



Raleigh-Durham Airport Authority

1000 Trade Drive

PO Box 80001

RDU Airport, NC 27623

www.RDU.com

REQUEST FOR PROPOSALS (RFP)

for

Commercial Real Estate Land Development Consulting Services

RFP No. 554-RFP22-3011-DSP

Solicitation Specific

DIRECT ALL INQUIRIES TO:

Dale S. Poole, CPCP, C.P.M., CLGPO

Procurement Services

Dale.Poole@RDU.com

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SECTION I REQUEST FOR PROPOSALS (RFP) GENERAL INFORMATION

A. Notice

Raleigh-Durham Airport Authority (the “**Authority**” or “**RDU**”) invites proposals from qualified commercial real estate firms (may also interchangeably referred to as “Contractors,” “Offerors,” “Respondents,” “Bidders,” “Proposers,” “Vendors,” and/or “Consultants” throughout this RFP) to provide advisory services on a variety of future land development projects. The Authority desires to generate non-aeronautical revenue through the development of land on airport property and therefore is seeking a consultant whose combination of experience and expertise will provide timely and cost-effective services to the Authority.

The Authority’s intent is to award an initial term of three (3) year with two (2) one (1) year extension options for a total of five (5) years Master Services Agreement to one or more firms to provide the requested services pursuant to Task Orders related to the Master Services Agreement. This RFP and subsequent Addenda, if any, are available electronically as of the date of issuance on the following website: www.rdu.com/do-business-with-rdu/business-opportunities/.

B. Background

The Raleigh-Durham International Airport (RDU) serves as the gateway to Central North Carolina and the Research Triangle region, including the largest research park in the United States. RDU is governed by the Raleigh-Durham Airport Authority Board. The Authority Board is made up of eight representatives; two each are appointed from the City of Durham, Durham County, the City of Raleigh and Wake County.

The General Assembly of North Carolina enacted legislation in 1939 enabling the cities of Raleigh and Durham and the counties of Wake and Durham to jointly establish, operate and maintain an airport and to appoint members to a board. The enabling act further authorized the Aeronautics Authority to “act in an administrative capacity and be vested with the authority to control, lease, maintain, improve, operate and regulate the airport.”

In 1945, the name changed to the Raleigh-Durham Airport Authority. The Authority Board meets on the third Thursday of each month. During these meetings, the Authority Board considers items on the agenda as well as any other matters deemed appropriate for discussion at that time.

The Authority Board leads RDU in investing in tomorrow, elevating our region, delivering unparalleled service and providing a world-class experience, while planning for the future and connecting our passengers worldwide.

The RDU Airport Authority owns and operates two passenger terminals, Terminals 1 and 2. Terminal 1 is a 9-gate facility with approximately 160,000 square feet of total terminal area and accommodates Avelo Airlines, Southwest Airlines, and Spirit Airlines. Terminal 2 is a 36-gate facility accommodating Air Canada, Air France, Alaska, American, Bahamasair, Breeze, Delta, Frontier, JetBlue, Icelandair, Sun Country, United, and charter airlines, with approximately 1 million square foot of total terminal area. Between the landside components of Terminals 1 and 2 is a multi-story parking garage containing approximately 9,913 spaces (Park Central), with an adjoining lot of approximately 1,359 spaces (Premier Parking). Raleigh-Durham International Airport is governed by the eight member Raleigh-Durham Airport Authority Board. The Airport Authority was established by the N.C. General Assembly in 1939.

C. Point of Contact

The Authority’s sole Point of Contact for this RFP is as follows:

Authority Primary Contact: Dale Poole

Email (Preferred Method): dale.poole@rdu.com

SECTION II RFP PROCESS AND INSTRUCTIONS

A. RFP Schedule

Activity - All times are EDT (Eastern Daylight Time)	Date
Issue RFP	January 26, 2024
Pre-Proposal Conference	Tuesday, February 20, 2024 – 9:00AM
Written Questions are due via email	Tuesday, February 27, 2024 – 9:00AM
Response to Questions Posted as an Addendum	Tuesday, March 5, 2024
Submission of RFP Acknowledgement Form A via email	Tuesday, March 5, 2024
Proposals are Due	Tuesday, March 12, 2024 – 9:00AM
Contractor Interviews <i>(if applicable)</i>	March 26-28, 2024
Presentation to RDUAA Board and Approval (Estimated)	May 16, 2024
Anticipated Award Time Frame (Official Award of Contract)	May 20, 2024
Anticipated Contract Start Date	June 1, 2024

The Authority reserves the right to revise the schedule in its sole discretion

1. Pre-Proposal Meeting

Due to the importance of all offerors having a clear understanding of the specifications and requirements of this solicitation, a non-mandatory conference of potential offerors will be held on the date specified in the RFP Schedule. Any changes resulting from this conference will be noted in written amendment to the solicitation. Your failure to attend will not relieve the Contractor from responsibility for estimating properly the difficulty and cost of successfully performing the work, or for proceeding to successfully perform the work without additional expense to the Authority.

