

OBJECTIVE To provide a uniform policy for restricting communications with Aviation Authority staff and Board Members regarding pending selections of entities for construction, procurement, professional services and concessions.

DEFINITIONS

Selection Period Communication. Communicating with Aviation Authority staff or Board members directly or indirectly to seek to encourage any specific result in connection with an Aviation Authority selection process pursuant to released requests for Proposals, Requests for Letters of Interest, Requests for Qualifications or Requests for Bids. Selection period communication shall include all such communications, regardless of the individual who initiated the selection period communication and regardless of whether verbal, written or electronic.

Notwithstanding the foregoing, it shall not be deemed selection period communication for the purposes of this policy for an attorney to represent 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.

PROCEDURES

Prohibition of Selection Period Communication. Engaging in selection period communication with any Aviation Authority staff who is a member of any committee constituted for the purposes of ranking proposals, letters of interest, statements of qualifications or bids and thereafter forwarding recommendations to the Board and/or Board members 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 is prohibited.

Investigation of Violations, Penalties, Validity of Actions. Any Aviation Authority employee who receives information indicating this policy has been violated shall inform the Aviation Authority's General Counsel and the Chief Executive Officer. In each such instance, the General Counsel and the Chief Executive Officer may request further information and may conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the Board.

The Aviation Authority, in its sole discretion, may reject a bid or proposal, may void a contract, or may impose a monetary or other sanction, where the Aviation Authority has found, following reasonable notice and a hearing conducted by the Chief Executive Officer or the Chief Executive Officer's designee that this policy was violated.

The Aviation Authority Board may warn, reprimand or censure any person or entity who violated this policy or may suspend or prohibit that person from participating in any selection process at the Aviation Authority for a period of time; provided, however that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the violator allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The failure or refusal of any person or entity to comply with any order of the Board shall be subject to lawful remedies as the Aviation Authority may pursue, including injunctive relief.

Except as provided above, the validity of any action taken by the Board or any Aviation Authority Officers or employees shall not be affected by the failure of any person to comply with the provisions of this policy.

**APPROVAL AND
UPDATE HISTORY**

Last Approval Aviation Authority Board: December 9, 2020

Supersedes All Previous

Marie Winkler
Dec 10 2020 11:30 AM
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