

**RESOLUTION NO. 2025-07
OF THE
JACKSON HOLE AIRPORT BOARD
RE: Procurement Policy and Code of Conduct for Procurement
Adopted and Effective August 20, 2025**

The Jackson Hole Airport Board (“Board”), a body corporate, organized under the laws of Wyoming, finds that:

WHEREAS, the Board is authorized to operate and maintain the Jackson Hole Airport (“Airport”) under powers granted by the Wyoming Aeronautics Act (Wyoming Statute § 10-5-101 *et seq.*); the *Town of Jackson and Teton County Agreement Regarding the Jackson Hole Airport Board* (October 7, 2013) (“Joint Power Agreement”); and Chapter 2.36 of the Ordinances of the Town of Jackson;

WHEREAS, the Board operates the Airport pursuant to the *Agreement Between the United States Department of the Interior and the Jackson Hole Airport Board*, which was effective as of April 27, 1983, and amended as of July 29, 1985, July 30, 2003, May 18, 2011, and September 1, 2013 (“*Use Agreement*”);

WHEREAS, federal and state law, regulation and policy prescribe standards and procedural requirements for the procurement of goods and services with and without federal and state financial assistance;

WHEREAS, the Board intends for goods and services to be purchased in such manner as to obtain the highest quality at the lowest price; and

WHEREAS, the Board, in the interest of good governance of the Airport and to maintain compliance with changes in federal and state law, intermittently reviews and updates its policies.

NOW, THEREFORE, it is resolved by the Board, in open and public meeting as follows:

1. The Board adopts the attached Jackson Hole Airport Board Procurement Policy and Code of Conduct for Procurement, effective as of August 20, 2025 (“Procurement Policy”).
2. The attached Procurement Policy shall apply to the purchase of goods and services after the effective date but is not intended to affect any procurement initiated before the effective date.
3. The attached Procurement Policy replaces and supersedes any prior document of same or similar name, including without limitation the Jackson Hole Airport Board Procurement Policy and Code of Conduct for Procurement, effective June 14, 2021, and amended September 13, 2022.
4. The attached Procurement Policy shall continue in effect unless and until superseded by a further amendment adopted by the Board.

Adopted by the Board in open and public meeting this 20th day of August 2025.

JACKSON HOLE AIRPORT BOARD

Signed by:
By: Rob Wallace
Rob Wallace, President

ATTEST

Signed by:
By: Ed Liebzeit
Ed Liebzeit, Secretary

JACKSON HOLE AIRPORT BOARD
PROCUREMENT POLICY AND
CODE OF CONDUCT FOR PROCUREMENT

Effective Date: August 20, 2025

I. Purpose and Application

- A. It is the policy of the Jackson Hole Airport Board (“Airport Board”) that goods and services be purchased in such manner as to obtain the highest quality at the lowest price. Goods and services are to be procured in compliance with federal and state requirements and in conformance with the highest standards.
- B. The purposes of this Policy are to: (i) prescribe standards and requirements for the selection of vendors and contractors; and (ii) delegate specific authorities and responsibilities in connection with contracting and procurement to the Executive Director (ED) and Airport Staff.
- C. This Policy applies to the purchase of goods and services, regardless of funding source, meeting the approval limits set forth in Section III. This Policy applies to the purchase of goods and services by the Airport Board acting as Jackson Hole Flight Services. This Policy does not apply to the purchase of goods and services by Airport tenants and users. This Policy further does not apply to revenue-generating contracts, including without limitation airline use and lease agreements, concession agreements, and commercial ground transportation agreements.
- D. All goods and services are to be purchased in conformance with the overall budget approved by the Airport Board Members or in accordance with a budget amendment, if required.
- E. This Policy is intended to complement and shall be interpreted consistently with the *Agreement Between the United States Department of the Interior and the Jackson Hole Airport Board* (April 27, 1983, as amended), *Town of Jackson and Teton County Agreement Regarding the Jackson Hole Airport Board* (Oct. 7, 2013), the *By-Laws of the Jackson Hole Airport Board* (Feb. 19, 2014), Resolution No. 2023-04, *Delegation and Reservation of Authority* (March 15, 2023), and other policies adopted by the Airport Board Members on the subject of contracting and procurement.

- F. The Executive Director is primarily responsible for implementing this Policy and supervising contracting and procurement consistent with the requirements of this Policy.
- G. This Policy supersedes any prior Airport Board policy on the same subject and shall remain in effect until amended or superseded by formal action of a majority of the Airport Board Members acting at a duly noticed public meeting.
- H. This Policy constitutes the conflict-of-interest policy for federal awards, as required by 2 C.F.R. Section 200.318.