The non-mandatory Pre-Proposal Meeting will be held on-site at the Authority location specified in this RFP.

As a convenience to potential offerors, virtual (remote) attendance will be permitted. If you would like to participate in the Virtual Pre-Proposal Meeting, email Dale.Poole@rdu.com for instructions no later than 24-hours prior to the meeting date/time. Note in the Subject Line: **“Commercial Real Estate Land Development Consulting Services Pre-Proposal Conference Instructions”**.

2. Questions

All questions and any correspondence in regard to this RFP shall be directed in writing to the Authority’s Point of Contact by e-mail. Only inquiries in writing will be accepted by the Authority, and only written responses will be binding upon the Authority. There shall be no communication with the Authority regarding this RFP unless otherwise directed by the Authority’s Point of Contact identified above. ****NO PHONE CALLS****.

All answers to inquires will be posted on the primary website referenced above. It is the responsibility of all Offerors interested in submitting responses to this RFP to monitor the website for responses to questions, change of schedule, addenda, announcements, and other procurement information.

Written questions concerning the RFP will be received via e-mail only until the Due Date for Questions specified in the schedule above by the Authority’s Point of Contact. Please insert **“Questions – 554-RFP22-3011-DSP”** as the subject for the email. The Authority will prepare responses to all written questions properly submitted and post the responses as an

Addendum on the primary website referenced herein. Oral responses are not binding upon the Authority.

B. Proposal Format and Content

Offerors are to submit information demonstrating their qualifications, expertise, competence and capability. The proposal submission shall be limited to no more than fifty (50) pages maximum, not including the required forms described in Section VII. Proposals should use a minimum of size 12 pt. font on 8 ½” by 11” paper. Offerors will include a table of contents that lists section headings and page numbers. The Authority intends to retain the successful proposer pursuant to a “Best Value” basis, not a “low Proposal” basis (Best Value in that the Authority will, as detailed within the following Sub-section D, consider factors other than just cost in making the award decision). Therefore, so that the Authority can properly evaluate the offers received, all proposals submitted in response to this RFP must be formatted in accordance with the sequenced noted below. The Authority retains the right to reject any proposal submitted that does not conform to any of the requirements detailed herein, including but not limited to proposal formatting. The submittal must address and include:

1. **Cover Letter.** The cover letter should identify the Offeror and state general information the Offeror wants to include regarding the Offeror’s business organization. At a minimum, the cover letter must include the name, principal address, Federal Tax ID Number, telephone number(s), and email address(es) of the Offeror. Offeror should acknowledge that Offeror will comply with all the terms and conditions set forth in the RFP including attached contract(s), unless otherwise agreed upon by the Authority.
2. **Executive Summary.** Executive Summary should contain an outline of Offeror’s general approach to the provision of services in addition to a brief summary of Offeror’s qualifications to engage in a professional service relationship with the Authority. It should clearly communicate why Offeror would be the best-qualified Contractor for the Authority.
3. **Firm Overview.** Include:
 - a. Name(s) and qualification(s);
 - b. Address and location of corporate office(s);
 - c. Address and location of the office from which the work will be performed;
 - d. Owner Name, Address (if different from above), Current Contact Person, and Telephone Number;

- e. Name of Responsible Official or Contact Person;
- f. Number of years in business;
- g. Website
- h. Size (total number of employees) and organizational structure of your entity; and
- i. Description of the corporate leadership team.

- 4. Approach.** Include a concise interpretation of and approach to the Scope of Services. Provide a brief description of the level of service and support that will be provided to the Authority, including Offeror's management and organizational approach and work plan on how your team proposes to accomplish the tasks successfully. The description should include the proposed effort for completing the work on schedule and the methods the Offeror would use to coordinate its work with other consultants whose work must interface or connect with work performed by Offeror.

Discuss Offeror's understanding of the complexity, challenges and problems involved in planning and performing that work; approaches and philosophy for dealing with problems; sensitivity and experience dealing with key issues and any additional issues or matters relating to the Scope of Work that the Offeror believes should be addressed.

Describe any perceived challenges of this project and the proposed plan to resolve them.

This section may include commentary regarding the Scope of Services requested through this solicitation, modifications, or enhancements to the Scope of Services that the Authority may wish to consider, tentative schedule, or any other specific matters relevant to the Authority.

This section may include a discussion of any technology and/or systems and describe how they will be leveraged to support the Scope of Work.

