



RESOLUTION NO. 13-3

Approving and Adopting the Fourth Edition of Contracting Manual

WHEREAS, In November 2012, revisions to the Third Edition of the Contracting Manual were prepared by staff to address recommendations made by the U.S. Department of Transportation Office of Inspector General (OIG) in its November 1, 2012, report on the Airports Authority (OIG Report);

WHEREAS, In December 2012, the Business Administration Committee concurred with a draft version of a new Fourth Edition of the Contracting Manual that contained these staff revisions, and the Committee directed that this draft version be issued for public comment;

WHEREAS, Staff has addressed all comments submitted on the December 2012 draft version of the Fourth Edition in a new draft of the Fourth Edition of the Contracting Manual, including recommendations received from the Federal Transit Administration (FTA), and this new draft version was presented to the Business Administration Committee for consideration at its March 20, 2013, meeting;

WHEREAS, this new draft version of the Fourth Edition of the Contracting Manual addresses all recommendations regarding the Contracting Manual made in the OIG Report and all changes to the Manual recommended by the FTA, and includes other changes that staff has determined to be necessary or desirable;

WHEREAS, The Business Administration Committee has reviewed the new draft version Fourth Edition and has recommended to the Board of Directors that it formally approve and adopt it as the Fourth Edition of the Contracting Manual; now, therefore, be it

RESOLVED, That the Board approves and adopts the Fourth Edition of the Contracting Manual as presented for its consideration on March 20, 2013, and as it may be modified by the President and Chief Executive pursuant to Paragraph 2 of this resolution;


2. That the President and Chief Executive Officer is authorized and directed to publish the Fourth Edition of the Contracting Manual in the form presented to the Board on March 20, 2013, with such modifications as are

determined by the President and Chief Executive Officer to be necessary or desirable to address errors in grammar, spelling, punctuation and format and similar non-substantive matters, and as are made prior to April 1, 2013;

3. That the Fourth Edition of the Contracting Manual shall be effective on April 1, 2013;

4. That the Fourth Edition of the Contracting Manual shall apply to all Airports Authority solicitations issued, and other procurement actions initiated, on or after April 1, 2013, and to contracts that are executed on the basis of and following these solicitations and procurement actions; that the Fourth Edition shall not apply to solicitations or other procurement actions initiated before and ongoing as of April 1, 2013, which shall continue to be governed by the Third Edition, but shall apply to contracts executed on the basis of and following such solicitations and procurement actions; and that the Fourth Edition shall apply to contracts in effect on April 1, 2013, that were executed on the basis of and following a solicitation or other procurement action undertaken pursuant to a prior edition of the Contracting Manual, except to the extent application of the Fourth Edition to any such contract would diminish, enlarge or otherwise alter a contractual right or obligation of any party to the contract, in which case the Third Edition of the Contracting Manual shall apply to and govern the contract to the extent necessary to avoid such alteration of right or obligation.

Adopted March 20, 2013


Quince T. Brinkley, Jr., Secretary *emb*