II. Applicable and Relevant Authorities

- A. The Airport Board was created as an airport board pursuant to the Wyoming Aeronautics Act (*see* Wyoming Statute (“W.S.”) Sections 10-5-201 – 10-5-204) and is considered a joint powers board pursuant to the Wyoming Joint Powers Act (*see* W.S. Sections 16-1-101 – 16-1-111) with all associated rights of such entities.
- B. The Airport Board is committed to complying with the following state statutes with respect to contracting and procurement:
 - 1. The Airport Board will procure Public Improvements and new automobiles and trucks in accordance with W.S. Section 15-1-113 (Contracts for Public Improvements).
 - 2. The Airport Board will procure furniture and movable equipment in connection with a Capital Construction Project in accordance with W.S. Section 16-6-1001 (Capital Construction Projects Restrictions; Preference Requirements; Waivers), which includes a preference for Wyoming resident contractors. “Capital Construction Project” shall have the meaning set forth in W.S. Section 9-2-3001.
 - 3. The Airport Board will procure Public Works, along with other certain other goods and services, in accordance with W.S. Sections 16-6-101 – 16-6-121 (Public Works and Contracts), which includes a preference for Wyoming resident contractors and materials, and with W.S. Sections 16-6-701 – 16-6-708.
 - 4. For purposes of this Policy, “Public Improvements” and “Public Works” shall have the same meaning, which is the alteration, construction,

demolition, enlargement, improvement, major maintenance, reconstruction, renovation and repair of vertical structures owned and operated by the Board as well as earthwork, grading, paving, placement and rehabilitation of pavements by the Board. “Public Improvements” and “Public Works” shall *not* include regular maintenance and repair or the purchase of equipment.

- C. The Airport Board is not subject to state procurement requirements applicable to state agencies (*see* W.S. Sections 9-2-3201 – 9-2-3221) or the procurement-related ordinances and policies of the Town of Jackson or Teton County.
- D. This Policy will be interpreted and implemented in accordance with these and other applicable and relevant authorities as they may be amended from time to time. Amendments to applicable and relevant authorities that conflict with the terms of this Policy will control.

III. Approval Requirements. The following section defines the approval limits for goods, materials, supplies, and services for operational needs purchased by the Airport Board without financial assistance from the State of Wyoming or U.S. Government. For a short summary, see chart at Section XV of this Policy.

A. Purchases up to \$5,000

- 1. A supervisor or manager shall be authorized to purchase the good or service directly.

B. Purchases over \$5,000 and up to \$50,000

- 1. Airport Staff wishing to purchase goods or services with an estimated value between \$5,000 and \$50,000 shall first notify, verbally or in writing, the Executive Director and Chief Financial Officer prior to initiating the purchase. The following individuals shall be authorized to sign and execute the purchase order or contract on behalf of the Airport Board: Executive Director, Chief of Staff, Chief Operations Officer, Chief Financial Officer, Chief Communications Officer, Chief Security Officer and FBO General Manager.

C. Purchases over \$50,000 and up to \$75,000 (for Public Improvements and Furniture) and \$150,000 (all other purchases)

1. Written price or rate quotations shall be obtained from three qualified sources, where available.
2. The Executive Director shall be authorized to sign and execute the purchase order or contract on behalf of the Airport Board.
3. See Section IX of this Policy for additional details.

D. Public Improvements over \$75,000 and Any New Automobile or Truck Purchase or Lease

1. Competitive procurement is required.
2. Advertisement shall be in accordance with W.S. Section 15-1-113(b).
3. Contract shall be let to the lowest bidder who shall be determined qualified and responsible in the sole discretion of the Airport Board, in accordance with W.S. Section 15-1-113(c).
4. Once the purchase order or contract has been approved by a majority of the Airport Board Members acting at a duly noticed public meeting, the Board President shall be authorized to sign and execute the purchase order or contract on behalf of the Airport Board. The Airport Board Members alternately may authorize the Executive Director, or the ED's designee in the ED's absence, to sign and execute the purchase order or contract.
5. See Section VI of this Policy for additional details.

E. Furniture or Movable Equipment Purchased in Connection with a Capital Construction Project

1. This subsection shall apply to the purchase of furniture and movable equipment in connection with a "capital construction project" as defined at W.S. Section 9-2-3001 and, for consistency with the other requirements of this Policy, the purchase of furniture and movable equipment with a combined estimated value of \$75,000 or more.
2. Competitive procurement is required.
3. Airport Staff shall select the method of advertisement that is most likely to reach prospective bidders, including prospective Wyoming resident bidders.