- 5. Capabilities.** A statement of the Offeror's capabilities, including relevant completed projects in similar North Carolina markets. The Offeror's qualifications to engage in a professional service relationship with the Authority. The Offeror must demonstrate that it and its key personnel have had active, satisfactory experience with, and responsibility for, the day-to-day management and operation of services similar to those proposed by this RFP. (Indicate which projects included key personnel proposed for this RFP). Include:

- a. name(s) and qualifications of any subcontractor that will perform 10% or more of the value of the contract;

- b. location of corporate office(s);
- c. number of years in business;
- d. web site address(es);
- e. size (total number of employees) and organizational structure of your entity; and
- f. who is on your Leadership Team.
- g. Key Personnel: Provide information regarding the individual(s) who will be responsible for providing the Services including their professional credentials, capabilities and experience (résumé, curriculum vitae or biography may be attached). Key personnel identified in this Proposal is expected to remain assigned to this project for the term of the contract. Consultant will make all reasonable efforts not to replace or substitute key personnel during the term of the Agreement except upon advance written notice to the Authority. Said notice to the Authority shall state the reason(s) for the proposed replacement or substitution and shall specify the qualifications, including education, training, and experience, of the proposed replacement or substitute. Offeror should also provide current office addresses for each individual named. For each team member named, provide:
 - i. relevant client and project that they have worked on during the last three years;
 - ii. at least two references that the Authority could contact regarding the work and satisfaction of the clients; and
 - iii. a description of the specific responsibility/role that each individual will have on the project under this RFP.
- h. Project Manager: Provide details of any direct experience the Project Manager has in providing the Services including their professional credentials, capabilities and experience (résumé, curriculum vitae or biography may be attached). The Project Manager must have a minimum of three (3) years' experience in providing consulting services, as described herein.
- i. Recent Experience: Provide examples of at least three (3) similar projects completed in the last five (5) years in a similar North Carolina market that also align with the scope of this RFP. Provide a description of the project and the scope and highlight the services which align with this RFP.
- j. Relevant Work Experience: Prepare a description of projects and work experience of the firm that is similar to the work described in the Scope of Work or that the Offeror believes would be relevant in evaluating its capabilities to perform the work.

At a minimum, the following information should be included as appropriate to the Scope of Work;

- i. project description and scope;
- ii. location;
- iii. owner name, address, current contact person, and telephone number;
- iv. coordination between multiple consulting firms; and
- v. relevant experience with other interfacing projects, and associated scheduling considerations.

6. **Past Successes.** Proposer's overview, experience (including similar North Carolina markets), and listed references. The Proposer's DEMONSTRATED EXPERIENCE in performing similar work and the proposer's DEMONSTRATED SUCCESSFUL PAST PERFORMANCE (including meeting costs, schedules and performance requirements) of contract work substantially similar to that required by this solicitation for similar organizations.
7. **Organizational Chart** Prepare an organizational chart that identifies the key personnel and each team member by listing position title, length of employment, description of qualifications and experience and the work each person will perform under this contract.

Subconsultants. Identify possible opportunities for subconsultant services based on experience on similar projects. List all subconsultants, if necessary and provide a description of the qualifications of each subconsultant retained to perform work under this contract. Include the type of work that will be assigned to each subconsultant, and the estimated percentage of the total contract value that each subconsultant will perform.

8. **Project Schedule.** Prepare a description of the Offeror's methodology and systems for controlling, responding to, and completing potential task orders in a timely manner.
9. **Offeror's Success.** Describe how Offeror evaluates success of an engagement.
10. **Communications.** Detail how the Offeror communicates with its clients. This section may include a discussion of the communication plan between key personnel and Authority staff. Describe the approach to ensuring the client is kept informed on the status of project tasks, changes in procedures, deadlines, reporting and issues.
11. **Other Capabilities.** Discuss any other capabilities that the Offeror believes address this RFP, and any particular aspects of its organization or Proposal that, by way of background, experience,

unique qualifications, or other basis, sets this company (team, etc.) apart from the competition in its ability to accomplish this particular scope of work.

- 12. References.** A listing of not more than three (3) clients who can attest to their satisfaction for similar completed projects relevant to services requested in this solicitation. The clients listed should have had significant involvement by key personnel indicated above. The Authority may contact the listed organizations to determine the quality of the work performed and service received. Please include the following:

 - a. name of the organization;
 - b. date(s) of delivery of services and/or projects;
 - c. list of services performed that align with the scope of this RFP;
 - d. name of contact person(s); and
 - e. complete address, phone number(s), and email address(es).
- 13. Other Relevant Information.** Provide additional information that will assist the Authority in the selection process. Include information of prior work experience with airports and/or aviation-related, local, state and federal government entities.
- 14. Required Forms.** Offeror must complete all RFP Forms and items requested.
- 15. MWSB Program Requirements.** Offeror must complete the MWSB requirements as per **Section VII**.

