

TULSA AIRPORTS IMPROVEMENT TRUST
BID PROTEST PROCEDURE
Approved by Board Action January 13, 2022

PURPOSE: To establish a procedure for protests made by a respondent to any competitive selection process. A competitive selection process includes, but is not limited to, selections made pursuant to request for proposals, request for qualifications, or request for sealed bids (collectively, "solicitation(s)").

LEGAL CONSIDERATION: Tulsa Airports Improvement Trust, is a Oklahoma public trust organized under the laws of the State of Oklahoma, under Okla. Stat. tit. 60 §176 et seq., the beneficiary of which is the City of Tulsa, Oklahoma. The City leases the Airports to the Tulsa Airports Improvement Trust ("TAIT") pursuant to the terms of an Amended and Restated Lease Agreement between the City of Tulsa, Oklahoma and TAIT, effective as of January 1, 2014, as further amended. The Trust Indenture provides that TAIT is authorized, among other things, to make and enter into contracts, and to otherwise transact business and to do all other acts which, in their judgment, are necessary or desirable for the proper and advantageous management, investment and distribution of the Trust Estate and income therefrom.

PROCEDURE:

A. General

1. Computation of time for purposes of this procedure, unless otherwise stated, excludes Saturdays, Sundays, and TAIT holidays.
2. Time periods contained in this procedure may be modified by the Airport CEO or designee, if necessary, due consideration being given to the subject matter of the protest or other factors necessitating such modification.
3. Protests may not challenge the chosen procurement method, the evaluation criteria, the relative weight of the evaluation criteria or the formula specified for assigning points in any solicitation.
4. All solicitation documents, with respect to contract awards, will set forth the following statement:

"Failure to follow the procurement protest procedure set out in TAIT's policies constitutes a waiver of your protest and resulting claims. A copy of the procurement protest procedure may be obtained by the Airport

Representative also available on the TAIT's website at <https://www.tulsaairports.com/about-us/business-opportunities/>

5. All formal bid protests must be made at least three (3) days prior to the approval of award of a contract at the TAIT Board meeting upon which the approval of award appears on a duly filed Agenda for consideration. No bid protests shall be permitted after the award of a contract by the TAIT Board.
6. The words "must" "will" and "shall" indicate mandatory requirements.

B. Procedure

1. An Airport Representative will provide all respondents at least three (3) business days' notice of its intent to award a contract prior to selection or award by the TAIT's Board at a regular or special meeting of TAIT.
2. Pre Protest Informal Process – Prior to initiating any formal process under this Procedure, respondents must make a good faith attempt to resolve any disputes with the Airport Representative. If after the informal process has completed and the respondent does not believe dispute has been resolved, the respondent may make a formal protest under the procedures below.
3. Only after the Pre-Protest Informal Process has concluded, A protesting respondent must file a written protest with the Airport Representative no later than two days prior to award of the contract by the Board. Such formal protest must state with specificity the reasons why the respondent believe they were adversely affected by the outcome of the Airport Representative's selection and additional requirements as set out below.
4. Upon receipt of a bid protest, the Airport Representative may engage legal counsel for consultation. TAIT staff will determine whether the bidder has standing to pursue a bid protest.
5. A formal written protest must contain the following:
 - a. TAIT solicitation name and number.
 - b. The name and address of the protesting party of the bid or proposal.
 - c. The name, address, title, and position of the respondent filing the protest (protester).

- d. A statement of all disputed issues of material fact. If there are no disputed issues of material facts, the written protest must so indicate. Protests may not challenge the chosen procurement method, the evaluation criteria, the relative weight of the evaluation criteria or the formula specified for assigning points in any solicitation
- e. A statement indicating the relief to which the protester deems they are entitled.
- f. A concise statement of all the facts alleged and of all the rules, regulations, statutes, and constitutional provisions entitling the protester relief.
- g. Any other information as the protester deems to be material to the issue.

C. Fact-Finding Group

1. Any formal written protest filed in compliance with this Procedure will be reviewed by a fact-finding group whose duties are to gather and review all relevant materials, review the protest, and make a recommendation to the CEO or designee.
2. The fact-finding group will be made up of appropriate airport staff, and may include an attorney engaged by TAIT.
3. The group will present all materials in the most efficient manner to the CEO or designee who after a thorough review of the relevant materials will notify the protestor of the CEO's decision.

D. Final Decisions

Decisions of the CEO shall be final and subject to review or appeal by appropriate court action, or in some instances by proceedings before federal administrative agencies, in accordance with applicable law. Outside of the formal protest document(s), the findings of the fact-finding group, and the CEO's final decision, no new facts or issues will be considered by the reviewing court or agency.

E. Federal Aviation Administration Review

In the event some or all of the cost of the contract will be paid or reimbursed by the Federal Aviation Administration ("FAA"), a protestor may further submit protests that

involve violation of federal laws or regulations (including a protest that TAIT did not follow its established protest procedures), to the FAA for consideration.

TAIT will not make any award of the subject contract during the pendency of any protest.