items deal with South Terminal C, Phase 1. Because there are no speakers for any of the two items, he requested one motion for both items.

**RECOMMENDATION OF THE CONSTRUCTION COMMITTEE TO APPROVE AMENDMENT NO. 9 TO ADDENDUM NO. 13 TO THE CONSTRUCTION MANAGEMENT AT RISK (CM@R) ENTITY SERVICES FOR SOUTH TERMINAL C, PHASE 1, AGREEMENT WITH HENSEL PHELPS CONSTRUCTION, FOR PROJECT BID PACKAGE (BP) NO. S00144, SOUTH TERMINAL C, PHASE 1, AIRSIDE TERMINAL ENCLOSURES AND EXTERIOR FINISHES (GUARANTEED MAXIMUM PRICE (GMP) NO. 6-S.2) AT THE ORLANDO INTERNATIONAL AIRPORT**

6. Mr. Brown stated that on March 19, 2017, Hensel Phelps Construction (Hensel Phelps) was awarded the CM@R contract for the South Terminal C, Phase 1 program. On June 20, 2018, the Aviation Authority Board approved Addendum No. 13 to the CM@R for the South Terminal C, Phase 1 Agreement with Hensel Phelps for BP No. S00144, Airside Terminal Enclosures and Exterior Finishes (GMP No. 6-S.2), for a total negotiated GMP amount of \$104,107,463. Since 2018, the Aviation Authority Board approved Amendment Nos. 1 through 8, resulting in a revised GMP amount of \$121,152,912.

The amendment presented for approval today, increases the Owner Contingency to fund added costs resulting from design bulletins and contingency requests, which are outstanding. There is no impact to the program schedule as work will be completed by February 2022. If this amendment is approved, the revised GMP amount will be \$123,821,291.

The proposed GMP amendment to BP No. S00144 does not have any impact on the small business participation.

The fiscal impact is \$2,668,379 with funding from General Airport Revenue Bonds and Passenger Facility Charges to the extent eligible.



**RECOMMENDATION OF THE CONSTRUCTION COMMITTEE TO APPROVE AMENDMENT NO. 9 TO ADDENDUM NO. 13 TO THE CONSTRUCTION MANAGEMENT AT RISK (CM@R) ENTITY SERVICES FOR SOUTH TERMINAL C, PHASE 1, AGREEMENT WITH HENSEL PHELPS CONSTRUCTION, FOR PROJECT BID PACKAGE (BP) NO. S00144, SOUTH TERMINAL C, PHASE 1, AIRSIDE TERMINAL ENCLOSURES AND EXTERIOR FINISHES (GUARANTEED MAXIMUM PRICE (GMP) NO. 6-S.2) AT THE ORLANDO INTERNATIONAL AIRPORT (CON'T)**

It was respectfully requested that the Aviation Authority Board resolve to accept the recommendation of the Construction Committee to: (1) approve Amendment No. 9 to Addendum No. 13 to the Construction Management at Risk (CM@R) Entity Services for South Terminal C, Phase 1, Agreement with Hensel Phelps Construction, for BP No. S00144, South Terminal C, Phase 1, Airside Terminal Enclosures and Exterior Finishes (GMP No. 6-S.2) at the Orlando International Airport, for a total negotiated GMP Amendment amount of \$2,668,379, which includes \$2,500,000 for Owner Contingency, \$17,604 for Performance and Payment Bond, and \$150,775 for the CM@R Fee (6.031%), resulting in a revised GMP amount of \$123,821,291, with funding from Passenger Facility Charges to the extent eligible and General Airport Revenue Bonds and (2) authorize an Aviation Authority Officer or the Chief Executive Officer to execute the necessary documents following satisfactory review by legal counsel [**FILED DOCUMENTARY NO. 100940**].