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C. Proposal Evaluation Criteria

Evaluation Criteria	Max Point Value	Brief Description
Evaluation of Proposal Itself	10	Evaluation of how Proposer aligns with RDU's vision, mission and core values. Responsiveness to the RFP and Proposer's general approach to the provision of services including the APPROPRIATENESS of the APPROACH (including labor categories and skill mix), COST EFFECTIVENESS and the QUALITY of the WORK METHODOLOGY. The description should include the proposed effort for completing the work on schedule and within budget (if provided), method of assigning work and procedures for maintaining level of service, method and systems for controlling and responding to issues that may arise, and the methods Proposer would use to coordinate its work with other consultants whose work must interface or connect with work performed by Proposer. In addition, the OVERALL QUALITY and PROFESSIONAL APPEARANCE of the proposal submitted.
Evaluation of Proposer's Experience and Capabilities	30	The Proposer's methodology demonstrating QUALIFICATIONS and relevant EXPERIENCE of the company. Company's qualifications to engage in a professional service relationship with the Authority. Higher value will be given for commercial real estate development experience specifically in the Triangle market (or similar North Carolina market).
Capability and Experience of Key Personnel	25	Qualifications of key personnel, title and/or role, length of employment, and their EXPERIENCE in performing similar work, including their professional credentials, and details of any direct related experience of the individual who will lead the team in providing the Services. (Section II B.5). Proposer must identify and provide resumes for the project team, team lead, and any other key personnel that may participate in various Authority projects. Proposer may describe experience, qualifications, tools, resources, etc. that will add value to the Authority's land development projects.
MWSB	10	Offerors are required to meet both portions of the MWSB goals or demonstrated and document the efforts undertaken to meet the goals as described in Section VII.
Cost	25	Cost of goods and/or services to be provided. Proposer will be evaluated on the proposed hourly costs/fees for services that will be performed
Total maximum points	100	

Selection and Award Process

1. **"Best Value"** procurement methods are authorized by N.C.G.S. §143-135.9. The award decision shall be made based on multiple factors, including, as applicable: total cost of ownership, meaning the cost of acquiring, operating, maintaining, and supporting a product or service over its projected lifetime; the evaluated technical merit of the Offeror's Proposal; the Offeror's past performance; and the evaluated probability of performing the requirements stated in the solicitation on time, with high quality, and in a manner that accomplishes the stated business objectives and maintains industry standards compliance. Proposals will be ranked based on the evaluation criteria listed above, recognizing that this method may result in an award to someone other than the lowest price offer. The Authority will reject and not consider any proposal that does not meet the requirements of this RFP.

2. The evaluation committee may request clarifications, an interview with or presentation from any or all Offerors. However, the Authority may refuse to accept, in full or partially, the response to a clarification request given by any Offeror. Offerors are cautioned that the evaluators are not required to request clarifications; therefore, all proposals should be complete and reflect the most favorable terms. Offerors should be prepared to send qualified personnel to RDU Airport, North Carolina, to discuss technical and contractual aspects of the Proposal.

3. **Top-Ranked Offeror**

Should the evaluation process have resulted in a top-ranked proposal, the Authority may limit negotiations to only that Offeror and not hold negotiations with any lower-ranking Offeror. If negotiations are unsuccessful with the top-ranked Offeror, the Authority may then go down the line of remaining Offerors, according to rank, and negotiate with the next highest-ranking Offeror. Lower-ranking Offerors do not have a right to participate in negotiations conducted in such a manner.

4. **Best and Final Offers (BAFO)**

At its sole discretion, the Authority may request individual Offeror(s) provide BAFOs. Failure to deliver a BAFO when requested may disqualify the non-responsive Offeror from further consideration. The Authority may establish a competitive range based upon evaluations of

proposals, and request BAFOs from the Offerors within this range; e.g. **“Finalist Offerors.”** The Authority will evaluate BAFOs and add any additional points to the Offerors’ respective scores. Points awarded from oral presentations and product demonstrations during negotiations, if any, will be added to the previously assigned points to attain final scores. It is entirely within the discretion of the Authority whether to conduct negotiations. An Offeror must not submit a Proposal assuming that there will be an opportunity to negotiate any aspect of the Proposal. The Authority is free to limit negotiations to particular aspects of any Proposal, to limit the Offerors with whom the Authority wants to negotiate, and to dispense with negotiations entirely.

