

# ONTARIO INTERNATIONAL AIRPORT AUTHORITY

## COMMISSION AGENDA – SPECIAL MEETING



**JULY 2, 2019 AT 3:30 P.M.**

Ontario International Airport Administration Offices  
1923 E. Avion Street, Room 100, Ontario, CA 91761

**ALAN D. WAPNER**  
President

**RONALD O. LOVERIDGE**  
Vice President

**JIM W. BOWMAN**  
Secretary

**CURT HAGMAN**  
Commissioner

**JULIA GOUW**  
Commissioner

**MARK A. THORPE**  
Chief Executive Officer

**LORI D. BALLANCE**  
General Counsel

**JOHN M. SCHUBERT**  
Treasurer

### WELCOME TO THE MEETING OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY

- All documents for public review are on file at the Ontario International Airport Administration Offices located at 1923 E. Avion Street, Ontario, CA 91761.
- Anyone wishing to speak during public comment or on an item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment, beginning or before an agenda item is taken up. The Secretary/Assistant Secretary will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1-minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within the Authority's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of the board room will not be permitted. All those wishing to speak, including Commissioners and Staff, need to be recognized by the Authority President before speaking.

## ORDER OF BUSINESS

The Authority meeting begins at 3:30 p.m. immediately followed by Public Comment and the Regular Meeting.

(Sign Language Interpreters, Communication Access Real-Time Transcription, Assistive Listening Devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days notice is strongly recommended.)

## CALL TO ORDER (OPEN SESSION) - 3:30 P.M.

### ROLL CALL

Loveridge, Bowman, Hagman, Gouw, President Wapner

### PLEDGE OF ALLEGIANCE

## PUBLIC COMMENT

Public Comment: The open meeting Public Comment portion of the Commission meeting is limited to a maximum of 3 minutes for each speaker. Additional opportunities for further Public Comment will be given during and at the end of the meeting. Under provisions of the Brown Act, the Commission is prohibited from taking action on oral requests.

## AGENDA REVIEW/ANNOUNCEMENTS

The Chief Executive Officer will go over all updated materials and correspondence received after the Agenda was distributed to ensure Commissioners have received them.

### 1. INFORMATION RELATIVE TO POSSIBLE CONFLICT OF INTEREST

Note: agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interests and financial interests. Commission Member abstentions shall be stated under this item for recordation on the appropriate item.

## CONSENT CALENDAR

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Commission votes on them, unless a member of the Commission requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the Authority on items listed on the Consent Calendar will be given a total of 3 minutes.

### **2. AWARD OF CONTRACT TO MAXWELL ASPHALT, INC. AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A CONTRACT FOR THE AIRFIELD PAVEMENT MARKING PROJECT**

That the Ontario International Airport Authority (OIAA) award a contract for the Airfield Pavement Marking Project (Project) and authorize the Chief Executive Officer (CEO) to execute a contract with Maxwell Asphalt, Inc. in the amount of \$2,816,981.00 for the Airfield Marking Project at Ontario International Airport. The cost to construct this project is accounted for in the OIAA Fiscal Year 2018-2019 budget. Total construction cost, \$2,560,892.00, plus a 10% contingency in the amount of \$256,089.00 for this project is to be paid for with OIAA appropriations in the amount of \$2,560,892.00. Project was included in the previously approved 2018 budget.

## MANAGEMENT REPORT

Chief Executive Officer Thorpe

## COMMISSION MATTERS

President Wapner  
 Vice President Loveridge  
 Secretary Bowman  
 Commissioner Hagman  
 Commissioner Gouw

## ADJOURNMENT

# ONTARIO INTERNATIONAL AIRPORT AUTHORITY



**DATE:** JULY 2, 2019

**SECTION:** MINUTE ACTION

**SUBJECT:** RELATIVE TO POSSIBLE CONFLICT OF INTEREST

**RECOMMENDED ACTION(S):** Note: agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

**BACKGROUND:** In accordance with California Government Code 84308, members of the Ontario International Airport Authority may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve (12) months and from an entity or individual if the member knows or has reason to know that the participant has a financial interest, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No	Principals & Agents	Subcontractors
Item No. 02	Maxwell Asphalt, Inc	<ul style="list-style-type: none"><li>• American Highway Services</li><li>• Surface Prep &amp; Main</li><li>• Westland Group</li></ul>

