



SPECIAL AND URGENT NOTICE ELIMINATING IN-PERSON PUBLIC PARTICIPATION AT ONTARIO INTERNATIONAL AIRPORT AUTHORITY MEETINGS

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Ontario International Airport Authority (OIAA) board meetings are being conducted via Zoom and teleconference. Members of the public may utilize alternative measures established by OIAA to view the board meetings and/or to address the President and Commissioners. Please see instructions listed below.

Link to watch the March 25, 2021 Board Meeting*: <https://us02web.zoom.us/j/84772548318>

To dial in, call either: US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

WEBINAR ID: 847 7254 8318

*Zoom may require you to enter a response for name and email. To remain anonymous, you may use Attendee and attendee@flyontario.com to bypass this Zoom feature.

ANY MEMBERS OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT MAY DO SO AS FOLLOWS:

E-MAIL: You may submit public comments by e-mail to clerk@flyontario.com no later than 12:00 p.m. the day of the meeting. Please identify the Agenda item you wish to address in your comments. All e-mail comments will be included in the meeting record.

TELEPHONE: You may call (909) 414-1718 between 1:45 p.m. to 2:00 p.m. the day of the meeting to speak live during the public comment portion of the meeting. You will be asked to identify the Agenda item you wish to address and be placed on hold until the public comment portion of the meeting. Comments are limited to 3 minutes.

VOICEMAIL: You may record public comments at (909) 544-5307 no later than 12:00 p.m. the day of the meeting. Please identify the Agenda item you wish to address in your comments. Recorded comments are limited to 3 minutes. All voicemail comments will be included in the meeting record.

MAIL: You may mail in public comments to the OIAA Clerk's Office at 1923 E. Avion St., Ontario, CA 91761. Comments by mail must be received no later than 12:00 p.m. the day of the meeting. Postmarks are not accepted.

Any members of the public who require special assistance or a reasonable accommodation to participate telephonically in the meeting of the OIAA Commission may contact Natalie Gonzaga at 909-544-5307 or clerk@flyontario.com.

The Ontario International Airport Authority Board of Commissioners and staff thank you for your continued patience and corporation during these unprecedented times. If you have any questions related to participation in the Board Meeting please call (909) 544-5307.

ONTARIO INTERNATIONAL AIRPORT AUTHORITY

COMMISSION AGENDA – REGULAR MEETING



MARCH 25, 2021 AT 2:00 P.M.

Ontario International Airport Regular Meeting

MEETING WILL BE HELD VIA LIVE STREAM AND TELECONFERENCE

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

Link to watch the March 25, 2021 Board Meeting*: <https://us02web.zoom.us/j/84772548318>

To dial in, call either: US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

WEBINAR ID: 847 7254 8318

*Zoom may require you to enter a response for name and email. To remain anonymous, you may use Attendee and attendee@flyontario.com to bypass this Zoom feature.

ANY MEMBERS OF THE PUBLIC WISHING TO PROVIDE PUBLIC COMMENT MAY DO SO AS FOLLOWS:

E-MAIL: You may submit public comments by e-mail to clerk@flyontario.com no later than 12:00 p.m. the day of the meeting. Please identify the Agenda item you wish to address in your comments. All e-mail comments will be included in the meeting record.

TELEPHONE: You may call (909) 414-1718 between 1:45 p.m. and 2:00 p.m. the day of the meeting to speak live during the public comment portion of the meeting. You will be asked to identify the Agenda item you wish to address and be placed on hold until the public comment portion of the meeting. Comments are limited to 3 minutes.

VOICEMAIL: You may record public comments at (909) 544-5307 no later than 12:00 p.m. the day of the meeting. Please identify the Agenda item you wish to address in your comments. Recorded comments are limited to 3 minutes. All voicemail comments will be included in the meeting record.

MAIL: You may mail in public comments to the OIAA Clerk's Office at 1923 E. Avion St., Ontario, CA 91761. Comments by mail must be received no later than 12:00 p.m. the day of the meeting. Postmarks are not accepted.

Any members of the public who require special assistance or a reasonable accommodation to participate telephonically in the meeting of the OIAA Commission may contact Natalie Gonzaga at 909-544-5307 or clerk@flyontario.com.

ORDER OF BUSINESS

The Authority meeting begins at 2:00 p.m. with Closed Session Public Comment and Closed Session, 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) - 2:00 P.M.

ROLL CALL

Loveridge, Bowman, Hagman, Gouw, President Wapner

PLEDGE OF ALLEGIANCE

CLOSED SESSION PUBLIC COMMENT

The Closed Session Public Comment portion of the Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session.

CLOSED SESSION

CLOSED SESSION

- GC section 54956.8: REAL PROPERTY NEGOTIATIONS (portions of the Airport); OIAA General Counsel's office as negotiator.
- GC § 54956.9(b): CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Potential litigation (1 case)
- GC § 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION

REPORT ON CLOSED SESSION

General Legal Counsel

PUBLIC COMMENT

The open meeting Public Comment portion of the Commission meeting is limited to a maximum of 3 minutes for each Public Comment. 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

Agenda item contractors, subcontractors and agents 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. APPROVAL OF MINUTES

Minutes for the regular meeting of the Ontario International Airport Authority on February 25, 2021 and approving the same as on file with the Secretary/Assistant Secretary.

3. BILLS/PAYROLL

Bills February 1 through February 28, 2021 and Payroll February 1 through February 28, 2021.

4. APPROVAL OF MEETING STIPENDS

That the Ontario International Airport Authority Commission approve meeting stipends for President Wapner and Commissioner Hagman for the month of February, 2021.

5. A RESOLUTION DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO NOVEL CORONAVIRUS (COVID-19) AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

That the Ontario International Airport Authority approve a resolution declaring the continued existence of a local emergency in connection with preparations the Authority is making, and actions it is taking, in response to the outbreak of the novel coronavirus (COVID-19) and compliance with health authorities' applicable guidance regarding responding to COVID-19.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO NOVEL CORONAVIRUS (COVID-19) AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

6. APPROVAL OF AN UPDATED AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PROGRAM AND POLICY STATEMENT IN ACCORDANCE WITH REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION (DOT) 49 CFR PART 23

That the Ontario International Airport Authority (OIAA) approve the updated ACDBE base program and policy statement which will be used as a basis for establishing the ACDBE goal, in accordance with Federal Regulation 49 CFR Part 23.

7. APPROVAL OF AN UPDATED DISADVANTAGED BUSINESS ENTERPRISE/SMALL BUSINESS ENTERPRISE PROGRAM AND POLICY STATEMENT IN ACCORDANCE WITH REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION (DOT) 49 CFR PART 26

That the Ontario International Airport Authority (OIAA) approve the updated DBE/SBE base program and policy statement which will be used as a basis for establishing the DBE/SBE goals, in accordance with Federal Regulation 49 CFR Part 26.

8. APPROVAL TO CONTINUE MONTH-TO-MONTH CONTRACT SERVICES WITH DIVERSE FACILITY SERVICES (DFS) TO PROVIDE JANITORIAL SERVICES AT THE GROUND TRANSPORTATION CENTER

That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to continue month-to-month contract services with DFS for janitorial services at the Ground Transportation Center. Funds for this contract are available in the Fiscal Year 2020-21 budget via existing PO balance under contract number SCONT-000031.

9. APPROVAL OF THE FIRST CONTRACT AMENDMENT TO HILTACHK MARKETING GROUP FOR GENERAL MARKETING MEDIA BUY TO SUPPORT CONCESSIONS, AIR SERVICE, COMMUNITY ENGAGEMENT, AND PUBLIC RELATIONS AT ONTARIO INTERNATIONAL AIRPORT

That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to amend the existing Hiltachk Marketing Group Contract No. SCONT-000317 to authorize the purchase of general marketing media buys as directed by the Authority. Funding for this contract amendment is approved under the Fiscal Year 2020-21 budget. Funding for subsequent years will be requested through the annual budget process.

10. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO PROCURE EIGHT (8) ZERO-EMISSION TRANSIT BUSES AND FOUR (4) CHARGING STATIONS WITH PROTERRA INC., UNDER THE SAME TERMS AND CONDITIONS AS THE COMMONWEALTH OF VIRGINIA COOPERATIVE CONTRACT E194-81688

That the Ontario International Airport Authority (OIAA) approve and authorize the Chief Executive Officer (CEO) to execute an authority to procure eight (8) 40' electric buses and four (4) charging stations with Proterra Inc., under the same terms and conditions as the Cooperative Agreement with the Commonwealth of Virginia (Virginia) Statewide Contract E194-81688.

ADMINISTRATIVE DISCUSSION/ACTION/REPORT

11. A RESOLUTION DENYING THE BID PROTEST BY MAG US PARKING MANAGEMENT LLC TO RFP#200005 REGARDING THE CONSOLIDATED CAR PARKING AND BUS SHUTTLE SERVICES AT ONTARIO INTERNATIONAL AIRPORT

That the Ontario International Airport Authority (OIAA) deny the bid protest filed by MAG US Parking Management LLC (MAG) to RFP#200005.

RESOLUTION NO. _____

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DENYING THE BID PROTEST BY MAG US PARKING MANAGEMENT LLC TO RFP#200005 REGARDING THE CONSOLIDATED CAR PARKING AND BUS SHUTTLE SERVICES AT ONTARIO INTERNATIONAL AIRPORT

12. AWARD OF A CONCESSION AGREEMENT WITH PARKING CONCEPTS, INC., FOR CAR PARKING OPERATIONS AND SHUTTLE BUS SERVICES AT ONTARIO INTERNATIONAL AIRPORT

That the Ontario International Airport Authority (OIAA) approve the award of a concession agreement with Parking Concepts, Inc. (PCI), and authorize the Chief Executive Officer (CEO) to execute a five-year concession agreement to provide car parking and shuttle bus operations at Ontario International Airport (ONT), and authorize the CEO to exercise one five-year extension option. The new concession agreement for car parking and shuttle bus operations at ONT will bring an expected cost reduction of approximately \$2,000,000 each year.