5. General Evaluation Process

An Authority procurement representative responsible for this RFP will review all Proposals for format and completeness. The Authority will reject any incomplete Proposal though the Authority may waive any defects or allow an Offeror to submit a correction the Authority deems to be non-material. If the Offeror meets the formatting and mandatory requirements listed herein, the Authority will continue to evaluate the Proposal. All timely, complete, and properly formatted Proposals are then forwarded to an Evaluation Committee, which the procurement representative will chair. All proposals will be initially classified as being responsive or non-responsive. If a Proposal is found non-responsive, it will not be considered further. The Evaluation Committee will rate the Proposals submitted in response to this RFP based on stated evaluation criteria. Any references in an answer to another location in the RFP materials or Proposal shall have specific page numbers and sections stated in the reference.

The Evaluation Committee will evaluate and score each Proposal that the procurement representative has determined to be responsive to the requirements of this RFP. The evaluation will be scored according to the criteria contained in Section II C of the RFP. Attachments or exhibits to this RFP may further refine these criteria, and the Authority has a right to break these criteria into components and weight any components of a criterion according to their perceived importance.

To be eligible for consideration, an Offeror must meet the intent of all mandatory requirements. Compliance with the intent of all requirements will be determined by the Authority. Responses that do not meet the full intent of all requirements listed in this RFP may be subject to score reductions during the evaluation process or may be deemed non-

responsive. Further, a serious deficiency in the response to any one factor may be grounds for rejection regardless of overall score.

6. Final Stages of Evaluation

The Offeror(s) with the highest ranked evaluation(s) from the initial phase of the evaluation process will be recommended for the final phases of the evaluation process (including interviews, negotiations, and Board approval, as required). If the Authority finds that multiple Proposals should be given further consideration, the Authority may select one or more of the highest-ranking Proposals to move to the next phase. The Authority may alternatively choose to bypass any or all subsequent phases and make an award based solely on the proposal evaluation phase.

7. Interview/ Oral Presentations

Interviews and/or oral presentations with Offerors may be held at the option of the Authority. The Authority reserves the right to select a responsive, responsible Offeror or Offerors on the basis that is most advantageous to the Authority. Offerors who submit proposals will be notified of the selection results. Final recommendation of any selected Contractor is subject to the formal approval of the Authority.

8. Notice of Award and Right to Reject/Withdraw

The Authority will notify the successful Contractor(s) of the Award in writing.

If the successful Contractor(s) defaults or otherwise is unable to enter into a contract with the Authority, then the Authority reserves the right to begin negotiations with the next highest ranked Offeror(s). The successful proposing Offeror(s) will have fourteen (14) calendar days after receipt of the notification of Award to furnish any required additional submissions including the performance and payment bonds required herein, if applicable.

The Authority will reject any Proposal that is not in the required format, does not address all the requirements of this RFP, or that the Authority believes is excessive in price or otherwise not in its interests to consider or to accept. The Authority reserves the right to reject any proposal as non-responsive if the Proposal fails to include any of the required information in the specified order.

SECTION III SCOPE OF WORK

The objective of this RFP is to seek proposals from commercial real estate firms to provide advisory services on a variety of future land development projects to generate additional non-aeronautical revenue through the development of land on airport property that align with the Authority's Mission and Vision statements.

Contractor is to furnish services as described herein and as detailed further below;

1. The Authority seeks proposals from commercial real estate firms that have a demonstrated understanding of the Triangle Region's commercial real estate market. The successful proposer(s) may provide a variety of real estate and land development advisory services, including but not limited to:

- A. Advising the Authority on areas of opportunity to implement commercial real estate strategies.
- B. Providing recommendations to develop Authority-owned land to increase non-aeronautical revenue.
- C. Assisting the Authority in evaluating the current commercial real estate market and developing/following best practices in consideration of development opportunities, which may include alternative structures.
- D. Assisting in administering, developing, and evaluating commercial real estate solicitations.
- E. Assist and identify the potential to retain other commercial real estate advisory professionals as needed and as approved by the Authority (i.e., appraisal services).
- F. Providing other commercial real estate services, such as financial analysis, to the Authority.
- G. Assisting the Authority in the development of design and development standards and policies.

2. PERFORMANCE AND PERSONNEL

- a. The Contractor's personnel working on Airport property shall comply with the rules and requirements of the Authority regarding conduct, appearance, cleanliness, work history,

qualifications, and personal history (including without limitation, violent or criminal conduct). The Contractor shall perform all background checks, and other procedures required by Authority policy, at the Contractor's expense. At the request of the Authority, the Contractor shall provide assurances to the Authority, satisfactory to the Authority, that the Contractor's personnel comply with the rules and requirements of the Authority, pertaining to work history and qualifications, and personal history. Upon the request of the Authority, which may be made without cause or reason, the Contractor shall reassign or make other arrangements so that a particular employee or agent of the Contractor does not work at the Airport under this Agreement.