**STAFF MEMBER PRESENTING:** Board Clerk, Claudia Y. Isbell

Department: Clerk's Office

Submitted to OIAA: July 2, 2019

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

Item No. 01



DATE: JULY 2, 2019

SECTION: CONSENT CALENDAR

SUBJECT: AWARD OF CONTRACT TO MAXWELL ASPHALT, INC. AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A CONTRACT FOR THE AIRFIELD PAVEMENT MARKING PROJECT

RELEVANT STRATEGIC OBJECTIVE: Improve Airport Operational Safety, Security and Efficiency.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) award a contract for the Airfield Pavement Marking Project (Project) and authorize the Chief Executive Officer (CEO) to execute a contract with Maxwell Asphalt, Inc. in the amount of \$2,816,981.00 (inclusive of contingency) for the Airfield Marking Project at Ontario International Airport.

FISCAL IMPACT SUMMARY: The cost to construct this project is accounted for in the OIAA Fiscal Year 2019-2020 budget. Total construction cost, \$2,560,892.00, plus a 10% contingency in the amount of \$256,089.00 is to be paid for with OIAA appropriations included in the previously approved Fiscal Year 2018-2019 budget.

BACKGROUND: On December 19, 2018, the OIAA Commission adopted a resolution to reject all bids for the Airfield Pavement Marking Project and authorized the re-advertisement of the Notice Inviting Bids for project.

PROCUREMENT: On May 6, 2019, the OIAA re-advertised and published a Notice Inviting Bids (NIB) for the Project. The NIB was posted electronically on PlanetBids, posted physically within the city limits, and advertised twice in the Inland Valley Bulletin. Copies of the NIB were also provided to approved trade journals for San Bernardino County, and to prior bidders.

STAFF MEMBER PRESENTING: Mark A. Thorpe, Chief Executive Officer

Department: Engineering Department

Submitted to OIAA: JULY 2, 2019

Approved: \_\_\_\_\_

Continued to: \_\_\_\_\_

Denied: \_\_\_\_\_

Chief Executive Officer Approval: *Mark A. Thorpe*

Item no. 01

The OIAA sought bids from qualified construction firms to remove existing airfield pavement markings and place new markings on Runways 8L-26R and 8R-26L, most taxiways, and some vehicular service roads. The project will replace nearly all markings within the aircraft movement area and include some markings outside the movement area. The project is separated into multiple phases with multiple work areas per phase and will take approximately eighty (80) days to complete. No work will take place on any publicly accessible street, highway, or any public conveyance; as a result, no traffic detours, flaggers, or barricades will be necessary on any public roadway. All work will occur specifically within the non-public Air Operations Area (AOA) Secure Perimeter of the Airport and the Airport will remain open to air traffic during the project. The Airport operations manager will coordinate with the project team to cordon-off sections of the AOA and ensure air traffic is safely directed to the operational portions of the AOA while work is performed.

The NIB and bid instructions advised bidders to possess either an active Class A California Contractors License or, in the alternative, a C-32 Parking and Highway Improvement License as a prime contractor, if a C-32 contractor has primed qualified projects in the past. A C-32 license classification is considered a "specialty" contractor and is allowed to perform the following work:

"A parking and highway improvement contractor applies and installs protective coatings, vehicle stops, guard rails and mechanical devices, directional lines, buttons, markers, signs and arrows on the horizontal surface of any game court, parking facility, airport, highway or roadway constructed of concrete, asphalt or similar material. This classification includes the surface preparatory work necessary for the application of protective coatings but does not include the re-paving of these surfaces."

(16 CCR § 832.32)

Generally, specialty contractors cannot be awarded prime contracts whose classification constitutes less than a majority of the project. (Bus. & Prof. Code, § 7059(b).) However, that is not the case here. Staff, in consultation with the project engineers, determined that the work clearly falls within a C-32 license classification because the work involves applying and installing airfield coatings, directional lines, and related surface preparatory work, including applying and installing markers, signs, and arrows at the Airport. All such work is within the C-32 classification.

