

**VIRGINIA HIGHLANDS AIRPORT AUTHORITY
REGULAR MEETING**

Members Present: Edward “Earl” Maine
Dr. Ellison Conrad
Frank Sims
Stephen M. Quilty
Andy Puckett
Dr. James E. Baker
David Anderson

Guest Present: See Attachment

The Virginia Highlands Airport Authority Board of Directors met on Monday, March 11, 2019 at 6:00 P.M. in conference room “A” of the Terminal Building. Mr. Maine, Chairman, determined that a quorum of the Board was present and called the meeting to order. Also present were Mickey Hines, Airport Manager, Jim Elliott, Airport Attorney, Kristy Miller, Executive Assistant and Amber Miller, Administrative Assistant.

Mr. Maine called for approval of the Minutes of the Regular Meeting February 11, 2019.

Dr. Conrad moved to approve the minutes of February 11, 2019. Mr. Sims seconded the motion. The motion carried unanimously.

Mr. Maine turn the floor over to Mr. Quilty for his presentation on Strategic Planning.

Discussion ensued.

Board decided to call this a Strategic Assessment instead of a Strategic Plan.

Mr. Maine asked the Operations Committee to move forward with the Strategic Assessment.

Mr. Maine called for a recess at 7:08 P.M.

Mr. Maine called the Meeting back to order at 7:16 P.M.

Mr. Maine called for the Financial Report.

Mr. Puckett gave the Financial Report.

Mr. Maine called for the Manager’s Report.

Mr. Hines gave the Manager’s Report.

Mr. Maine called for the Operations Committee Report.

Mr. Sims stated that the Operations Committee had not met.

Mr. Maine called for the Development Committee Report.

Mr. Anderson stated that the Development Committee had met to discuss potential Hangar sites here at the Airport.

Mr. Anderson stated that it is the motion of the Development Committee to allow Mr. Hines to use diagrams provided by but not limited to those provided by Delta to facilitate speaking to potential clients desiring custom hangar space. Motion carried 7 to 0.

Mr. Maine called for Unfinished Business.

Mr. Hines requested approval of a Resolution to reject all bids submitted for Project Extend Runway 6 – Phase 3 (Embankment).

Discussion ensued.

Mr. Quilty moved to approve the Resolution to reject all bids submitted for Project Extend Runway 6 – Phase 3 (Embankment) as amended. Dr. Baker seconded the motion. The motion carried unanimously.

Mr. Hines informed the Board of the upcoming Public Budget Hearing with the Washington County Board of Supervisors on March 21, 2019 at 6:00 P.M.

Mr. Maine called for New Business.

Mr. Hines requested approval of a Resolution Providing for Negotiation with the Lowest Responsive and Responsible Bidder Where the Amount of the Bid for a Particular Project Exceeds the Amount of Money Available.

Discussion ensued.

Mr. Anderson moved to approve the Resolution Providing for Negotiation with the Lowest Responsive and Responsible Bidder Where the Amount of the Bid for a Particular Project Exceeds the Amount of Money Available. Mr. Sims seconded the motion. The motion carried unanimously.

Mr. Hines stated that replacement of the guttering on the Terminal Building was needed and that we had advertised for sealed bids and three qualified bids were received. Sunshine Industries, Inc. being the lowest bidder with a bid of nine thousand five hundred dollars (\$9,500).

Discussion ensued.

Dr. Conrad moved to accept Sunshine Industries, Inc. bid of nine thousand five hundred dollars (\$9,500) for the replacement of the guttering on the Terminal Building. Mr. Quilty seconded the motion. The motion carried unanimously.

Mr. Maine called for Public Comments.

None.

Closed Session.

None

Mr. Quilty moved to adjourn. Mr. Sims seconded the motion. The motion carried unanimously. The meeting adjourned at 8:23 P.M.


David Anderson, Secretary


Edward "Earl" Maine, Chairman

**A RESOLUTION OF THE VIRGINIA HIGHLANDS AIRPORT
AUTHORITY
PROVIDING FOR NEGOTIATION WITH THE LOWEST
RESPONSIVE AND RESPONSIBLE BIDDER
WHERE THE AMOUNT OF THE BID
FOR A PARTICULAR PROJECT
EXCEEDS THE AMOUNT OF
MONEY AVAILABLE**

WHEREAS, the Authority continues engaged in the construction of expanding Runway 6, and

WHEREAS, the next stage of construction is known as “EXTEND RUNWAY 6 – PHASE 3 (EMBANKMENT)” (the “Project”) and adequate funding is expected to be available for the construction of the Project from the Federal Aviation Administration (“FAA”), the Department of Aviation (DOAV), and from local funds (the funding agencies), and

WHEREAS, the Authority’s Engineers (“Engineers”) have developed the specifications and drawings necessary to advertise the Project for construction bids and the Authority is prepared to proceed with the advertising for bids to construct the project, and

WHEREAS, the Authority has determined that, following the opening of sealed bids, that it needs to be able to negotiate the amount of the bid with the apparent low bidder in the event the lowest bidder’s proposal is greater in monetary amount than is available from the funding agencies, and