MANAGEMENT REPORT

Chief Executive Officer Thorpe

COMMISSION MATTERS

President Wapner

Vice President Loveridge

Secretary Bowman

Commissioner Hagman

Commissioner Gouw

ADJOURNMENT



DATE: MARCH 25, 2021

CLOSED SESSION REPORT

OIAA// (GC 54956.8, 54956.9(b), 94957)

Page 1 of 2

ROLL CALL: Gouw __, Bowman __, Hagman __, Loveridge __, President Wapner __.

STAFF: CEO __, General Counsel __

- **GC section 54956.8: REAL PROPERTY NEGOTIATIONS (portions of the Airport); OIAA General Counsel's office as negotiator.**

No Reportable Action	Continue	Approved
//	//	//

Disposition: _____

- **GC § 54956.9(b): CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Potential litigation (1 case)

No Reportable Action	Continue	Approved
//	//	//

Disposition: _____

- **GC § 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

No Reportable Action

Continue

Approved

//

//

//

Disposition: _____

Reported by:

General Legal Counsel / Chief Executive Officer

ONTARIO INTERNATIONAL AIRPORT AUTHORITY



DATE: MARCH 25, 2021

SECTION: MINUTE ACTION

SUBJECT: RELATIVE TO POSSIBLE CONFLICT OF INTEREST

RECOMMENDED ACTION(S): Agenda items and contractors/subcontractors 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
08	Diverse Facility Solutions (DFS)	<ul style="list-style-type: none">• None
09	Hiltachk Marketing Group	<ul style="list-style-type: none">• None
10	Proterra Inc.	<ul style="list-style-type: none">• None
12	Parking Concepts, Inc. (PCI)	<ul style="list-style-type: none">• Treva D. Metoyer, Inc.(TDM, Inc.)• MooreCars, LLC• HW Maintenance• Advam, Inc.• Hedge Protection• HUB Parking Technology• SolarMax Lighting

STAFF MEMBER PRESENTING: Board Clerk, Natalie Gonzaga

Department: Clerk's Office

Submitted to OIAA: March 25, 2021

ITEM NO. 01

**ONTARIO INTERNATIONAL AIRPORT AUTHORITY
REGULAR COMMISSION MEETING
MINUTES
FEBRUARY 25, 2021
(Not Official Until Approved)**

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Ontario International Airport Authority (OIAA) Board Meetings were conducted via live stream and teleconference. Members of the public utilized alternative measures established by OIAA to view the board meeting and/or to address the President and Commissioners for the regular meeting held on Thursday, February 25, 2021.

Notice of said meeting was duly given in the time and manner prescribed by law.

CALL TO ORDER

President Wapner called the Ontario International Airport Authority Commission meeting to order at 2:05 p.m.

ROLL CALL

PRESENT VIA ZOOM: Commissioners: Julia Gouw, Curt Hagman, Jim. W. Bowman,
and Alan D. Wapner

ABSENT: Commissioners: Ronald O. Loveridge (excused)

Also present via Zoom webinar were: Chief Executive Officer Mark A. Thorpe, General Counsel Lori Ballance, Assistant General Counsel Kevin Sullivan, and Board Clerk Natalie Gonzaga.

AGENDA REVIEW/ANNOUNCEMENT

President Wapner announced closed session would be moved to the beginning of the meeting.

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.

No conflicts were announced.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Hagman.

CLOSED SESSION

President Wapner recessed the regular meeting of the Ontario International Airport Authority to closed session at 2:10 p.m. with all Commissioners in attendance with the exception of Vice President Loveridge who was absent (excused).

- GC section 54956.8: REAL PROPERTY NEGOTIATIONS (portions of the Airport); OIAA General Counsel's office as negotiator.

The Ontario International Airport Authority Commission Regular Meeting was reconvened in public session at 2:33 p.m.

REPORT ON CLOSED SESSION

Assistant General Counsel Sullivan announced there was no reportable action.

PUBLIC COMMENT

Members of the public wishing to provide public comment for the items on the agenda were able to do so via email comments to clerk@flyontario.com, live via telephone at (909) 414-1718, via telephone recording comments at (909) 544-5307, or by mail.

Richard Sherman, provided an email comment expressing concerns on airplane noise.

Suzanne Thompson, provided an email letter regarding agenda Item No. 9, CBRE Agreement.

Public comments were provided to all Commissioners and entered into the meeting record.

ITEM NO. 10 CONTINUED

Item No. 10 was pulled from the agenda and will be continued to the next meeting to allow additional time for Authority staff's review of a bid protest received on the matter.

10. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A CONCESSION AGREEMENT WITH PARKING CONCEPTS, INC. FOR CAR PARKING OPERATIONS AND SHUTTLE BUS SERVICES AT ONTARIO INTERNATIONAL AIRPORT

That the Ontario International Airport Authority authorize the Chief Executive Officer to execute a five-year concession agreement with Parking Concepts Inc. (PCI), to provide car parking and shuttle bus operations at Ontario International Airport, and authorize the CEO to

exercise one, five-year extension option. The new concession agreement for car parking and shuttle bus operations at ONT will bring an expected cost reduction of approximately \$2,000,000 per annum.

PUBLIC COMMENT

Martin Jones, MAG USA, provided a live public comment in regards to the bid protest for Item No. 10, parking concession agreement.

CONSENT CALENDAR

MOTION: Moved by Commissioner Hagman, seconded by Secretary Bowman, and carried by a roll call vote of 4-0-1, to approve the consent calendar Items No. 2-9, including Resolution No. 2021-03, with Vice President Loveridge absent (excused). ***Item No. 9 was pulled later in the meeting to be reconsidered (See page 5-6).***

2. APPROVAL OF MINUTES

Approved minutes for the regular meeting of the Ontario International Airport Authority on January 28, 2021 and approving the same as on file with the Secretary/Assistant Secretary.

3. BILLS/PAYROLL

Approved bills January 1 through January 31, 2021 and Payroll January 1 through January 31, 2021.

4. APPROVAL OF MEETING STIPENDS

The Ontario International Airport Authority Commission approved meeting stipends for President Wapner and Commissioner Hagman for the month of January, 2021.

5. A RESOLUTION DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

The Ontario International Airport Authority approved a resolution declaring the continued existence of a local emergency in connection with preparations the Authority is making, and actions it is taking, in response to the outbreak of the novel coronavirus (COVID-19), and compliance with health authorities' applicable guidance regarding responding to COVID-19.

RESOLUTION NO. 2021-03 A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

6. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE A CONCESSION LEASE AGREEMENT WITH JABRRBOX, INC, FOR TECHNOLOGY ENABLED PODS IN TERMINALS 2 AND 4 AT ONTARIO INTERNATIONAL AIRPORT

The Ontario International Airport Authority authorized the Chief Executive Officer to execute a five (5) year term concession lease agreement with Jabrrbox, Inc, to provide technology enabled pods in Terminals 2 and 4 at Ontario International Airport. Upon the Rent Commencement Date of this agreement, Jabrrbox shall pay the OIAA an ten percent (10%) Concession Fee of its annual Gross Revenues payable monthly. Annual rent of \$124.23 per square foot shall be paid monthly upon occupancy for any office or storage space rented in the Terminals, if required to support their operations.

7. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO CONTINUE HOLDOVER STATUS OF RENTAL CAR CONCESSION AND LEASE AGREEMENTS

The Ontario International Airport Authority authorized the Chief Executive Officer to continue negotiations with rental car concessionaires culminating with new concession/lease agreements by July 1, 2021. This extension will ensure that ONT will continue to receive car rental concessionaire revenue through June 30, 2021.

8. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO APPROVE THE FIRST CONTRACT EXTENSION FOR BURNS & MCDONNELL, JACOBS, MEAD & HUNT AND TY LIN INTERNATIONAL FOR ON-CALL NON-AIP ENGINEERING, ARCHITECTURE AND SUPPORT SERVICES AT THE ONTARIO INTERNATIONAL AIRPORT

The Ontario International Airport Authority authorized the Chief Executive Officer to approve contract extensions through the end of Fiscal Year (FY) 2020-21, for Burns & McDonnell, Jacobs, Mead & Hunt and TY Lin International for On-Call Non-AIP Engineering, Architecture and Support Services at Ontario International Airport (ONT). Funding is available in the FY 2020-21 Budget. No funding or authority increase is required for the extension of the on-call Non-AIP contracts through June 30, 2021.

9. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A 12 MONTH AGREEMENT WITH CBRE AS THE REAL ESTATE BROKER TO REPRESENT THE AUTHORITY IN TAKING THE APPROXIMATELY 150 ACRES OF AUTHORITY OWNED NON-AERONAUTICAL PROPERTY EAST OF HAVEN TO MARKET FOR POSSIBLE GROUND LEASE

The Ontario Airport Authority (“OIAA” or “Authority”) Commission authorized the CEO to adjust a previously executed twelve-month agreement with CBRE to represent the Authority in the listing and marketing of approximately 150 acres of Authority owned non-aeronautical property east of Haven Avenue. The adjusted agreement allows CBRE the right to list and market the Property for ground lease only, to negotiate potential agreements for the property, and manage a competitive selection process in order to assist staff in making a recommendation to the Commission for the selection of a lessee of such property.