4. Contract shall be let to the lowest bidder who shall be determined qualified and responsible in the sole discretion of the Airport Board.
5. Once the purchase order or contract has been approved by a majority of the Airport Board Members acting at a duly noticed public meeting, the Board President shall be authorized to sign and execute the purchase order or contract on behalf of the Airport Board. The Airport Board Members alternately may authorize the Executive Director, or the ED's designee in the ED's absence, to sign and execute the purchase order or contract.

F. Purchases over \$150,000 and up to \$250,000

1. Written price or rate quotations shall be obtained from three qualified sources, where available.
2. All purchases and contracts must be approved, prior to purchase or contract execution, by a majority of the Airport Board Members acting at a duly noticed public meeting.
3. Once the purchase or contract has been approved by the Airport Board Members, the Board President shall be authorized to sign and execute the purchase order or contract on behalf of the Board. The Airport Board Members alternatively may authorize the Executive Director, or the ED's designee in the ED's absence, to sign and execute the purchase order or contract.
4. See Section IX of this Policy for additional details.

G. All Purchases over \$250,000

1. Competitive procurement is required, except as provided herein.
2. All purchases and contracts must be approved, prior to purchase or contract execution, by a majority of the Airport Board Members acting at a duly noticed public meeting.
3. Once the purchase or contract has been approved by the Airport Board Members, the Board President shall be authorized to sign and execute the purchase order or contract on behalf of the Board. The Airport Board Members alternatively may authorize the Executive Director, or the ED's

designee in the ED's absence, to sign and execute the purchase order or contract.

- H. Each contract, purchase order or other agreement for the acquisition of goods and services as provided hereunder shall specify, without limitation and where reasonable and practicable, the good or service required to be provided or delivered to the Airport; a term and/or deadline for delivery; unit pricing and a maximum contract liability; and any applicable technical specifications and performance standards.
- I. Airport Staff shall not separate purchases of goods and services into smaller purchases for the express purpose of avoiding the requirements of this Section III.

IV. Contracts Supported with Federal and State Grant-in-Aid

- A. Federal and state requirements for contracting and procurement shall control in the event of a conflict with this Policy. This Policy shall be followed where possible, including the standards for ethics and confidentiality.
- B. In general, contracts supported with federal grant-in-aid shall be procured through a competitive process. Non-competitive procurement may be permissible in accordance with this Policy and federal regulation, including without limitation 2 C.F.R. Section 200.320(c) (Noncompetitive procurement).
- C. 49 U.S.C. Section 47107(a)(17) provides, "each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services will be awarded in the same way that a contract for architectural and engineering services is negotiated under chapter 11 of title 40 [Title IX of the Federal Property and Administrative Services Act of 1949] or an equivalent qualifications-based requirement prescribed for or by the sponsor."
- D. Airport Staff shall adhere, without limitation, to the requirements for procurement, contracting, accounting and auditing set forth in the following federal regulations, policies and guidance documents: 2 C.F.R. Part 200 (*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*), 49 C.F.R. Part 26 (*Participation by Disadvantaged Business Enterprises in*

Department of Transportation Financial Assistance Programs), FAA Order 5100.38D (*Airport Improvement Program Handbook*), FAA Advisory Circular 150/5100-14E (*Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects*), and FAA Advisory Circular 150/5370-10H (*Standard Specifications for Construction of Airports*), as each of the same may be amended or superseded from time to time.

- E. Competitive solicitations for contracts supported with federal grant-in-aid shall not include a local geographic preference, except as may be permitted by federal law or regulation. In accordance with W.S. Section 16-6-108, any federal prohibition on local geographic preference shall supersede any Wyoming resident preference, including the preferences set forth in W.S. Sections 16-6-101 through 16-6-121.
- F. Airport Staff shall ensure that contracts supported with federal grant-in-aid include the provisions set forth in the then-current version of FAA's *Contract Provision Guidelines for Obligated Sponsors and Airport Improvement Program Projects*.
- G. The Airport Board shall disqualify any vendor or bidder that has been suspended, debarred or otherwise declared ineligible to receive federal grant-in-aid. Airport Staff shall be responsible for implementing this requirement, using databases maintained by the U.S. General Services Administration (and available through sam.gov).
- H. Projects supported with state grant-in-aid shall comply with the applicable requirements of the Wyoming Department of Transportation, Aeronautics Division and Commission, including without limitation *Aeronautics Commission Policy Guidelines*, *Airports Procedural Assistance and Information Manual*, and the *Sponsor's Assurances*.

