

TAIT

Computer-Aided Dispatch and Records Management System

Request for Proposals

Amendment 5

This Addendum forms part of the Proposal Documents and must be acknowledged with the Bidder's sealed bid proposal as required by those documents.

Bidder Question

Will TAIT accept exceptions to the terms and conditions of the Proposal Documents?

TAIT Response

TAIT will permit Bidders to submit proposed exceptions for consideration, subject to the requirements below. Permission to submit an exception does not constitute acceptance of the exception or a determination that the proposal is responsive. Depending on its nature, materiality, and effect on the procurement, an exception may result in rejection of the proposal. TAIT is not obligated to accept an exception or negotiate concerning it.

1. Schedule of Proposed Exceptions

A Bidder proposing exceptions must include a separate, clearly identified **“Schedule of Proposed Exceptions”** with its sealed bid proposal. For each exception, the Bidder must:

- Identify the affected document, section, and provision;
- Describe the requested exception and provide proposed replacement language or an alternative requirement;
- Explain the reason for the exception;
- Identify any effect on price, scope, functionality, security, performance, schedule, support, licensing, or allocation of risk; and
- State whether the exception is a requested change only or a condition of the proposal, as described below.

A Bidder proposing no exceptions must state **“No exceptions.”**

2. Requested Changes and Conditions of the Proposal

For each exception, the Bidder must identify one of the following:

Requested change only. The Bidder requests consideration of the exception but agrees to perform in accordance with the unmodified requirement, at its submitted price, if TAIT does not accept the exception.

Condition of proposal. The Bidder's offer depends on acceptance of the exception. The Bidder must clearly explain the condition and its consequences. A conditional proposal may be rejected as nonresponsive.

TAIT may request clarification or reject a proposal that does not clearly identify the conditions on which the Bidder offers to perform.

3. Vendor and Third-Party Terms

Exceptions contained in standard vendor agreements, software licenses, online terms, quotations, or other attachments must also be expressly identified in the Schedule of Proposed Exceptions. Merely attaching or referring to such terms does not establish TAIT's acceptance of them.

No vendor or third-party term modifies the Proposal Documents unless TAIT expressly accepts that modification in the executed Agreement or an expressly incorporated written exception schedule.

4. Review of Exceptions

TAIT will review proposed exceptions under applicable law, TAIT's Purchasing Policy, and the Proposal Documents. TAIT may reject an exception or a proposal when the exception materially alters an essential requirement, impairs the comparability of proposals, or otherwise makes the proposal unacceptable or nonresponsive.

Materiality may include effects on price, required scope or functionality, security, performance, schedule, or substantial contractual obligations and risk allocation.

Permission to submit exceptions does not expand TAIT's authority to waive material requirements. TAIT may waive informalities and minor irregularities only as permitted by applicable law, TAIT's Purchasing Policy, and the Proposal Documents.

TAIT will apply the same review framework to all Bidders. Proposals determined to be responsive will be evaluated under the published Best Value criteria. This Addendum does not establish additional scoring categories or change their weights.

5. Mandatory Requirements

TAIT will not accept an exception that would require it to violate applicable law or omit or modify prescribed FAA contract language that must be included without modification.

No requirement is deemed optional merely because proposed exceptions may be submitted.

6. Clarification and Negotiation

TAIT retains the clarification and negotiation rights stated in the Proposal Documents, subject to applicable law and TAIT's Purchasing Policy.

TAIT is not required to permit withdrawal, revision, or cure of an exception after the bid deadline. No Bidder has a right to revise its price or other material commitments after opening. Any clarification or negotiation must preserve the integrity and fairness of the procurement.

7. Acceptance of Exceptions

An exception is accepted only when expressly approved by TAIT and reflected in the executed Agreement or an expressly incorporated written exception schedule.

Receipt, review, scoring, discussion, or selection of a proposal does not, by itself, constitute acceptance of an exception. TAIT's silence concerning an exception does not constitute acceptance.

8. Effect on Proposal Documents

This Addendum supplements the provisions concerning qualified proposals, responsiveness, clarification, and negotiation. It permits disclosure and consideration of exceptions but does not eliminate TAIT's right to reject a proposal that places conditions on or qualifies its offer.

Except as expressly modified by this Addendum, all requirements, deadlines, evaluation criteria, and other terms of the Proposal Documents remain unchanged.

Issued by:

Tulsa Airports Improvement Trust
Jackie Smithson, Airport Representative