ADMINISTRATIVE DISCUSSION/ACTION/REPORT

11. FISCAL YEAR 2020-21 BUDGET UPDATE FOR THE SIX MONTHS ENDING DECEMBER 31, 2020

The Ontario International Airport Authority (1) received and file Financial Statements for the six months ending December 31, 2020 and (2) approved amended budget for Fiscal Year (FY) 2020-21.

CFO Shubert presented on the budget update providing an overview of the status of the Financial Statements for the six months ending December 31, 2020. Commissioners asked clarifying questions. CEO Thorpe, CFO Schubert, and CCO Cappell answered questions regarding the budget and recovery.

Secretary Bowman left the meeting at 3:00 p.m.

MOTION: Moved by Commissioner Gouw, seconded by Commissioner Hagman, and carried by a roll call vote of 3-0-2, to approve amended budget for Fiscal Year (FY) 2020-21, to include an upgraded position of Budget Manager, with Vice President Loveridge and Secretary Bowman absent (excused).

***ITEM NO. 9 PULLED TO BE RECONSIDERED (DURING DISCUSSION ITEM NO. 11)**

MOTION: Moved by Commissioner Hagman, seconded by Commissioner Gouw, and carried by a roll call vote of 3-0-2, to remove Agenda Item No. 09 from the Consent Calendar and to reconsider the Item to allow certain amendments to the authorization for the Chief Executive Officer on the matter.

9. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A 12 MONTH AGREEMENT WITH CBRE AS THE REAL ESTATE BROKER TO REPRESENT THE AUTHORITY IN TAKING THE APPROXIMATELY 150 ACRES OF AUTHORITY OWNED NON-AERONAUTICAL PROPERTY EAST OF HAVEN TO MARKET FOR POSSIBLE GROUND LEASE

That the Ontario Airport Authority (“OIAA” or “Authority”) Commission authorize the CEO to adjust a previously executed twelve-month agreement with CBRE to represent the Authority in the listing and marketing of approximately 150 acres of Authority owned non-aeronautical property east of Haven Avenue. The adjusted agreement allows CBRE the right to list and market the Property for ground lease only, to negotiate potential agreements for the property, and manage a competitive selection process in order to assist staff in making a recommendation to the Commission for the selection of a lessee of such property.

Staff requested to change the motion to Authorize the CEO to amend the CBRE agreement to adjust the amount of property to be included, move to a flat fee for the services, and make any other minor language changes to clarify the agreement to achieve the Commissions intent.

MOTION: Moved by Commissioner Hagman, seconded by Commissioner Gouw, and carried by a roll call vote of 3-0-2, to approve the CBRE agreement, including the requested amendments, with Vice President Loveridge and Secretary Bowman absent (excused).

12. A RESOLUTION UPDATING AIR CARRIER INCENTIVE PROGRAM A (ACIP) TO ENCOURAGE AND PROMOTE THE OPERATION OF COMMERCIAL PASSENGER AIR SERVICE TO NEW NONSTOP DESTINATIONS IN THE UNITED STATES, CANADA, AND MEXICO

The Ontario International Airport Authority (OIAA) Board of Commissioners (Board) adopted a resolution to update and approve the newly proposed ACIP (A), offering Qualified Air Carriers a waiver, up to 12 months, of landing fees and marketing incentives to 28 new nonstop destinations in the United States of America, 2 in Canada, and 3 in Mexico, to encourage and support the launch of new air service from the Ontario International Airport (ONT).

Commissioners asked questions and requested to ensure the domestic policy includes LaGuardia (LGA) and the international policy includes London Gatwick. CEO Thorpe explained due to a perimeter rule, LGA may not be a viable nonstop market.

RESOLUTION NO. 2021-04 A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY TO UPDATE AN EXISTING AIR CARRIER INCENTIVE PROGRAM FOR NEW NONSTOP PASSENGER SERVICE TO DESTINATIONS IN THE UNITED STATES, CANADA, AND MEXICO

MOTION: Moved by Commissioner Hagman, seconded by Commissioner Gouw, and carried by a roll call vote of 3-0-2, to approve Resolution No. 2021-04 Air Carrier Incentive Program A with Vice President Loveridge and Secretary Bowman absent (excused).

13. A RESOLUTION UPDATING AIR CARRIER INCENTIVE PROGRAM B (ACIP) TO ENCOURAGE AND PROMOTE THE OPERATION OF COMMERCIAL PASSENGER AIR SERVICE TO NEW NONSTOP INTERNATIONAL DESTINATIONS

The Ontario International Airport Authority (OIAA) Board of Commissioners (Board) adopted a resolution to approve the newly proposed ACIP (B), offering qualifying Air Carriers a waiver of certain fees to 11 new nonstop international destinations in Asia, Europe, Central America, and the Caribbean, to encourage and support the launch of new air service from the Ontario International Airport (ONT).

RESOLUTION NO. 2021-05 A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY TO UPDATE AN EXISTING AIR CARRIER INCENTIVE PROGRAM COVERING MULTIPLE INTERNATIONAL DESTINATIONS

MOTION: Moved by Commissioner Hagman, seconded by Commissioner Gouw, and carried by a roll call vote of 3-0-2, to approve Resolution No. 2021-05 Air Carrier Incentive Program B with Vice President Loveridge and Secretary Bowman absent (excused).

SPECIAL CEREMONIES

CEO Thorpe, CFO Schubert, and Deputy CEO Elkadi spoke in remembrance of OIAA team member Nicholas R. Bottini who passed away on February 8, 2021. President Wapner expressed his appreciation for Nick and announced the meeting will be adjourned in his memory.

MANAGEMENT REPORT

Chief Executive Officer Thorpe provided updates on passenger and cargo traffic, new service announcement of nonstop service to San Salvador beginning in July, new OIAA team members in Finance (Kim Snow, Finance Manager and Stephanie Burnham, Staff Accountant), OIAA team member participation in the Airport Cooperative Research Program (ACRP), and the Airports Council International (ACI) Triple Crown recognition for ONT.

President Wapner asked for an update regarding on-site COVID testing approval by the State of Hawaii as a trusted testing partner. Deputy CEO Elkadi provided an update on the status.

COMMISSIONER MATTERS

Commissioner Gouw had no comments.

Commissioner Hagman expressed appreciation for staff.

President Wapner expressed appreciation for CEO Thorpe and his staff.

ADJOURNMENT

President Wapner adjourned the Ontario International Airport Authority Commission meeting at 3:44 p.m. in memory of Nicholas R. Bottini.

RESPECTFULLY SUBMITTED:

NATALIE GONZAGA, BOARD CLERK
ONTARIO INTERNATIONAL AIRPORT AUTHORITY

APPROVED:

ALAN D. WAPNER, PRESIDENT
ONTARIO INTERNATIONAL AIRPORT AUTHORITY



DATE: MARCH 25, 2021
SECTION: CONSENT CALENDAR
SUBJECT: ONTARIO INTERNATIONAL AIRPORT AUTHORITY COMMISSION APPROVAL OF STIPENDS AS REQUIRED BY AUTHORITY BYLAWS

RELEVANT STRATEGIC OBJECTIVE: Development of Airport-Related Business.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority Commission approve additional stipends per Article IV, Section 6 of the Authority’s Bylaws.

FISCAL IMPACT AND SOURCE OF FUNDS: OIAA operating revenue.

BACKGROUND: Article IV, Section 6 of the Authority’s Bylaws states as follows:

“No salary: Reimbursement for Expenses; Stipends. The members of the Commission shall receive no salary but shall be reimbursed for necessary expenses (including mileage in accordance with standard IRS mileage reimbursement rates) incurred in the performance of their duties. Additionally, Commissioners will receive a stipend in the amount of one hundred fifty dollars (\$150.00) for attendance at each Commission meeting, standing committee meeting, ad hoc committee meeting, and any Authority-related business function. A maximum of six (6) stipends are permitted per month. An additional two (2) stipends are permitted with prior approval of the President. More than eight (8) stipends per month will require approval by the full Commission.”

During the month of February 2021, President Wapner attended one (1) additional Authority-related business function and Commissioner Hagman attended one (1) additional Authority-related business function. Full Commission approval is needed to approve payment of these additional stipends.

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

Department: Clerk’s Office Submitted to OIAA: March 25, 2021
Approved:
Continued to:
Denied:
Chief Executive Officer Approval: Mark A. Thorpe

CEQA COMPLIANCE: Exclusion from the definition of “project”: The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. (CEQA Guidelines §15378(b)(4).)

PRIOR COMMISSION ACTION: On December 8, 2016, the OIAA Commission adopted Resolution No. 2016-14 approving and adopting the OIAA Bylaws.

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: N/A

ATTACHMENTS: N/A

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, although these hours and review procedures may be modified due to COVID-19 precautions. In that case, the documents may be requested by email at clerk@flyontario.com.

This Agenda Report has been reviewed by OIAA General Counsel. |



DATE: MARCH 25, 2021

SECTION: CONSENT CALENDAR

SUBJECT: A RESOLUTION DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO NOVEL CORONAVIRUS (COVID-19) AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

RELEVANT STRATEGIC OBJECTIVE: Safety and Security: Provide Customer Friendly Facilities and Services.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA or Authority) approve a resolution declaring the continued existence of a local emergency in connection with preparations the Authority is making, and actions it is taking, in response to the outbreak of COVID-19 and compliance with health authorities' applicable guidance regarding responding to COVID-19.

