



**Metropolitan Topeka Airport Authority
July 5, 2023**

Special Meeting conducted via ZOOM..... 1:30 PM

Chairwoman Stubbs brought the special meeting of the MTAA Board of Directors to order at 1:30 PM with Board members participating in the ZOOM meeting as follows: Brian Armstrong, Sam Sutton, Joseph Ledbetter and Mike Munson. Also identified as attending via ZOOM were:

- Sam Stallbaumer, WSP USA, Inc.
- Timothy Resner of Frieden & Forbes, LP – Legal Counsel to the Board

Staff members in attendance:

- Eric Johnson

Item 1. Notice.

Chairwoman Stubbs inquired if everyone who requested notification had been notified of this meeting. **Mr. Johnson replied that notifications were sent.**

Item 2. Adopt the Agenda.

Chairwoman Stubbs asked for a motion to adopt the Agenda as presented. Mr. Ledbetter inquired if public comment was required during special board meetings. Mr. Resner replied that it is not required to allow or receive public comment during a KOMA meeting.

Mr. Armstrong made a motion to adopt the Agenda as presented. Mr. Munson seconded the motion. Motion carried.

Item 3. Review Bids Received from the Re-Bid for the Construction of Snow Removal Equipment (SRE) Storage Facility at Topeka Regional Airport and Consider Award of Bid.

Mr. Johnson reported that two bids were received for the re-bid of the SRE Building construction project and opened on June 27, 2023. WSP completed the bid analysis, checking the bids for mathematical errors and responsiveness. Senne Company was determined to be the low bidder with a bid of \$4,275,000.00. This bid is 8.71% below the Engineer's Opinion of Probable Cost. A bid alternate for three (3) – 12' Dia. Ceiling Fans was also provided for at a cost of \$36,000.00 which is approximately 54% less than the Engineer's Opinion of Probable Cost.

The anticipated award through the Cares Act grant is expected to be approximately \$3,000,000.00. To cover the difference, Mr. Johnson proposed the Board authorize the use of funds the MTAA received for the reimbursement of emergency services payroll for 2020 and 2021. These funds total \$2,060,988.00 (CRRSA Grant - \$1,003,949.00 and ARPA Grant - \$1,057,039.00). Mr. Johnson recommended the Board accept the bid offered by Senne Company in the amount of Four Million Three Hundred Eleven Thousand Dollars and No Cents (\$4,311,000.00), pending a concurrence of award from the FAA.

Mr. Ledbetter requested examples and dates of other projects completed by Senne Company. Mr. Stallbaumer stated Senne Company provided examples of projects in their statement of qualifications. Mr. Ledbetter also expressed his concern that the MTAA has not yet received

written confirmation from the FAA that a grant will be offered for this project. Mr. Johnson stated he would contact the FAA Central Region and request this confirmation.

Ms. Stubbs requested clarification regarding the award of the project to Senne Company. Mr. Johnson explained the process for the action requested. The Board can accept the bid offered by Senne Company pending concurrence of award by the FAA and the availability of funds to complete the project.

Mr. Ledbetter asked if the CRRSA and ARPA funds were included in the audit information provided to him. Mr. Johnson stated they were not, that the MTAA did not draw down on the grants until early 2023. These funds are held at Fidelity State Bank and, as required for all public funds, there are securities pledged to insure the deposits in excess of the FDIC \$250,000 coverage. Mr. Ledbetter requested written confirmation of the insured value.

Mr. Ledbetter inquired if the contract, if awarded, would be subject to the Kansas Cash Basis Law. Mr. Resner responded the Federal Funds received for the project are not however, any MTAA funds used for this project would be subject to the Kansas Cash Basis Law.

Mr. Munson inquired if there were any concerns with the significant differences in the two bids received for the project. Mr. Stallbaumer stated there were no concerns and explained the reasoning for the use of the line-item contract for this project. Ms. Stubbs asked Mr. Sutton if he had any concerns with this project. Mr. Sutton responded that he is not on board with the SRE building due to the high cost. He also stated the MTAA should focus on constructing new hangars to address the shortage and keeping existing hangars functional.

Mr. Munson asked if the MTAA would be able to redirect the funds to address the concerns expressed by Mr. Sutton. Mr. Johnson stated that the Federal funds were previously identified for this project and that with the time remaining, redirecting the funds is not possible. The CRRSA and ARPA funds are reimbursements and can be used any way the Board sees fit. Regarding the construction of the SRE Building, this project will help ensure MTAA personnel can respond appropriately to winter conditions in a timely manner.

Mr. Armstrong inquired if it is the intent to include the bid alternate in the award of the bid. Mr. Johnson explained what is included in the bid alternate and it is intended to be included as part of the project. Mr. Armstrong requested clarification that in addition to FAA concurrence, the Board would also require a commitment of grant funding as a condition of award.

Mr. Ledbetter expressed some concern regarding the Notice to Proceed and whether that would make the MTAA liable for any work completed by the contractor. It was explained that the notice to proceed would only be issued after the MTAA receives the commitment of a grant offer. Mr. Ledbetter suggested the Board place a two-week timeframe on the receipt of the commitment from the FAA. Ms. Stubbs stated that there is already a 90-day timeframe identified in the contract and there is no need to identify another date. Mr. Resner reminded the Board that the MTAA already received a CARES Act Operation and Maintenance grant and explained the process to draw down on that grant if necessary.

Ms. Stubbs expressed a cashflow concern and asked what length of time is required to draw down on the original CARES Act grant versus receiving a development grant. Mr. Johnson explained the different process for each. Staff would need to look at expenses for each eligible year and calculate expenses. Once completed, this information would be submitted to the FAA and begin the drawdown process. Upon award of a development grant, reimbursement would take place as eligible project costs were submitted to the FAA. Mr. Ledbetter reiterated his desire to have a written commitment from the FAA.

Mr. Ledbetter asked if the Contractor would have enough time to complete the contract. Mr. Stallbaumer stated the contract allowed 240 calendar day. The contractor would need a Notice to Proceed issued no later than October 1, 2023. Ms. Stubbs directed staff to find out from the FAA if we are able to drawdown on the FAA grant first in case the project extended beyond the CARES Act period of performance and complete the SRE building using MTAA funds.

Ms. Stubbs asked if Board members had any questions. Hearing none, said she would entertain a motion.

Mr. Munson made a motion to accept the bid from Senne in the amount of Four Million Three Hundred Eleven Thousand Dollars (\$4,311,000.00) pending concurrence from the FAA. Mr. Armstrong seconded the motion.

Ms. Stubbs asked for any further discussion. Mr. Ledbetter commented that if the Board approves the award, the contractor may not have time to complete the contract. This project was delayed too long. Mr. Ledbetter is concerned the MTAA does not have concrete answers and suggested tabling the project until answers can be provided. Ms. Stubbs acknowledged those concerns and that the MTAA has a fallback method of covering the cost if the development grant is not approved in a timely manner but stated this project needs to move forward as soon as possible. Mr. Armstrong said he appreciates staff's effort to identify the additional funds for this project rather than bonding the local share. Mr. Ledbetter voiced his opposition to bonding because he felt the project was not well thought out for several reasons.

Chairwoman Stubbs called for the vote with Mr. Armstrong, Mr. Munson and Ms. Stubbs voting in favor and Mr. Ledbetter and Mr. Sutton voting against. Motion carried.

Adjournment

Mr. Ledbetter made the motion to adjourn. Mr. Armstrong seconded the motion and the meeting was adjourned at 2:25 PM.

These official minutes were approved by the Board of Directors on August 15, 2023.



Samuel W. Sutton, Secretary