

33<sup>rd</sup> Annual Basics of Airport Law Workshop and 2017 Legal Update

## Lunch Presentation

# OUT OF THE FRYING PAN, INTO THE FIRE — OBSERVATIONS FROM INSIDE AIRPORTS AND THE FAA

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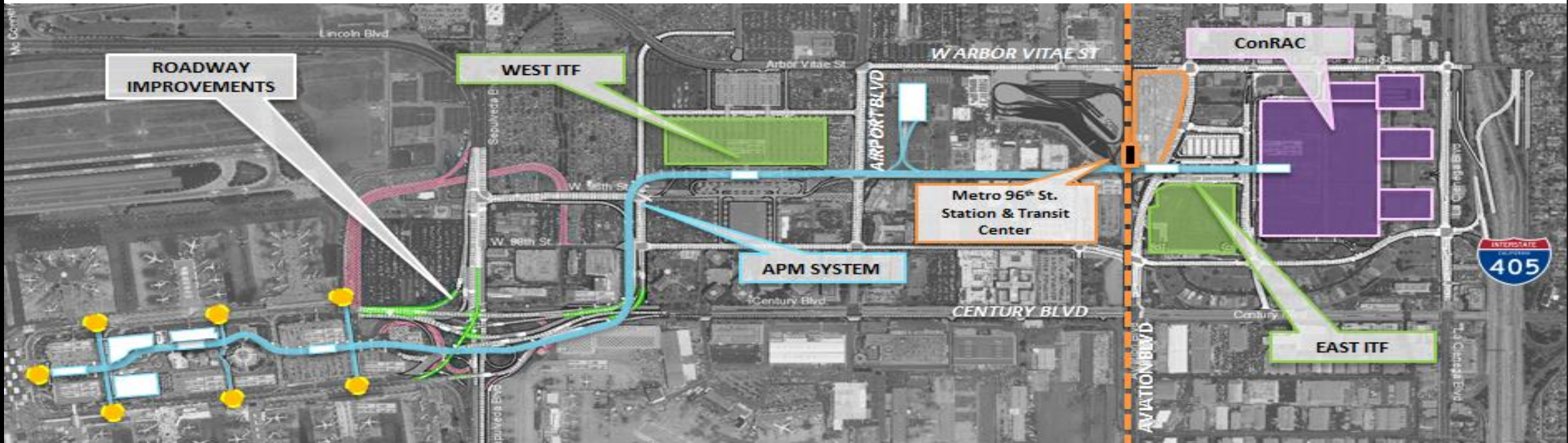
# PRESENTATION OVERVIEW

- Life after the FAA (“THE FRYING PAN. . .”  
Returning to serving the Airport (“. . .INTO THE FIRE”)
- Landside Access Modernization Program (LAMP) Overview
- Delivery Model Selection (Public Private Partnership or more commonly P3s)
- Legal Authority
- Innovative Procurement Tools
- My Personal FAA Memoirs

# LAMP OVERVIEW

## SIX MAJOR PROGRAM ELEMENTS

APM	ConRAC	Terminals	Transit	ITFs	Roads
<ul style="list-style-type: none"> <li>Guideway</li> <li>Stations</li> <li>Pedestrian Bridges</li> <li>Train System</li> </ul>	<ul style="list-style-type: none"> <li>Customer Service Building</li> <li>Rental Car Storage</li> <li>Vehicle Prep and Light Maintenance</li> </ul>	<ul style="list-style-type: none"> <li>Terminal Modifications for pedestrian bridges and passenger movement changes</li> </ul>	<ul style="list-style-type: none"> <li>Connection to 96<sup>th</sup> Street Metro Station (Metro Project)</li> </ul>	<ul style="list-style-type: none"> <li>Pick-up/Drop-off Curbs</li> <li>Commercial Modes</li> <li>Parking</li> </ul>	<ul style="list-style-type: none"> <li>Roadway, Site Work, Utilities</li> </ul>



# DELIVERY MODEL SELECTION

- Delivery models considered for various program elements (or combinations of elements)
  - Design-Bid-Build (DBB)
  - Progressive Design-Build
  - Lump Sum Design-Build
  - Construction Manager-At-Risk
  - Design-Build-Operate-Maintain (DBOM)
  - Availability Payment Design-Build-Finance-Operate-Maintain
  - Revenue Risk Design-Build-Finance-Operate-Maintain
  - Pre-Development Agreement
- Process resulted in LAWA choosing:
  - Availability Payment DBFOM for APM and ConRAC
  - Progressive Design-Build for several other elements

# LEGAL AUTHORITY

- Determine whether agency has needed legal authority for DBFOM, which includes:
  - Authority to award contract based on best value determination
  - Authority to enter into single contract for design, construction, financing, operations and maintenance
  - Authority to commit to making Availability Payments
    - Payments through end of contract term (30 years)
    - Appropriations risk
- Identify any needed legislative action
- Often, existing law may suffice even if not originally drafted for Availability Payment DBFOM

# LEGAL AUTHORITY

## LAMP legal authority process

- Adopted ordinance to use competitive sealed proposal process (authorizes best value selection)
- Follow-up ordinance addressed issues related:
  - Subcontractor listing law issues
  - Proposal security
  - Payment / performance security issues
  - Licensing requirements
  - Late payment rate

# INNOVATIVE PROCUREMENT TOOLS

- LAWA using various innovative procurement tools for APM procurement
  - Vehicle Eligibility Determination Process
  - Two-step procurement (RFQ followed by RFP)
  - Q&A on draft RFP documents
  - One-on-one meetings
  - Alternative technical concepts
  - Aesthetic review process
  - Best value selection
  - Payments for work product (stipends)

# LANDSIDE ACCESS MODERNIZATION PROGRAM (LAMP) OVERVIEW



# MY FAA MEMOIRES . . .