FISCAL IMPACT SUMMARY: Possible appropriations and corresponding expenditures for equipment, materials, supplies, labor services and other items needed to address or respond to a declared local emergency will be accounted for and reported to and by the Authority.

BACKGROUND: Ontario International Airport (ONT) provides essential services and infrastructure for public commercial travel and general commerce. As part of the Aviation segment of the Transportation Systems Sector, ONT is an element of national critical infrastructure recognized by the Department of Homeland Security. The nation's transportation system is required to quickly, safely, and securely move people and goods through the country and overseas.

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

Department: Administration

Submitted to OIAA: March 25, 2021

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: *Mark A. Thorpe*

ITEM NO. 05

Local Emergency

Pursuant to Government Code sections 8550 *et seq.* and 8630 *et seq.*, the Authority can determine to declare the existence of a local emergency under applicable circumstances threatening the lives, property or welfare of ONT passengers, employees and operators.

California and the nation are responding to the spread of a respiratory illness caused by a novel coronavirus and which has now been detected in more than 200 locations internationally, including in the United States. The virus has been named “SARS-CoV-2” and the disease it causes has been named “coronavirus disease 2019” (COVID-19).

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization (WHO) declared the COVID-19 outbreak a “public health emergency of international concern”. On January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On March 4, 2020, Governor Newsom declared a statewide emergency related to COVID-19. On March 11, 2020, WHO publicly characterized COVID-19 as a pandemic. On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency.

On March 14, 2020, the City of Ontario proclaimed a local emergency, and most recently on January 15, 2021, continued the local state of emergency declaration in response to regional COVID-19 diagnoses and to mobilize the City to best serve the Ontario community. Given that ONT is a destination for passengers from across the nation and from some international locations, the potential effects of the spread of COVID-19 is a local emergency at ONT.

The U.S. Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and the San Bernardino County Department of Public Health (SBCDPH) have all issued requirements, recommendations and guidelines for the public, businesses and public agencies regarding addressing the spread of COVID-19. Some of the requirements, recommendations and guidelines, however, do not apply to essential services and infrastructure such as ONT, or to operations related to air travel in general.

Available Actions by OIAA Responding to the Local Emergency

Declaration of a local emergency relating to COVID-19 enables the Authority, including its CEO under delegated power, to issue written orders and regulations necessary to provide for the protection of passengers, employees and operators at ONT, and related property, as affected by such emergency. The orders and/or regulations include those to (1) obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property at ONT and to bind the Authority for the fair value thereof, (2) require emergency services of any OIAA officer or employee, (3) requisition necessary personnel or material of any OIAA departments, and (4) modify or approve contracts as necessary to ensure and protect the life and property of the public, operators, and employees at ONT.

Exercise of local emergency powers by the OIAA CEO or his designees will be timely reported to the Authority, and the Authority must periodically review the need for continuing the local emergency until it terminates the local emergency.

CEQA COMPLIANCE AND LAND USE APPROVALS: N/A

PRIOR COMMISSION ACTION: On January 28, 2021, the OIAA Commission adopted Resolution No. 2021-01 approving and declaring the continued existence of a local emergency.

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: N/A

EXHIBITS & ATTACHMENTS: Attachment A - Resolution approving and declaring the continued existence of a local emergency in connection with preparations the Authority is making, and actions it is taking, in response to novel coronavirus (COVID-19), and compliance with health authorities' applicable guidance regarding responding to COVID-19.

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, although these hours and review procedures may be modified due to COVID-19 precautions. In that case, the documents may be requested by email at clerk@flyontario.com.

This Agenda Report has been reviewed by OIAA General Counsel.

RESOLUTION NO. 2021-__

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY DECLARING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY IN CONNECTION WITH PREPARATIONS THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY IS MAKING, AND ACTIONS IT IS TAKING, IN RESPONSE TO NOVEL CORONAVIRUS (COVID-19), AND COMPLIANCE WITH HEALTH AUTHORITIES' APPLICABLE GUIDANCE REGARDING RESPONDING TO COVID-19

WHEREAS, Ontario International Airport (ONT) provides essential services and infrastructure for public commercial travel and general commerce. As part of the Aviation segment of the Transportation Systems Sector, ONT is an element of national critical infrastructure recognized by the Department of Homeland Security. The nation's transportation system is required to quickly, safely, and securely move people and goods through the country and overseas;

WHEREAS, Pursuant to Government Code sections 8550 *et seq.* and 8630 *et seq.*, the Ontario International Airport Authority (OIAA or Authority) can determine to declare the existence of a local emergency under certain circumstances;

WHEREAS, California and the nation are responding to the spread of a respiratory illness caused by a novel coronavirus and which has now been detected in more than 200 locations internationally, including in the United States. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (COVID-19);

WHEREAS, On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization (WHO) declared the COVID-19 outbreak a "public health emergency of international concern." On January 31, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. On March 4, 2020, Governor Newsom declared a statewide emergency related to COVID-19. On March 11, WHO publicly characterized COVID-19 as a pandemic. On March 13, the President of the United States declared the COVID-19 outbreak a national emergency;

WHEREAS, On March 14, 2020, the City of Ontario proclaimed a local emergency, and most recently on January 15, 2021, continued the local state of emergency declaration in response to regional COVID-19 diagnoses and to mobilize the City to best serve the Ontario community. Given that ONT is a destination for passengers from across the nation and from some international locations, the potential effects of the spread of COVID-19 is a local emergency at ONT;

WHEREAS, The U.S. Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and the San Bernardino County Department of Public Health (SBCDPH) have all issued requirements, recommendations and guidelines for the public, businesses and public agencies regarding addressing the spread of COVID-19. Some of the requirements, recommendations and guidelines, however, do not apply to essential services and infrastructure such as ONT, or to operations related to air travel in general;

WHEREAS, Declaration of a local emergency enables the Authority, including its CEO under delegated power, to issue written orders and regulations necessary to provide for the protection of ONT passengers, employees, and operators, related property, and OIAA finances as affected by such emergency. The orders and/or regulations include those to (1) obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property at ONT and to bind the Authority for the fair value thereof, (2) require emergency services of any OIAA officer or employee, (3) requisition necessary personnel or material of any OIAA departments, and (4) modify or approve contracts as necessary to ensure and protect the life and property of the public, operators, and employees at ONT;

WHEREAS, The August 21, 2012 Joint Exercise of Powers Agreement (JPA) between the City of Ontario (City) and the County of San Bernardino (County) that created the Authority stated that the Authority shall have and possess all powers common to the City and County, as well as other powers granted under California law. Both the City and County have provisions in their Municipal Codes allowing for the exercise of emergency powers and authorities;

WHEREAS, The JPA also states that, in exercising its powers for the operation, management and administration of ONT, the Authority shall exercise such powers as are restricted and applicable to the City. Accordingly, the Authority's actions and powers available under a declaration of a local emergency shall be consistent with, or shall not exceed, those powers allowed to be exercised by the City during a declared local emergency;

WHEREAS, on February 25, 2021 the OIAA approved Resolution No. 2021-03, declaring the continued existence of a local emergency.

NOW, THEREFORE BE IT RESOLVED by the Ontario International Airport Authority does hereby declare a continued local state of emergency at ONT regarding the COVID-19 outbreak, and the need to prevent and address the effects of the spread of COVID-19 at ONT; and

BE IT FURTHER RESOLVED, under this continued declaration of a local emergency at ONT by the Authority, the OIAA Chief Executive Officer (CEO) is empowered to:

- (1) Promulgate written orders and regulations necessary to provide for the protection of passengers, employees and operators at ONT, and related

- property, as affected by such emergency, including orders or regulations imposing hours of operation within the boundaries of ONT where necessary to preserve the public order and safety; provided, however, such rules and regulations shall be widely publicized and noticed and shall be confirmed at the earliest practicable time by the Authority Commission; and
- (2) Promulgate written orders and regulations relating to the requirements, recommendations and guidelines issued by the CDC, CDPH and SBCDPH that are applicable to essential services and infrastructure such as ONT, or to operations related to air travel in general, regarding preventing and addressing the spread of COVID-19;
 - (3) Make any expenditure in connection with emergency activities, including mutual aid activities, which shall be deemed conclusively to be for the direct protection and benefit of the passengers, airlines, and business partners and property of the OIAA. When necessary to address the effects of the declared emergency, the CEO or his designee may enact conditional changes in procurement processes, spending and signature authority limits, approval authorities, and allocation of Airport resources during the time of the declared emergency in order to support the OIAA required response activities; and
 - (4) Require emergency services of any OIAA officer or employee; and
 - (5) requisition necessary personnel or material of any OIAA departments; and
 - (6) Execute all ordinary powers; all special powers conferred by this Resolution; and all other powers conferred by statute, agreement approved by the Authority Commission, or by any other lawful authority; and
 - (7) Approve and modify contracts as necessary to provide for the protection of passengers, employees and operators at ONT, related property, and OIAA finances as affected by such emergency, including ad-hoc revenue agreements with a one (1) year term or less; and
 - (8) Represent the Authority in all dealings with public or private agencies on matters pertaining to this declared local emergency; and

BE IT FURTHER RESOLVED, In the absence of the OIAA CEO, the OIAA Deputy Chief Executive Officer is empowered to take on the emergency powers of the OIAA CEO authorized and described in this Resolution. The OIAA CEO shall be deemed absent where he is unavailable to participate in meetings or otherwise is unable to perform his duties during an emergency.

BE IT FURTHER RESOLVED, The Authority Commission shall review the need for continuing this declaration of a continued local emergency at least once every 30 days until the Commission terminates this local emergency declaration.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting this 25th day of March 2021.