A specialty contractor also may perform work outside of its specialty classification if that work is incidental and supplemental to the performance of the work in the craft for which the specialty contractor is licensed. (Bus. & Prof. Code § 7059(a). "Incidental and supplemental" is work that is essential to accomplish the work in which the contractor is classified. (16 CCR § 831.) Here, again, in consultation with the project engineers, staff determined that all such work that may not precisely fall within the classification is incidental and supplemental to that classification. For example, cordoning-off areas of the AOA with temporary barriers will be necessary during work, and also will be sequenced with OIAA's airfield operations team. Traffic flaggers and public detours

are not needed for this project, since no work will occur in the public roadways. Further, applying and installing markers, signs and arrows are already within the C-32 classification, but certainly incidental and supplemental to the classification. OIAA's airfield operations team and project engineers (with nationwide airport experience) have deemed all work to be within a C-32 license.

Further, this project has a Small Business Enterprise (SBE) goal of 10%. OIAA's SBE goal can be met in several different ways, including utilizing a California Disabled Veteran Business Enterprise. Specifically, the bid "encourages Prime Contractors to utilize Disabled Veterans Business Enterprises (DVBEs). A firm that is certified with the State of California as a DVBE will be recognized by the OIAA as a DVBE."

The bid opening was held on May 30, 2019, with a total of four (4) bids received. After review of the bid submittal packages and required post-submittal materials, Maxwell Asphalt, Inc. (Maxwell) was found to be both responsible and responsive. Maxwell's base bid of \$2,560,892.00, plus a 10% contingency in the amount of \$256,089.00, which was the lowest bid price from the bids received. No typographical or mathematical errors were found during review of its bid package. Maxwell demonstrated the requisite minimum qualifications with airfield experience, and Maxwell met the 10% SBE goal by subcontracting at least 10% to American Highway Services, Inc., an approved and certified DVBE.

Upon final review of the submittal, on Friday, June 7, 2019, OIAA prepared and posted notification of its recommendation to award the contract to Maxwell. Staff determined Maxwell to be lowest responsive and responsible bidder for the project, and recommends the OIAA award the contract. Staff prepared the report for the award of contract as an agenda item for the June 24, 2019, Commission meeting. On June 14, 2019, the OIAA received a protest from Pave-Tech implying Maxwell did not meet the SBE goals and did not meet the required licensing. In addition, Thomas F. Feerick Jr., of Finch, Thornton, Baird, Attorneys at Law, spoke on behalf of Pave-Tech during the discussion portion of the Commission's meeting, citing that Maxwell does not possess the appropriate licensing to perform the project. The item was pulled from the agenda, General Counsel reviewed the protest and disagreed with Pave-Tech's position for the reasons discussed above. Therefore, staff's recommendation remains the same and requests the Commission to approve the award of the contract to Maxwell for the Airfield Marking Project at ONT.

**CEQA COMPLIANCE AND LAND USE APPROVALS:** Approval of this funding mechanism is not a "project" within the meaning of Section 15378 of the CEQA Guidelines because there is no potential for a direct or indirect physical change in the environment. To the extent any alteration of facilities occurs as a result of approval, CEQA Guidelines section 15301 provides an exemption for minor alterations to existing structures or facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

**STAFFING IMPACT (# OF POSITIONS):** Not applicable.

**IMPACT ON OPERATIONS:** The Airfield Pavement Marking Project will impact airfield operations during construction, but will be sequenced with minimal disruption to operations on the airfield.

**SCHEDULE:** The Airfield Pavement Marking Project will be conducted in five (5) phases. Phase 1, Runway 26L-8R, and connecting taxiways within the runway safety area and Phase 3, Runway 26R-8L and connecting taxiways within the runway safety area, will be conducted on separate weekends during 56-hour closures. Phases 2 (19 days), 4 (21 days) and 5 (21 days) involve the existing full length Taxiway S and N and terminal apron, respectively. In all, the project will be completed within eighty (80) days.

**EXHIBITS & ATTACHMENTS:** Draft contract, Maxwell Asphalt, Inc.; recommendation of award.

*The Agenda Report references the terms and conditions of the recommended actions and request for approval. Any document(s) referred to herein and that are not attached or posted online may be reviewed prior to or following scheduled Commission meetings in the Office of the Clerk of the Commission. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday*

This Agenda Report has not been reviewed by OIAA General Counsel. |