- b. While on Airport property, the Contractor's employees shall conduct themselves in a professional and businesslike manner. Sexual harassment, profanity, loud and obnoxious behavior, etc. will not be tolerated at any time. The use or possession of, or working under the influence of, alcohol or illegal drugs while on Airport property shall not be permitted. Possession of firearms and other weapons on Airport property is illegal and may result in prosecution of the offender.

3. PHYSICAL SECURITY

The Contractor shall cause its employees and agents to obey all reasonable instructions and directions issued by the Authority concerning its operations when the Contractor's employees and/or agents are on Airport property. When the Contractor's personnel are on Airport property, the Contractor's employees shall comply with the Authority's security, safety, and fire protection procedures. Any tools, equipment, materials, or supplies that are carried into the secure areas of the Airport must be closely monitored at all times and kept out of reach of the public. Any fines for security violations levied against the Contractor by regulatory agencies, such as the FAA, TSA, etc. shall be the responsibility of the Contractor. Likewise, any fines levied against the Airport for security violations caused by the Contractor shall be deducted from the Contractor's service fee.

4. PARKING

While performing services at the Airport, the Contractor's employees shall park only in designated parking spaces or other areas as approved by the Authority. Primary parking for the Terminals will be in the parking garage, for which the Contractor shall pay any applicable fees. Contractor may subsequently invoice Authority reasonable parking expenses with substantiating documentation. Parking at the Authority Building is free of charge. The Contractor shall be responsible for any parking violation fees or towing charges that result from illegal or unauthorized parking

SECTION IV QUALIFICATIONS OF OFFEROR

Offeror shall have experience working with airports and/or government agencies, and understand the concepts and requirements of the Scope of Services. Assigned project team members shall possess a minimum of two (2) years related project experience with background demonstrating project management strategies and business concepts for an airport business environment.

SECTION V CONTRACT

VENDORS ARE REQUIRED TO REVIEW THE ATTACHED CONTRACT(S). ANY REQUESTED CHANGES OR COMMENTS TO THE CONTRACT(S) MUST BE SUBMITTED WITH THE PROPOSAL. IF THE VENDOR FAILS TO PROVIDE REQUESTED CHANGES OR COMMENTS TO THE TERMS AND CONDITIONS, THE AUTHORITY WILL ASSUME THE VENDOR AGREES TO THE CONTRACT(S) AS WRITTEN. THE AUTHORITY HAS LIMITED ABILITY TO CHANGE THE CONTRACT. ANY REQUESTED CHANGES MAY BE REJECTED BY THE AUTHORITY. THE AUTHORITY RETAINS THE RIGHT TO AWARD TO THE NEXT HIGHEST RANKED VENDOR.

SECTION VI CONTRACT TERM

This contract shall be for an initial three (3) year period beginning on the date of contract award. At the Authority's sole discretion, the contract may be extended for two (2) additional one (1)-year terms. The total term of this contract, including all renewals, shall not exceed five (5) years.

SECTION VII MINORITY AND WOMEN-OWNED SMALL BUSINESS PROGRAM

A. Introduction

It is the policy of the Authority that neither the Authority, its contractors, service providers, subcontractors nor vendors, shall discriminate on the basis of race, color, religion, national origin, or gender in the award and performance of contracts, subcontracts and purchases. The Authority has established a Minority and Women-Owned Small Business Program (MWSB Program) to encourage equal opportunity for MWSBs to compete for employment as contractors, subcontractors, suppliers and service providers. It is also the Authority's policy to remove barriers which may exist for MWSBs to compete for contracts, subcontracts and procurement awarded by the Authority. Additional information concerning the Authority's MWSB Program may be found on the internet at <http://www.rdu.com/business/smallbusiness.html>.

The Authority awards contracts without regard to race, religion, color, creed, national origin, gender, age or handicapping condition. The Authority's contracts are subject to the requirements of North Carolina law, and this contract will be awarded in accord therewith.

B. Minority and Women-Owned Small Business (MWSB)

A Minority or Women-Owned Small Business (MWSB) is a firm which has been certified by an approved agency to meet the following criteria: A small business, as defined by the Small Business Administration size standards, that is at least fifty-one percent (51%) owned, and controlled by one or more socially and economically disadvantaged individuals. The following individuals are presumed to be socially and economically disadvantaged: Black Americans; Hispanic Americans; Asian Americans; Native Americans; and Women. Firms which are not owned by members of these groups may not be utilized to achieve MWSB Goals in Authority contracts.

C. MWSB Goals

The MWSB Goals for MWSB participation on this contract represent the total dollars that will be spent with MWSBs as a percentage of the total contract amount, including any change orders. The MWSB Goals are as follows:

<p>MBE Goal: The goal for minority-owned business participation is: Seven percent (7%).</p> <p>WBE Goal: The goal for woman-owned business participation is: Four percent (4%).</p>

In order to comply with the MWSB Program requirements, a proposer must either meet the MWSB Goals or demonstrate that the proposer has made sufficient good faith efforts to meet the MWSB Goals. If the proposer does not meet the MWSB Goals, it shall nevertheless be eligible for award of the contract if it can demonstrate to the Authority that it has made good faith efforts to meet the MWSB Goals.