ALAN D. WAPNER
OIAA PRESIDENT

ATTEST:

SECRETARY/ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

LORI D. BALLANCE
GENERAL COUNSEL

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Natalie Gonzaga, Assistant Secretary of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Resolution No. 2021-__ was duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held on March 25, 2021 by the following roll call vote, to wit:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:

SECRETARY/ASSISTANT SECRETARY

(SEAL)

The foregoing is the original of Resolution No. 2021-__ duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held March 25, 2021.

SECRETARY/ASSISTANT SECRETARY

(SEAL)



DATE: MARCH 25, 2021

SECTION: CONSENT CALENDAR

SUBJECT: APPROVAL OF AN UPDATED AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PROGRAM AND POLICY STATEMENT IN ACCORDANCE WITH REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION (DOT) 49 CFR PART 23

RELEVANT STRATEGIC OBJECTIVE: Develop and Grow Non-Airline Revenue Sources.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) approve the updated ACDBE base program and policy statement which will be used as a basis for establishing the ACDBE goal, in accordance with Federal Regulation 49 CFR Part 23.

FISCAL IMPACT SUMMARY: None.

BACKGROUND: In accordance with Airport Sponsor Assurances for Federally Funded Airport Improvement Program (AIP), OIAA assures compliance with Federal Regulation 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions. The 2018 base program and goal was adopted by the OIAA in 2017. Compliance with this program requires periodic updates to the base program and periodic goal computation on a triennium (3-year) basis. The attached updated 2021 base program is modeled from the Federal Aviation Administration (FAA) template and includes the most current language for the program.

An ACDBE Program is required by the FAA in order to receive Federal funding and ensures that businesses registered as an ACDBE concessionaire have an equal opportunity to receive and participate in Department of Transportation (DOT) assisted contracts at the Airport.

STAFF MEMBER PRESENTING:

Department: Commercial

Submitted to OIAA: March 25, 2021

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: Mark A. Hoopes

ITEM NO. 06

Upon approval of the 2021 base program and policy statement, the information within it will become the basis for establishing the 2021 ACDBE Goal (triennium) which will subsequently require a resolution to adopt said goals by the Authority.

PROCUREMENT: N/A

CEQA COMPLIANCE AND LAND USE APPROVALS: The ACDBE Program is not a “project” under CEQA and does not require environmental review.

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: N/A

SCHEDULE: N/A

ATTACHMENTS: Attachment A - 2021 ACDBE Base Program and Policy Statement

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, although these hours and review procedures may be modified due to COVID-19 precautions. In that case, the documents may be requested by email at clerk@flyontario.com.

This Agenda Report has been reviewed by OIAA General Counsel. |



DATE: MARCH 25, 2021

SECTION: CONSENT CALENDAR

SUBJECT: APPROVAL OF AN UPDATED DISADVANTAGED BUSINESS ENTERPRISE/SMALL BUSINESS ENTERPRISE PROGRAM AND POLICY STATEMENT IN ACCORDANCE WITH REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION (DOT) 49 CFR PART 26

RELEVANT STRATEGIC OBJECTIVE: Maintain a Safe and Secure Airport.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) approve the updated DBE/SBE base program and policy statement which will be used as a basis for establishing the DBE/SBE goals, in accordance with Federal Regulation 49 CFR Part 26.

FISCAL IMPACT SUMMARY: None.

BACKGROUND: In accordance with Airport Sponsor Assurances for Federally Funded Airport Improvement Program (AIP), OIAA assures compliance with Federal Regulation 49 CFR Part 26 Participation by Disadvantage Business Enterprise. Compliance with this program requires periodic updates to the base program and periodic goal computation on a triennium (3-year) basis. The attached 2021 base program is modeled from the Federal Aviation Administration (FAA) template and includes the most current language for the program. This 2021 base program also updates and replaces the 2018 base program and goal which was adopted by the Authority in 2017.

An DBE Program is required by the FAA in order to receive Federal funding and ensures that businesses registered as a DBE/SBE have an equal opportunity to receive and participate in Department of Transportation (DOT) assisted airport planning, environmental planning, design, engineering,

STAFF MEMBER PRESENTING:

Department: Operations

Submitted to OIAA: March 25, 2021

Approved: _____

Continued to: _____

Chief Executive Officer Approval: Mark A. Hoopes

Denied: _____

ITEM NO. 07

construction projects, construction management, and other professional support services contracts at the Airport.

Upon approval of the 2021 base program and policy statement the information within it will become the basis for establishing the 2021 DBE/SBE Goal (triennium) which will subsequently require a resolution to adopt said goals by the Authority.

PROCUREMENT: N/A

CEQA COMPLIANCE AND LAND USE APPROVALS: The DBE/SBE Program is not a “project” under CEQA and does not require environmental review.

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: N/A

SCHEDULE: N/A

ATTACHMENTS: Attachment A - DBE/SBE Base Program and Policy Statement

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, although these hours and review procedures may be modified due to COVID-19 precautions. In that case, the documents may be requested by email at clerk@flyontario.com.

This Agenda Report has been reviewed by OIAA General Counsel.]



DATE: MARCH 25, 2021

SECTION: CONSENT CALENDAR

SUBJECT: APPROVAL TO CONTINUE MONTH-TO-MONTH CONTRACT SERVICES WITH DIVERSE FACILITY SERVICES (DFS) TO PROVIDE JANITORIAL SERVICES AT THE GROUND TRANSPORTATION CENTER

RELEVANT STRATEGIC OBJECTIVE: Provide Customer-Friendly Facilities and Services.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to continue month-to-month contract services with DFS for janitorial services at the Ground Transportation Center.

FISCAL IMPACT SUMMARY: Funds for this contract are available in the Fiscal Year 2020-21 budget via existing PO balance under contract number SCONT-000031.

BACKGROUND: As a result of a review of contracts and agreements by the OIAA, it was determined that the Ground Transportation Center was not currently included in the ongoing janitorial service contract by and between the OIAA and ONT-Tec. The current monthly expense is \$17,385.75. It is the intent of the Commercial Team to include these services in the Maintenance & Operation (M&O) charges to the Rent-a-Car (RAC) members as a part of new concession/lease agreement execution. As a result of the global pandemic and the requested relief by the RAC members, concession/lease agreement negotiations have been delayed and the DFS contract remains on a month-to-month basis.

OIAA Counsel is reviewing draft RAC concession/lease agreements which include options for the RACs to 1) negotiate their own janitorial services contract or 2) continue using DFS with the OIAA being reimbursed for any/all incurred janitorial expense at the Ground Transportation Center. To

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

Department: Commercial

Submitted to OIAA: March 25, 2021

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 08

that end, staff is requesting the continued month-to-month janitorial services to allow for sufficient preparation and time to continue negotiation with the RACs and execute new Concession/Lease Agreements to trigger M&O expense recapture.

PROCUREMENT: N/A

CEQA COMPLIANCE AND LAND USE APPROVALS: The proposed agreement 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. As a result, the authorization is not subject to CEQA.

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: N/A

SCHEDULE: N/A

ATTACHMENTS: N/A

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, although these hours and review procedures may be modified due to COVID-19 precautions. In that case, the documents may be requested by email at clerk@flyontario.com.

This Agenda Report has been reviewed by OIAA General Counsel. |



DATE: MARCH 25, 2021

SECTION: CONSENT CALENDAR

SUBJECT: APPROVAL OF THE FIRST CONTRACT AMENDMENT TO HILTACHK MARKETING GROUP FOR GENERAL MARKETING MEDIA BUY TO SUPPORT CONCESSIONS, AIR SERVICE, COMMUNITY ENGAGEMENT, AND PUBLIC RELATIONS AT ONTARIO INTERNATIONAL AIRPORT

RELEVANT STRATEGIC OBJECTIVE: Expand Air Service.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to amend the existing Hiltachk Marketing Group Contract No. SCONT-000317 to authorize the purchase of general marketing media buys as directed by the Authority.

FISCAL IMPACT SUMMARY: Funding for this contract amendment is approved under the Fiscal Year 2020-21 budget. Funding for subsequent years will be requested through the annual budget process.

BACKGROUND: On December 17, 2020, the OIAA approved the selection of Hiltachk Marketing Group, as the OIAA marketing creative agency of record. Ontario International Airport (ONT) is set to reclaim its growth in passenger throughput and maintain the unprecedented growth in cargo. The need for a consistent media and marketing presence is paramount to the success of ONT as we continue our work towards passenger recovery. An aggressive advertising plan supported by a strategic media plan will support ONT’s overall strategic goals and objectives. The first amendment to this contract will authorize Hiltachk Marketing Group to purchase general marketing media buys for OIAA to support concessions, air service, community engagement, and public relations at ONT in an amount not to exceed the Commission approved annual budget for media buys.

PROCUREMENT: N/A

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

Department: Marketing & Communications

Submitted to OIAA: March 25, 2021

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 09

CEQA COMPLIANCE AND LAND USE APPROVALS: The proposed agreement is not a “project” under CEQA and does not require environmental review.

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: N/A

SCHEDULE: N/A

ATTACHMENTS:

Attachment A – First Contract Amendment – Hiltachk Marketing Group

Attachment B – Media Buying Plan

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, although these hours and review procedures may be modified due to COVID-19 precautions. In that case, the documents may be requested by email at clerk@flyontario.com.