*Motion taken at the end of Item 7*

**RECOMMENDATION OF THE CONSTRUCTION COMMITTEE TO APPROVE AMENDMENT NO. 8 TO ADDENDUM NO. 16 TO THE CONSTRUCTION MANAGEMENT AT RISK (CM@R) ENTITY SERVICES FOR SOUTH TERMINAL C, PHASE 1, AGREEMENT WITH HENSEL PHELPS CONSTRUCTION, FOR PROJECT BID PACKAGE (BP) NO. S00168, SOUTH TERMINAL C, PHASE 1, AIRSIDE TERMINAL INTERIORS, FINISHES AND SPECIALTIES (GUARANTEED MAXIMUM PRICE (GMP) NO. 6-S.4) AT THE ORLANDO INTERNATIONAL AIRPORT**

7. Moving on, Mr. Brown stated that the background information for Hensel Phelps Construction (Hensel Phelps) is the same as on the previous item. This item addresses BP No. S00168 (GMP No. 6-S.4), Airside Terminal Interiors, Finishes and Specialties, for a total negotiated GMP amount of \$59,922,390, which was approved in October 10, 2018. Since, the Aviation Authority Board approved Amendment Nos. 1 through 7, resulting in a revised GMP amount of \$57,454,135.

The amendment presented today funds the Baggage Handling System (BHS) canopies and components, which is the scope added to this GMP. There is no impact to the program schedule as work will be completed by February 2022. With the approval of Amendment No. 8, the revised GMP amount will be \$60,219,924.

Using visual aids (copy on file), Mr. Brown presented an aerial view of the locations of the canopies.

For this amendment, Hensel Phelps proposes 58% MWBE and 16% LDB/VBE participation on BP No. S00168 for Construction Services. Hensel Phelps is committed to the established small business goals of 20% MWBE and 4% LDB participation for Construction Services. Currently, Hensel Phelps's estimated cumulative achievement for the overall program is 26% MWBE and 7% LDB/VBE participation for Construction Services.

The fiscal impact is \$2,765,789 with funding from Passenger Facility Charges to the extent eligible and General Airport Revenue Bonds.

It was respectfully requested that the Aviation Authority Board resolve to accept the recommendation of the Construction Committee to: (1) approve Amendment No. 8 to Addendum No. 16 to the Construction Management at Risk (CM@R) Entity Services for South Terminal C, Phase 1, Agreement with Hensel Phelps Construction, for BP No. S00168, South Terminal C, Phase 1, Airside Terminal Interiors, Finishes and Specialties (GMP No. 6-S.4) at the Orlando International Airport, for a total negotiated GMP Amendment amount of \$2,765,789, which includes \$2,045,361 for Direct Cost of Work, \$422,508 for Allowances, \$98,715 for Owner Contingency, \$24,679 for CM@R Contingency, \$18,247 for Performance and Payment Bond, and \$156,279 for the CM@R Fee (6.031%), resulting in a revised GMP amount of \$60,219,924, with funding from Passenger Facility Charges to the extent eligible and General Airport Revenue Bonds and (2) authorize an Aviation Authority Officer or the Chief Executive Officer to execute the necessary documents following satisfactory review by legal counsel.

Upon motion by Mayor Dyer, second by Mayor Demings, vote carried to approve the recommendation of the Construction Committee for Items 6 and 7, as presented [**FILED DOCUMENTARY NO. 100941**].

**RECOMMENDATION OF THE CONCESSIONS/PROCUREMENT COMMITTEE TO APPROVE AMENDMENT NO. 4, CONTRACT ADJUSTMENT TO PURCHASING CONTRACT 01-17, AUTOMATED PEOPLE MOVER OPERATION AND MAINTENANCE, AT ORLANDO INTERNATIONAL AIRPORT WITH CRYSTAL MOVER SERVICES, INC.**

8. Proceeding to the next item, Mr. Brown indicated Purchasing Contract 01-17, Automated People Mover (APM) Operation and Maintenance, with Crystal Mover Services, Inc. (CMSI), requires CMSI to furnish all repair parts, materials, consumables, tools, manuals, training, management, supervision, and skilled labor as necessary for the Operations and Maintenance of the Aviation Authority's Automated People Mover (APM) system for Airside 1, Airside 3 and the South APM Complex. The Operations and Maintenance services shall be provided on a twenty-four (24) hour per day, seven (7) day per week basis throughout the term of the contract and in accordance with the contract specifications.

The initial term of the contract began on September 26, 2017, and expired on September 25, 2022, with the Aviation Authority having two (2) options to renew the contract for an additional period of five (5) years each.

In September 2013, when the contract was bid, it provided yearly constant unadjusted/non-escalated lump sum fixed pricing for each year of the contract and each year of the renewal options for APM Operations and Maintenance. It was stipulated that the provided pricing would subsequently be escalated per year, per the Operations and Maintenance Specifications (OMS).