D. MWSB Program Provisions

All proposers shall agree by the submission of a proposal for this project that MWSBs have the maximum opportunity to participate in the performance of contracts and subcontracts. All proposers are hereby notified that failure to carry out the obligations of the MWSB Program will constitute a breach of good faith in dealing with the Authority, and the Authority will take any and all actions permitted by law to ensure compliance by all Contractors¹ engaged by it. Failure to meet or exceed the MWSB Goals or to make a good faith effort to meet the MWSB Goals and to adequately document such efforts to the Authority will be grounds for disqualifying a proposal as non-responsive. Proposers specifically agree to comply with all applicable provisions of the MWSB Program and any amendments thereto. Proposers are encouraged to refer to the MWSB Program which is posted on the Authority's website: <http://www.rdu.com/business/smallbusiness.html>.

E. MWSB Program – Accepted Certifications

Currently, the following certifications may be utilized towards achieving MWSB Goals:

1. DBE – N.C. Department of Transportation: Disadvantaged Business Enterprise;
2. SBA 8(a) – Small Business Administration: SBA 8(a) Business Development;
3. SWBE – Women's Business Enterprise National Council: Small Women Business Enterprise.

Furthermore, the Authority will accept the following certifications with appropriate supplemental documentation:

1. HUB – N.C. Department of Administration Office for Historically Underutilized Businesses;
2. CMSDC/ NMSDC – Carolinas/National Minority Supplier Development Council, or any affiliate council;
3. NAWBO – National Association of Women Business Owners.

Firms with these certifications must submit the Small Business Verification form and supplemental documentation to the Small Business Program Office, prior to submitting the proposal for the purpose of evaluating achievement of MWSB Goals or good faith efforts.

In order for firms to meet the “WB” portion of the MWSB goal, the firm must be certified by one of the agencies described above as a “women-owned business”. In order for firms to meet the “MB” portion of the MWSB goal, the firm must be certified by one of the agencies described above in one of the other minority categories: Black American; Hispanic American; Asian American or Native American. Please note: A proposer may utilize any firm desired. However, for participation purposes, all MWSB firms who wish to do business must be certified by an accepted agency.

The Authority maintains a list of firms which have been verified for use in the MWSB program at www.rdu.com/mwsbdirectory. Links to the NCDOT and HUB directories are available on the Authority’s Small Business Program website (<http://www.rdu.com/business/smallbusiness.html>). Prospective proposers are encouraged to inspect these databases to assist in locating firms for MWSB participation. MWSBs must be certified at the time responses are received and proof of certification must be included in the response when submitted to the Authority.

F. Required Documentation – Proposal Submission

The Proposer shall prepare a **written statement** that demonstrates the Proposer understands the MWSB Program requirements and describes the Proposer’s plan to meet or exceed the MWSB Goals or demonstrate a good faith effort to meet the MWSB Goals. The statement shall include:

1. Proposer’s commitment that it will meet the requirements of the Authority’s MWSB Program and that the Consultant will make good faith efforts to subcontract at least **seven percent (7%)** of the dollar value of the contract with minority-owned small businesses and at least **four percent (4%)** of the dollar value of the contract with woman-owned small businesses.
2. Name and contact information for each proposed subconsultant (including MWSB firms); list proposed key personnel and principals for each firm.
3. Proposer’s commitment to use the MWSB firms listed in the proposal as submitted.
4. The proposed role and description of work for each proposed MWSB firm, including an estimated MWSB participation (percentage) for each firm based on the scope of services identified in the solicitation.
5. Certification letters or other proof of eligibility for participation in the MWSB program for each MWSB firm proposed

Proposers will also provide written confirmation (i.e. a letter of intent, signed by the MWSB subconsultant) from each MWSB firm submitted in the proposal that it will be participating in the Agreement or Task Orders.

Proposers will be evaluated on the level and quality of participation attained for MWSBs. The successful Proposer's MWSB commitment will be incorporated into the contract and will be enforceable under the terms of the contract. Proposers shall be solely responsible for confirming experience, capacity, and MWSB eligibility of subconsultants related to this solicitation

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G. Good Faith Effort Requirements

Each proposer may be required to submit documentation which demonstrates that it made good faith efforts to meet each portion of the MWSB Goals (minority-owned business goal and woman-owned business goal). The requirement to submit documentation that the goal has been met or good faith documentation in the manner prescribed by the Authority is considered a matter of responsiveness. Efforts that are merely pro-forma are not good faith efforts to meet the requirements of the MWSB Program. The Authority shall be the sole arbiter to determine if a proposer has made a reasonable good faith effort toward MWSB participation in its proposal on any project.