This Agenda Report has been reviewed by OIAA General Counsel. |



DATE: MARCH 25, 2021

SECTION: CONSENT CALENDAR

SUBJECT: AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO PROCURE EIGHT (8) ZERO-EMISSION TRANSIT BUSES AND FOUR (4) CHARGING STATIONS WITH PROTERRA INC., UNDER THE SAME TERMS AND CONDITIONS AS THE COMMONWEALTH OF VIRGINIA COOPERATIVE CONTRACT E194-81688

RELEVANT STRATEGIC OBJECTIVE: Provide Customer Friendly Facilities and Services.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) approve and authorize the Chief Executive Officer (CEO) to execute an authority to procure eight (8) 40' electric buses and four (4) charging stations with Proterra Inc., under the same terms and conditions as the Cooperative Agreement with the Commonwealth of Virginia (Virginia) Statewide Contract E194-81688.

FISCAL IMPACT SUMMARY: The estimated financial impact of purchasing the buses described in this staff report will vary according to final configurations, financing terms and possible grant funding. Configurations includes such items as finishes and electronic monitoring equipment. The Authority intends to acquire the buses under the lowest public pricing schedule available. The current estimated gross price for 8 buses is approximately \$6.9M (\$863K each) and is based on the Virginia state pricing schedule. The pricing includes the installation and equipment for a charging station solution. The buses are currently eligible for California HVIP vouchers, approximately \$132K per bus, \$1.1M. This brings the net cost for all eight buses to approximately \$5.9M or \$731K each. Annual costs over an estimated useful life of 10 years is \$585K.

The Authority is exploring other energy, sustainability, and grant funding to further reduce the net cost of acquiring the buses. A variety of different, financing and leasing opportunities are made available by

STAFF MEMBER PRESENTING: Chief Executive Officer – Mark Thorpe

Department: Commercial

Submitted to OIAA: March 25, 2021

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: *Mark A. Thorpe*

Proterra through third-party partners. Terms vary according to current market conditions. In addition, the Authority will evaluate other financing options that meet cash flow and budgetary requirements. Recommended financing will be brought back to the Board of Commissioners for approval.

BACKGROUND: Shuttle service is imperative to the terminal operations at ONT. The safe and efficient transport of the traveling public throughout the airport is critical to ONT’s customer experience. Shuttles provide service to Terminal 2 and 4, the Rental Car facility, and the International Arrivals Facility and are scheduled to run every 5-20 minutes throughout the day to meet the needs of our passengers. Due to the new successor contract for car parks, car parks services, and shuttle services awarded to Parking Concepts Inc., (PCI), the current bus operations provided by ABM will terminate leaving ONT without a means to assist our passengers. In the interim, the OIAA intends on leasing shuttle buses until the manufacturing of the eight (8) Proterra Inc. electric buses are delivered and accepted. The Virginia Statewide Contract E194-81688, is the State’s contract with Proterra providing zero-emission transit buses at contracted pricing in accordance with the requirements of the agreement. It is a State Cooperative Purchasing Contract (SCPC) under Section 3019 of the FAST Act and is compliant with Federal Transit Administration (FTA) Guidelines. In addition, the contract with Proterra includes zero-emission transit buses, build options, spare parts, optional warranties, and support services, to meet the ongoing needs of the OIAA.

In addition, staff determined that while the airport remains with lower PAX levels during the pandemic, operationally we can run a fleet of five 40’ Proterra zero-emission buses to meet the needs of our passengers. Once the airport returns to pre-pandemic numbers, the fleet of eight electric buses will support the desired level of service with the ability to rotate buses to minimize the miles/hours. The full fleet of eight buses will provide the necessary capacity as well as the desired level of service for the foreseeable future with the foresight of projecting an anticipated service level of approximately 8,000,000 PAX and the need to then add to the fleet. Therefore, the OIAA reserves the option to purchase four (4) additional 40’ zero-emission electric Proterra buses under the same prices, terms and conditions as approved herein by the Commission.

PROCUREMENT: The Virginia Statewide Contract E194-81688 with Proterra Inc., offers pre-negotiated “best price method”, which represents a streamlined procurement approach that complies with government procurement statues for competitive bidding. The overall cost for eight (8) zero emission Proterra 40’ buses and four (4) charging stations is estimated at \$6,913,429 excluding sales tax. Additional configurable costs may be added which includes extended warranty, training, additional tools, and spare parts, as determined by the OIAA Commercial and O&M Maintenance departments.

CEQA COMPLIANCE AND LAND USE APPROVALS: This item is exempt from CEQA under the general rule that, “CEQA applies only to projects which have the potential for causing a significant effect on the environment.” (CEQA Guidelines, §15061(b)(3).)

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: The zero-emission electric buses will vastly improve the efficiency and effectiveness of the airport's transit operations. Additionally, the procurement will assist the OIAA to achieve the ICT's mandated ZEVs regulations for California airports as required by 2035.

SCHEDULE: The order will be placed in April 2021 with delivery/acceptance of the 40' electric buses anticipated in the 1st quarter of 2022.

ATTACHMENTS: N/A

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, although these hours and review procedures may be modified due to COVID-19 precautions. In that case, the documents may be requested by email at clerk@flyontario.com.

This Agenda Report has been reviewed by OIAA General Counsel.



DATE: MARCH 25, 2021

SECTION: ADMINISTRATIVE DISCUSSION/ACTION/REPORT

SUBJECT: A RESOLUTION DENYING THE BID PROTEST BY MAG US PARKING MANAGEMENT LLC TO RFP#200005 REGARDING THE CONSOLIDATED CAR PARKING AND BUS SHUTTLE SERVICES AT ONTARIO INTERNATIONAL AIRPORT

RELEVANT STRATEGIC OBJECTIVE: Development of Airport-Related Business.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) deny the bid protest filed by MAG US Parking Management LLC (MAG) to RFP#200005.

FISCAL IMPACT AND SOURCE OF FUNDS: None.

BACKGROUND: Beginning in August 2020 and continuing for six months through February 2021 the OIAA conducted a thorough review of three responses to a request for proposal for consolidated car parking and bus shuttle services at ONT (RFP #200005 or RFP). OIAA’s review panel of four qualified members evaluated each proposal and interviewed each bidder based on the criteria set forth in the detailed RFP and six RFP addenda with written responses to questions.¹ The panel’s February 2021 decision on the RFP was based on a fair, impartial and in-depth evaluation of each proposal’s merits.

On February 24, 2021, one of the unsuccessful proposers, MAG US Parking Management LLC (MAG) submitted a Notice of Protest to the award of the RFP to PCI.²

¹ RFP#200005 for OIAA’s Car Park, Car Parking Services, Shuttle Bus Operations Request for Proposals, and the related six RFP addenda with written responses to questions, are attached as Exhibit B.

² MAG’s RFP Protest letter is attached as Exhibit C.

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

Department: Commercial

Submitted to OIAA: March 25, 2021

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: *Mark A. Thorpe*

ITEM NO. 11

MAG did not Submit a Valid Bid Protest: Only a proposer who actually submitted a proposal in response to the RFP is eligible to submit a protest. (RFP, §13.4.) Here, to meet minimum qualifications, MAG’s proposal was submitted as a partnership between MAG and SP+ Airport Services (SP+), with SP+ identified as performing the overwhelming majority of the proposed services at ONT. SP+’s Senior Vice President signed the bid proposal along with MAG’s executives³, but SP+ did not join in the bid protest submitted by MAG. Therefore, protest is invalid.

Also, the OIAA only considers protests by proposers who appear to have a substantial and reasonable prospect of receiving an award if the protest is sustained. (RFP, §13.4.) MAG does not have a substantial and reasonable prospect of receiving an award if the protest is sustained; MAG scored third place in the RFP evaluation review. The protest is invalid for this reason too.

The Elements of MAG’s Bid Protest are Without Merit: OIAA staff has reviewed MAG’s bid protest and provides the following responses to each item, in addition to other information and materials in the administrative record on this matter.

No. 1 (Claim that the RFP did not specify a start date for the winning contract; MAG letter pp. 1, 4) – This claim is incorrect. The RFP requested proposals for providing the requested services in the third quarter of 2020. (RFP, §1.2.) Per the RFP, OIAA is seeking “proposals that will significantly increase the revenue returns above those received today”. (RFP, §3.2.) As such, the OIAA stressed the need to improve its financial position now and not some time in the future. In addition, the RFP notified all proposers that the OIAA “will work with the awardee and incumbent to establish a mutually agreed date to commence operations”. (Addendum No. 5, Item #60.) Further, in order to provide uniform assumptions, the OIAA provided the proposers with enplanement forecasts for OIAA’s fiscal years ending June 30, 2020 and 2021, as well as actual enplanements for the fiscal years ending June 30, 2018, 2019, and 2020. (Addendum No. 3, Item #26.)

Further, MAG did not timely raise this issue by September 4, 2020 as required by RFP Addendum No. 2.

No. 2 (Claim that the OIAA erred when evaluating the Income and Cost Proposal; MAG letter pp. 3-4) – This claim is incorrect. MAG wrongly asserts that its proposal “would allow OIAA to recover the greatest amount of profits”. MAG’s income projections, however, were not reasonable or tied to any known credible data nor did MAG guarantee its revenue projection. The RFP stated that scoring for the income and cost proposals will be based on “reasonableness in the calculation and the data supporting the NOI [net operating income] is taken into account as a whole to score whether the methodology is consistent and plausible to produce the results presented”. (RFP Addendum No. 5, Item #15.)