Based on OMS 3.22.1 Economic Price Adjustment (EPA), the annual lump sum fixed prices for Labor and Parts and Materials shall be adjusted for inflation at the beginning of each year of the Operations and Maintenance contract. Labor shall be adjusted to the latest published Employment Cost Index (NAICS). Parts and Materials shall be adjusted according to the ratio of the latest Machinery and Equipment Index, and Metal Products Index. Both indexes are adjusted as published by the U.S Bureau of Labor Statistics. Based on this information, Amendment No. 4 reflects an Employment Cost Index factor of 1.1481, and a Machinery and Equipment and Metal Products Producer Price Index factor of 1.0271. These index factors adjust the contract base bid to current year values resulting in a contract adjustment of \$628,435.

On July 15, 2020, the Aviation Authority approved a price adjustment to Purchasing Contract No. 01-17, APM Operation and Maintenance with CMSI, in a not-to-exceed amount of \$561,293 for contract Year 3. There was a scrivener's error on the recommended action, which stated that the price adjustment was through September 26, 2021. The recommendation should have read September 25, 2020.

On October 19, 2020, the Concessions/Procurement Committee approved staff's recommendation to approve Amendment No. 4 for a contract adjustment in the not-to-exceed amount of \$628,435, through September 25, 2021.

The contractor has performed satisfactorily.

At the time of award a 1.75% MWBE and 4.6% LDB/VBE participation was established. The Small Business Development Department certifies that the vendor is in good standing as it relates to small business participation. The same small business participation requirement will apply to this amendment.

The fiscal impact is in the not-to-exceed amount of \$628,435, through September 25, 2021. Funding required in the current and subsequent fiscal year will be allocated from the Operations and Maintenance Fund as approved through the budget process and when funds become available.

It was respectfully requested that the Aviation Authority Board resolve to accept the Concessions/Procurement Committee's recommendation to (1) approve Amendment No. 4, Contract Adjustment to Purchasing Contract 01-17, Automated People Mover Operation and Maintenance, at Orlando International Airport with Crystal Mover Services, Inc. through September 25, 2021; (2) authorize funding in the not-to-exceed amount of \$628,435 from the Operations and Maintenance Fund; and (3) authorize an Aviation Authority Officer or the Chief Executive Officer to execute the necessary documents, following satisfactory review by legal counsel.

Chairman Good asked if the Board had any questions or comments regarding this item. There was no response to his inquiry.

**RECOMMENDATION OF THE CONCESSIONS/PROCUREMENT COMMITTEE TO APPROVE AMENDMENT NO. 4, CONTRACT ADJUSTMENT TO PURCHASING CONTRACT 01-17, AUTOMATED PEOPLE MOVER OPERATION AND MAINTENANCE, AT ORLANDO INTERNATIONAL AIRPORT WITH CRYSTAL MOVER SERVICES, INC. (CON'T)**

Upon motion by Vice Chair Martinez, second by Mayor Dyer, vote carried to approve the recommendation, as presented. [FILED DOCUMENTARY NO. 100942].

Before closing the meeting, Mr. Brown introduced and congratulated Ms. Yovannie Rodriguez, newly appointed Chief Administrative Officer, who thanked the Board members and Mr. Brown for the confidence and opportunity vested on her.

Moving on, Mr. Brown stated that September 20, 1982 was an important day in the history of Aviation Authority. It was the day a young Administrative Aid, named Dayci Santiago, better known now as Dayci Burnette-Snyder, first set foot in the Aviation Authority. She has become an institutional icon in this airport. Today marks her last Board meeting, as she is retiring after 38 years of service. Ms. Burnette-Snyder thanked Mr. Brown for his kind words and expressed her gratitude for all the opportunities earned at the Aviation Authority. She wished the best to the organization.

Vice Chair Martinez thanked Ms. Burnette-Snyder on behalf of the Board for all her help with Board matters, hard work, and dedication to the airport.

In addition, Mr. Brown introduced Ms. Larissa Bou, Manager of Board Services and Ms. Anna Farmer, Executive Assistant to the Chief Executive Officer.

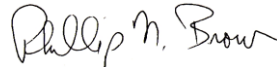
**ADJOURNMENT**

9. There being no further business to be considered, Chairman Good adjourned the meeting at 3:25 p.m.

(Digitally signed on December 10, 2020)



Larissa Bou  
Manager of Board Services



Phillip N. Brown  
Chief Executive Officer