WHEREAS, the Virginia Public Procurement Act (“VPPA”) allows the Owner of the property on which the project is being constructed to negotiate with the apparent lowest responsive and responsible bidder if its bid is greater in monetary amount than is available from the funding agencies if the public body has established conditions and procedures in writing prior to the issue of the Invitation to Bid and which are summarized in the Invitation, it is

RESOLVED that for Capital Improvement Projects, the Authority summarize in the Invitation to Bid the following conditions and procedures approved for the Project by the Authorities Board of Directors pursuant to Section 2.2-4318, Code of Virginia, as amended:

- 1) After opening of the bids and announcing the amounts of each, the Authority's Engineers shall complete a timely review of the apparent lowest or 2 lowest bids for issues of responsiveness and price;
- 2) The lowest responsive bid submitted by a responsible Contractor may be negotiated as to price if the amount exceeds funding available for the Project;
- 3) When insufficient funds exist, the Authority or its Engineers may inquire of the apparent low bidder as to whether it would be willing to negotiate its price to an amount equal to or less than available funding for the project;
- 4) All bidders shall be informed by telephone and by confirming email of the status of their bid and the amount of all the bids received and that the apparent low bidder has indicated its consent to negotiate its price as permitted under Section 2.2-4318 of the VPPA to bring its bid into conformity with the amount of funding for the project;
- 5) The Authority shall advise the funding agency or agencies (if outside funding is anticipated) of the amounts of all the bids and identify the apparent lowest responsive bidder and of the agreement of the lowest bidder to negotiate its price to perform the construction called for;
- 6) The Authority will, immediately following the discussion of the bid amounts with the funding agency or agencies (if outside funding is anticipated), arrange negotiations between the Authority and its Engineers on the one hand and the lowest bidder on the other;
- 7) If the lowest responsive and responsible bidder will agree to a price within the amount of available funding without material modification of the terms, conditions and/or the specifications of the Invitation to Bidders (or other such document), then the Authority shall contact the funding agencies and request them to provide the financing agreements (if outside funding is anticipated);

- 8) Following the execution of the financing agreements, the Authority shall notify the winning bidder and proceed in accordance with the VPPA and the contract documents for all timely notifications;
- 9) In the event the lowest acceptable bidder will not agree to reduction of the amount of its bid without material changes in the general and special specifications of the contract, then the bid of the apparent lowest bidder shall be rejected.
- 10) The Authority, employing the same procedures it used in conducting negotiations with the apparent lowest bidder, shall then open negotiations with the second lowest responsible and responsive bidder and so on, until a bidder is prepared to perform the Contract within available funding from the sources.
- 11) At such time as an agreement is reached regarding price, the parties shall proceed with the actions necessary for awarding the contract to the new lowest bidder.

Be it FURTHER RESOLVED that, the Manager of the Authority shall have all necessary power, right and obligation to see to the undertaking of all things required of the Authority in advertising for bids, including conducting the bidding process, negotiating, if necessary, first with the winning bidder and afterward with the second lowest bidder and so on when insufficient funding is involved, executing contracts for funding and for construction on behalf of the Authority.

The foregoing resolution was adopted by a vote of 7 to 0 at the regular scheduled meeting of the Board of Directors of Virginia Highlands Airport Authority the 11th day of March, 2019, a quorum present and voting:


Secretary

**A RESOLUTION OF THE VIRGINIA HIGHLANDS AIRPORT AUTHORITY
REJECTING ALL BIDS SUBMITTED FOR EXCAVATING AND TRANSPORTING
EARTHEN MATERIALS FOR THE EXPANSION OF RUNWAY 6**

WHEREAS, this Authority provided for the public issuance of an Invitation to Bid on the plans and specifications known as EXTEND RUNWAY 6 – PHASE 3 (Embankment), AIP PROJECT NO. 3-51-0001-Pending AND DOAV PROJECT NO. CF0001-Pending, which contract (“Contract”) was prepared by Delta Airport Consultants as its Project No. 18024, and

WHEREAS, bids were received on the Project from various contractors on June 28, 2018, but outside of the lowest bidder, which withdrew from continuing, all other bids should be rejected both due to the lack of available funds and the inability of the Authority to provide a site on which the successful bidder can perform the major part of the work (“Work”) described in the plans and specifications, and

WHEREAS, the lowest responsive and responsible bidder could not keep its bid open due to the site of the Work not being able to receive and accommodate the Work described in the bid and the contract at any particular, and

WHEREAS, it is the opinion of the Engineers that (1) rebidding the contract should result in lower bids from potential contractors, and (2) funds will be available if the bids are reasonable in amount, and

WHEREAS, the extension of Runway 6 having been deemed essential by the present and future Boards of Directors and the Contract is an essential part of same, it is

RESOLVED, this 11th day of March, 2019 that all bids received in June, 2018 are hereby rejected. The Manager of the Authority is directed to notify each bidder that all bids have been rejected and that any bid bonds still outstanding may be obtained from the Authority’s office, and it is further

RESOLVED this 11th of March that the Manager, jointly with the Authority’s Engineers, timely prepare new bids for a second bidding of the Contract.

The foregoing resolution was adopted by a vote of 7 to 0 at the regular scheduled meeting of the Board of Directors of Virginia Highlands Airport Authority the 11th day of March, 2019, a quorum present and voting:


Secretary