The OIAA Evaluation Committee unanimously determined that MAG’s income proposal was implausible, unrealistic, and unachievable. MAG’s score for its revenue forecast was reduced because their ONT passenger numbers were very inconsistent with reputable forecasts and therefore deemed to be unobtainable. Industry-wide consensus is that airline passenger traffic will not return to pre-COVID levels

³ See MAG’s response to OIAA’s RFP #200005 attached as Exhibit D.

until 2024 on average, as analyzed by organizations such as Airport Council International, International Air Transport Association, Airlines For America, and Boeing, but MAG's revenue proposal assumed, without a valid and demonstrated basis, a return to pre-COVID passenger levels by 2022. MAG's revenue projections were also based on the infeasible assumption that parking rates would increase by \$1.00 annually, which did not account for likely cost-sensitivity from parking consumers. As a result, MAG's gross revenue forecast was more than double the nearest forecast from the other proposers.⁴

MAG's cost proposal (projected operating expenses) scored second among the proposers behind PCI. Managing expenses is a key element in increased revenue to OIAA, but MAG's projected operating expenses were approximately **\$19 million higher** than PCI's over 10 years. The OIAA also determined that MAG did not support the basis for its expense forecasts, which start with high expenses and then increase annually. This is inconsistent with expected expense reductions due to automation and online booking. The MAG cost proposal also lacked detailed personnel costs or hourly rate shift patterns.⁵

No. 3 (Claim that PCI is unqualified; MAG letter p. 3) – This claim is without merit. PCI has successfully performed parking and shuttle operations at ONT since 2007. PCI also submitted references from other major and regional airports such as DFW, LAX, John Wayne Airport and Dallas Love Field, at which PCI provides, or provided for many years, a wide range of parking services during its 47 years of parking experience. PCI, in combination with its experienced partners, possesses the requisite expertise to provide the services in response to the RFP.

Further, MAG had to partner with SP+ to meet minimum qualifications under the RFP. MAG proposed that SP+ would provide all operational car park and shuttle bus services, which account for about 90% of the revenues associated with the RFP, and MAG would perform only the online services.

No. 4 (Claim relating to a 5-year proposed contract award to PCI; MAG letter pp. 2, 4) – This issue is irrelevant and without merit. MAG takes issue that the RFP sought a concession agreement for 10-year term plus two 5-year options, yet the negotiated PCI concession agreement recommended for OIAA Commission approval is for a 5-year term with one 5-year option. The RFP stated that OIAA intended to execute a concession agreement “for a 10-year term plus two 5-year options to extend the term of the contract, negotiated at the discretion of the OIAA CEO”. (RFP, §1.2 [emphasis added].) As required by the RFP, the proposals included Income and Cost Proposals based on a 10-year horizon. (RFP, Attachment 8.) All proposals were evaluated based on a 10-year contract term, and OIAA's decision to recommend the award to PCI was based on a 10-year contract term. In the course of negotiating the best-and-final-offer concession agreement with PCI, however, OIAA determined a 5-year contract term would be better for OIAA. The shorter term provides additional flexibility in light of the ongoing uncertainty surrounding COVID-19. In any event, the shorter contract term does not impact the RFP scoring; and, MAG's Income and Cost Proposal remains unrealistic and unachievable under a 5-year contract horizon as well.

⁴ See Financials Forecast Spreadsheet attached as Exhibit E, together with other evaluation materials for MAG's proposal.

⁵ See Financials Forecast Spreadsheet attached as Exhibit E, together with other evaluation materials for MAG's proposal.

No.5 (Claim relating to shuttle bus services; MAG letter p. 5) – This claim has no merit. MAG incorrectly argues that OIAA contradicted the RFP requirements with respect to shuttle bus services. The RFP stated that the selected operator shall: “undertake to provide electric shuttle bus coaches within 6 months of commencing operations”. (RFP, §3.2.) Under the RFP, however, the OIAA “reserves the right to amend the scope of work, as described above, and award selected portions of the scope as the Authority desires. Any modifications to the scope, as described, will be negotiated prior to award of the OIAA agreement” (*Ibid*). The RFP Addenda also clarify that proposers should use their previous knowledge and experience, along with current conditions, to strategize electric bus use to meet the needs of the Airport now and throughout the term of the agreement. (Addendum No. 3, Item #41; see also Addendum No. 5, Items ##7, 36; Addendum No. 1, Item #4.) All proposals were submitted in response to the same shuttle bus requirements set forth in the RFP and Addenda, and were evaluated on whether the requirements were met.

Also, consistent with the RFP, the recommended PCI concession agreement and discussion on the related Agenda Report requires PCI to manage and operate “all shuttle bus operations” at the Airport “consistent with meeting OIAA’s long-term sustainability goals” and that OIAA will incorporate into the PCI agreement the equipment and services necessary to provide the shuttle bus service both on a transitional and long-term basis.

No. 6 (Claim relating to potential renegotiations of the new parking agreement; MAG letter p. 5) – This claim has no merit. MAG claims that OIAA contradicted the RFP by offering to renegotiate the agreement with PCI when pre-COVID passenger levels return. This is not true. As stated above, OIAA reserved the right to negotiate the final terms of the agreement. (See RFP, §§1.2, 7.4.) Further, the RFP addenda specified that OIAA’s preference is for the proposers to make a compelling argument to significantly increase revenue returns using the model that best optimizes such returns. As such, the addendum notes “The agreement will be modified as necessary to accommodate the requirements of the proposal selected” (Addendum No. 5, Item #18). Consistent with the RFP, the recommended PCI concession agreement provides that PCI’s compensation will be renegotiated. Specifically, Year 1 of the agreement involves a fixed Management Fee to PCI of \$350,000 which is down from the current fee of \$1,860,000. Later, the parties will establish a percentage management fee as well as a percentage bonus management fee, based on net revenues and income. These renegotiation provisions optimize returns to the Airport by ensuring PCI will focus on managing all costs and expenses driving gross revenue. These provisions are consistent with OIAA’s ability under the RFP to negotiate and modify final contract terms at the discretion of the CEO.

No. 7 (Claim relating to supposed impacts of MAG’s existing contract with OIAA; MAG letter pp. 1-2, 4) – This issue is irrelevant and without merit. MAG argues that OIAA failed to consider in the RFP process the alleged impacts of early termination of MAG’s current agreement with OIAA for online car parking and lounge management services at ONT. Issues related to MAG’s lounge management contract at ONT were not at all a part of the RFP for consolidated car parking and bus shuttle services at ONT.⁶ These claims are separate from, and irrelevant to, the RFP.

⁶ See Exhibit B attached.

Further, MAG did not timely raise this issue by September 4, 2020 as required by RFP Addendum No. 2. Finally, the separate contract claims lack merit as explained to MAG in correspondence from OIAA dated August 13, 2020 and February 17, 2021.

No. 8 (Claim relating to a Public Record Act request by a third party; MAG letter pp. 3, 5) – This issue is irrelevant and without merit. MAG raises a vague concern that a third party made a Public Records Act (PRA) request in July 2020 for documents related to MAG’s parking transactions at ONT, which public documents were provided as required under the law. The PRA request was from Deep Ellum Capital in Frisco, Texas. No OIAA RFP Evaluation Committee members, however, are aware of any contact between Deep Ellum Capital and anyone at OIAA beyond the PRA request and response itself. The PRA request had no impact or bearing on the RFP process.

STAFFING IMPACT (# OF POSITIONS): N/A

IMPACT ON OPERATIONS: N/A

ATTACHMENTS: Attachment A - Resolution No. 2021-____

Attachment B:

- Exhibit B - RFP#200005 for OIAA’s Car Park, Car Parking Services, Shuttle Bus Operations Request for Proposals, and the related six RFP addenda with written responses to questions
- Exhibit C - MAG’s RFP Protest letter
- Exhibit D – MAG’s response to OIAA’s RFP #200005
- Exhibit E – Financials Forecast Spreadsheet, together with other evaluation materials for MAG’s proposal.

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, although these hours and review procedures may be modified due to COVID-19 precautions. In that case, the documents may be requested by email at clerk@flyontario.com.

This Agenda Report has been reviewed by OIAA General Counsel. |

RESOLUTION NO. 2021- _____

A RESOLUTION OF THE ONTARIO INTERNATIONAL AIRPORT
AUTHORITY DENYING THE BID PROTEST BY MAG US PARKING
MANAGEMENT LLC TO RFP#200005 REGARDING THE
CONSOLIDATED CAR PARKING AND BUS SHUTTLE SERVICES
AT ONTARIO INTERNATIONAL AIRPORT

WHEREAS, the Ontario International Airport Authority (“OIAA”) was established for the purpose of operating, maintaining, managing, and developing the Ontario International Airport (“ONT” or “Airport”), which provides essential services and infrastructure for public commercial travel and general commerce;

WHEREAS, the OIAA is committed to providing world-class levels of customer service and optimizing revenue and asset performance. The current car park and shuttle bus services at ONT are contracted out across three companies who interact with customers while managing these operations at ONT. To ensure that the OIAA is optimizing the car park and shuttle bus services and related customer services, as well as the revenue opportunities and cost controls across the operation, the OIAA decided to issue a Request for Proposals (RFP) for a car park and shuttle bus operator to manage all such services at ONT in a consolidated operation;

WHEREAS, on August 12, 2020, the OIAA posted on Planet Bids a Request for Proposals (RFP #200005) inviting firms to prepare and submit qualifications for Car Park, Car Park Services, and Shuttle Bus Operations at ONT;

WHEREAS, the OIAA received three proposals in response to the RFP, from the following firms: ABM Aviation, Inc. (ABM), MAG US Parking Management LLC (MAG), and Parking Concepts Inc. (PCI);