H. Counting MWSB Participation

For the purposes of MWSB participation, MWSB firms are counted as either minority-owned businesses (MB) or women-owned businesses (WB).

1. MWSB Prime Contractors and Consultants - If a MWSB is the Prime Contractor, the participation of the MWSB Prime which is not subcontracted to another firm (or firm) is counted towards one portion (i.e. MB or WB) of the MWSB commitment. Prime Contractors (including MWSB Prime Contractors) are responsible for meeting both portions the MWSB commitment.
2. Subcontractor/ Subconsultant – If the Contractor, consultant or service provider utilizes an MWSB as a subcontractor or subconsultant to perform services, the Authority counts 100% of the value of the Commercially Useful Function² the MWSB performs toward satisfaction of the MWSB Commitment³. The Authority will allow the Contractor to count only the value of the work actually performed by the MWSB toward MWSB Commitment. This amount should include the cost of supplies and materials obtained by the MWSB for the work of the contract, including supplies purchased or equipment leased by the MWSB (except supplies and equipment the MWSB Subcontractor purchases or leases from the Contractor).
3. MWSB suppliers – In service, construction and construction-related professional service contracts, a Contractor may count 60% of its expenditures to MWSB suppliers that are not manufacturers toward achievement of the contract goals, provided that the MWSB Supplier performs a Commercially Useful Function in the supply process.
4. MWSB manufacturers – The Contractor may count 100% of all expenditures for materials, supplies and equipment obtained from an MWSB manufacturer toward the MWSB Goal. A MWSB manufacturer is a supplier that produces goods from raw materials or substantially alters them before resale.

I. MWSB Program Requirements

1. Agreements between a proposer and an MWSB in which the MWSB promises not to provide proposals/quotes to other bidders are prohibited.
2. Following the submission of the proposals, no change shall be made in any of the MWSB consultants proposed to be engaged by the Proposer without the prior written consent and approval of the Authority.

3. If the Contractor proposes to terminate or substitute a MWSB after submitting a proposal, the Proposer must make good faith efforts to find a substitute MWSB for the original MWSB to meet its MWSB commitment. Its good faith efforts shall be directed at finding another MWSB to perform or provide at least the same amount of work, material or service under the contract as the original MWSB to the extent necessary to meet its MWSB commitment. The Contractor must give the MWSB notice in writing, with a copy to Authority, of its intent to request to terminate and/or substitute, and the detailed reasons for the request. All substitutions shall be coordinated with and approved by the Authority prior to being made.
4. The Contractor has a continuing obligation to meet the MWSB utilization to which it committed at contract award as indicated in the Schedule of Subcontractors, inclusive of change orders, amendments, and modifications.
5. The Contractor shall maintain records and submit monthly reports of all subcontractor and supplier payments (including MWSB payments), concurrent with the Contractor's submission of payment requests with each invoice.
6. The Contractor shall include a certification by the Contractor and each MWSB Subcontractor regarding payment to each subcontractor for the prior month's work. These reports will be certified as true and correct by an appropriate company official. To ensure that the Contractor meets all its MWSB commitment, the Authority will review the Contractor's MWSB utilization throughout the term of the contract, including any term extensions of the original contract period.
7. Upon the Authority's request, the Contractor shall provide Authority access to books, records, accounts and personnel needed for MWSB compliance review. Such access will be used for, among other purposes, determining MWSB participation and compliance with the MWSB Program. Determination(s) regarding Contractor's compliance with the MWSB Program may be considered and have a bearing on consideration of the Contractor for award of future contract

J. Required Documentation – MWSB Program Compliance

As referenced above, the Contractor must maintain compliance with the MWSB Program provisions throughout the contract. The Contractor must submit the following MWSB compliance forms or documentation in a format acceptable to the Authority, as appropriate:

1. **Monthly Payment Summary**
2. **MWSB Affidavit of Total Payment**
3. **Request to Change Schedule of Subcontractors**

Questions concerning the MWSB Program can be addressed to the Authority's Director of Small Business Programs, Ms. Thiané Carter via e-mail at thiane.carter@rdu.com or via telephone at (919) 840-7712.

SECTION VIII RESERVED

SECTION IX REQUIRED FORMS

Separate downloadable documents

1. Form A: Request for Proposals Acknowledgement
2. Form B: Proposal Pricing Form
3. Form C: Proposal Execution Form & Debarment Certification
4. Form D: Offeror Work History
5. Form E: E-Verify Certification
6. Form F: Iran Divestment Act Certification of Eligibility
7. Form G: W-9 Form