WHEREAS, the OIAA established a four-person Evaluation Committee to review and evaluate the proposals. Prior to the RFP distribution, each Evaluation Committee member signed an acknowledgement confirming their receipt of, and adherence to, the OIAA’s RFP/RFQ Evaluation Guidelines, which cover the RFP Conduct, Confidentiality, and Evaluation Instructions and Procedures. In doing so, the Evaluation Committee committed to conduct themselves in a fair, professional and unbiased manner, and to evaluate the proposal content based on the published evaluation criteria in the RFP without factoring in criteria not part of the RFP or outside influences;

WHEREAS, each Evaluation Committee member independently reviewed and evaluated each proposal using the evaluation criteria set forth in the RFP and scored each proposal accordingly. The Evaluation Committee also conducted interviews of each of the proposing firms. The Evaluation Committee’s evaluations were then combined to determine a numerical ranking of each responsive proposal. Based on this process, PCI received an evaluation score of 74.75, ABM received a score of 52.25, and MAG received an evaluation score of 49.00;

WHEREAS, the Evaluation Committee selected PCI and ABM as preferred bidders. Further negotiations with the preferred bidders resulted in the recommendation to award a concession agreement to PCI for consolidated car parking and shuttle bus operations at ONT;

WHEREAS, on February 17, 2021, the OIAA provided public notice of the February 25, 2021 OIAA Commission meeting and posted online the entire Agenda packet for the Commission meeting. Agenda item #10 of this Commission meeting recommended that the OIAA authorize the Chief Executive Officer (CEO) to execute a concession agreement with PCI to provide car parking and shuttle bus operations at ONT;

WHEREAS, on February 17, 2021, OIAA notified the unsuccessful proposers, ABM and MAG, of the recommendation to award RFP #200005 to PCI;

WHEREAS, on February 24, 2021, one of the unsuccessful proposers, MAG, submitted a Notice of Protest to the award of the RFP to PCI (Bid Protest) to OIAA;

WHEREAS, at the February 25, 2021 OIAA Commission meeting, MAG's CEO provided public comments in opposition to the recommended award of RFP #200005 to PCI;

WHEREAS, on March 18, 2021, OIAA notified protesting and potentially affected parties, including MAG and PCI, that MAG's Bid Protest will be considered at the March 25, 2021 public meeting of the OIAA Commission;

WHEREAS, on March 22, 2021, OIAA staff provided to the OIAA Commission members with copies of the entire Agenda packet for the March 25, 2021 OIAA Commission meeting. The materials included an OIAA Agenda Report regarding this Resolution and attachments to the Report, including (1) RFP #200005 for OIAA's Car Park, Car Parking Services, Shuttle Bus Operations Request for Proposals, and the related six RFP addenda with written responses to questions, (2) MAG's Bid Protest to the award of the RFP to PCI, (3) MAG's response to OIAA's RFP #200005, and (4) some financial projections regarding responses to the RFP, together with evaluation materials for MAG's proposal;

WHEREAS, the OIAA Commission members have reviewed and considered all such materials identified immediately above;

WHEREAS, The OIAA Commission determined that MAG's RFP Protest is without merit for the reasons summarized in the OIAA Agenda Report;

WHEREAS, the full record of proceedings on which the decision on MAG's Bid Protest is based includes, but is not limited to, all records generated in connection with RFP #200005, responses to RFP #200005 including interview questions and answers and supporting materials, the Evaluation Committee's review and evaluation of

responsive proposals, as well as the OIAA governing and guidance documents including the OIAA Procurement Manual and RFP Process documents; and

WHEREAS, on March 25, 2021, the OIAA Commission held a noticed public meeting and considered all information related to MAG's Bid Protest, including reports and attachments prepared or presented by staff, all public comment and oral and written testimony, and the full record of proceedings to date.

NOW, THEREFORE, BE IT RESOLVED by the Ontario International Airport Authority as follows:

- (1) The above recitals are true and correct, and are incorporated in full herein by reference.
- (2) Based on substantial evidence in the record, the Ontario International Airport Authority Commission denies MAG's Bid Protest to RFP #200005 for the reasons summarized in the OIAA Agenda Report on this matter.

PASSED, APPROVED, AND ADOPTED at a regular meeting this 25th day of March.

ALAN D. WAPNER, OIAA PRESIDENT

ATTEST:

SECRETARY/ASSISTANT SECRETARY

APPROVED AS TO LEGAL FORM:

LORI D. BALLANCE
GENERAL COUNSEL

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, Natalie Gonzaga, Assistant Secretary of the Ontario International Airport Authority, DO HEREBY CERTIFY that foregoing Resolution No. 2021-__ was duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held on March 25, 2021 by the following roll call vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

SECRETARY/ASSISTANT SECRETARY

(SEAL)

The foregoing is the original of Resolution No. 2021-__ duly passed and adopted by the Commission of the Ontario International Airport Authority at their regular meeting held March 25, 2021.

SECRETARY/ASSISTANT SECRETARY

(SEAL)



DATE: MARCH 25, 2021

SECTION: ADMINISTRATIVE DISCUSSION/ACTION/REPORT

SUBJECT: AWARD OF A CONCESSION AGREEMENT WITH PARKING CONCEPTS, INC., FOR CAR PARKING OPERATIONS AND SHUTTLE BUS SERVICES AT ONTARIO INTERNATIONAL AIRPORT

RELEVANT STRATEGIC OBJECTIVE: (1) Provide Customer-Friendly Facilities and Services; and (2) Develop and Grow Non-Airline Revenue Sources.

RECOMMENDED ACTION(S): That the Ontario International Airport Authority (OIAA) authorize the Chief Executive Officer (CEO) to execute a five-year concession agreement with Parking Concepts, Inc. (PCI), to provide car parking and shuttle bus operations at Ontario International Airport (ONT), and authorize the CEO to exercise one five-year extension option.

FISCAL IMPACT SUMMARY: The new concession agreement for car parking and shuttle bus operations at ONT will bring an expected cost reduction of approximately \$2,000,000 each year.

BACKGROUND: The current car park and shuttle bus services are contracted out across three companies, Manchester Airport Group, Parking Concepts, In. (PCI) and ABM Parking Services (ABM), who interface with customers while managing these operations at ONT. A Request for Proposals (RFP) was issued for car park, car park services, and shuttle bus operations, with a goal to ensure operational synergies, provide cost savings, and improve profitability returns to the OIAA. After receiving three valid proposals to the RFP, PCI and ABM were selected as preferred bidders. Further negotiations with the preferred bidders resulted in the recommendation to award the concession agreement to PCI.

PCI's proposed negotiated annual costs for all car park and shuttle bus services are \$4,900,000 inclusive of \$350,000 year-one management fee. Negotiations with PCI have resulted in the recommendation of a concession agreement to PCI, with an agreed upon fixed management fee of \$350,000 per year, down

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

Department: Commercial

Submitted to OIAA: March 25, 2021

Approved: _____

Continued to: _____

Denied: _____

Chief Executive Officer Approval: Mark A. Thorpe

ITEM NO. 12

from the current fee of \$1,860,000 resulting in a savings of \$1,510,000. OIAA management will work with PCI to lease/incorporate into their agreement the equipment and services necessary to provide shuttle services on a transitional basis while the OIAA evaluates long-term solutions for the vehicles that are consistent with OIAA's efforts to establish and grow its commitment to a sustainable energy program. At a future date, OIAA staff will bring to the Board its recommendation for shuttle vehicles that is consistent with meeting OIAA's long-term sustainability goals.

As pre-COVID-19 levels of traffic return, the OIAA Commercial Team will re-negotiate based on a management fee as a percentage of net revenue, with a bonus percentage potential for performance against strict key performance indicators (KPI) and service level agreements (SLA). This will ensure PCI focuses on managing all costs and expenses, driving gross revenue. Overall savings in year-one of this agreement is estimated at approximately \$2,000,000 which will increase as traffic returns to pre-COVID-19 levels.

OIAA management will continuously work closely with PCI to further reduce costs. One additional OIAA staff member will be requested within the FY 2021-22 budget and will be assigned as a dedicated PCI account manager. The contract will require close management with a focus on ensuring costs are optimized and invoicing reflects actuals without mark-up, in addition to managing the KPI and SLA performance by the PCI team. In addition, all online parking booking revenue will no longer be offset against the Escape Lounge capital expenditure and be included within our gross revenues.

The OIAA is confident that the award to PCI will deliver significantly improve financial returns and incorporate a plan for the development of a broader width and breadth of car park operations and services, linked to a coordinated shuttle bus operation across the airport property. This will be an important step to provide such highly-sought-after services and amenities to ONT passengers.

PROCUREMENT: The Car Park, Car Park Services, Shuttle Bus Operations Request for Proposals (RFP #20005) was posted on Planet Bids on August 14, 2020, and resulted in three responsive proposals that were reviewed, evaluated, and interviewed by an OIAA selection panel based on the criteria set forth in the RFP. Therefore, per staff's review and advice, Management recommends that the proposer offering the best and final offer negotiations be awarded to PCI.

CEQA COMPLIANCE AND LAND USE APPROVALS: The proposed project is Categorically Exempt (Class 1) from the provisions of CEQA pursuant to Section 15301, because it provides for the exemption of existing facilities. Operations, repair, maintenance, permitting, leasing, licensing, or minor alteration of 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): One OIAA position (To be requested in FY 2021-22 Budget).

SCHEDULE: The target date for commencement of the new concession agreement is April, 1, 2021 following the transition period.

ATTACHMENTS: Attachment A - Proposed concession agreement with Parking Concepts, Inc.

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, although these hours and review procedures may be modified due to COVID-19 precautions. In that case, the documents may be requested by email at clerk@flyontario.com.

This Agenda Report has been reviewed by OIAA General Counsel. |