V. Requests for Qualifications (RFQs) and Requests for Proposals (RFPs)

- A. The Airport Board typically will use a competitive process to procure goods and services, where a competitive process is required hereunder, that considers factors in addition to price, including experience and expertise and a specific plan or proposal that best meets the needs, requirements and specifications of the Airport Board. This type of procurement will be used unless the Airport Board is required to award a contract to the lowest responsive and responsible bidder pursuant to

federal or state law, including without limitation W.S. Section 15-1-113 and Section 16-6-1001.

- B. The Airport Board shall use an RFQ where the selection will be made on the basis of qualifications alone (not including price) and shall use an RFP where the selection will be made on the basis of one or more factors including price.
- C. The Airport Board may use an RFQ for the purpose of short-listing one or more qualified firms that will be invited to respond to a subsequent RFP.
- D. Each RFQ or RFP must, at a minimum, define the scope of services requested and identify the evaluation criteria, and any weighting of each criterion, to include such factors as experience, resource availability, financial capacity, and demonstrated understanding of proposed project and scope of services.
- E. In limited instances, the Executive Director may issue a request for information, request for expressions of interest or similar document to collect information and assess market interest in a potential project. In such instances, the ED may issue an RFQ or RFP upon determining that sufficient interest exists and that proceeding with a competitive solicitation is in the best interest of the Airport and Airport Board.

VI. Specific Bid Requirements

A. Cooperative Purchasing Programs

- 1. The Executive Director may authorize purchase of vehicles, other than new automobiles and trucks, and equipment through a government cooperative purchasing program in which the pre-qualified vendor(s) were selected through a competitive process that meets the requirements of federal and state law and this Policy.

B. One Bid or No Bids

- 1. In the event only one bid is received in response to an invitation for bids, the Executive Director may withdraw the solicitation or negotiate with the single bidder for a purchase order or contract at the most advantageous conditions and price.
- 2. In the event no bids are received, the Executive Director may withdraw the solicitation, amend and reissue the solicitation, or initiate direct negotiations

with one or more contractors or vendors known to be capable to provide the good or service.

C. Brand Requirements and Basis of Design

1. An invitation for bid may include a brand requirement or basis of design, provided the good is available from more than one supplier, dealer or broker and/or the solicitation permits substitution.

D. New Automobiles and Trucks

1. New automobiles and trucks subject to competitive procurement shall include only automobiles and trucks manufactured and licensed for over-the-road use and shall not include specialized airport vehicles and equipment, including without limitation snow removal equipment, aircraft rescue and firefighting vehicles, mobile refuelers, and aircraft ground service equipment.
2. Competitive procurement further shall not be required for the purchase or lease of used automobiles and trucks, which instead will be subject to the approval limits and procurement methods set forth in this Policy. Typically, used automobiles and trucks will be purchased on a sole source basis, in conformance with Section X, through an auction, on a secondary market, or directly from another airport or government agency.

VII. Alternate Delivery Methods

- A. For federally-assisted projects, the Airport Board may procure contractors through alternate design and construction delivery methods in conformance with 49 U.S.C. Section 47142 (Alternative Project Delivery) and FAA requirements as set forth in FAA Order 5100.38D, *Airport Improvement Program Handbook* and FAA Advisory Circular 150/5100-14E, *Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects*.
- B. For Public Improvements, Public Works and Capital Construction Projects, the Airport Board may procure contractors through alternate design and construction delivery methods in conformance with W.S. Sections 16-6-701 through 16-6-708 and W.S. Section 16-6-1001.

VIII. Wyoming Preference

- A. The Airport Board shall comply with the requirements for resident contractors and materials as set forth in W.S. Sections 16-6-101 through 16-6-108. Wyoming preference shall apply to the procurement for a construction manager agent, construction manager at-risk, and design-builder, in accordance with W.S. Section 16-6-707 and to the purchase of furniture and movable equipment, in accordance with W.S. Section 16-6-1001.
- B. Except as may be prohibited by federal law or regulation in connection with federally-assisted projects, all requests for bids and proposals for materials, supplies, equipment, machinery and Public Works shall contain the words, "Preference is hereby given to materials, supplies, agricultural products, equipment, machinery and provisions produced, manufactured or grown in Wyoming, or supplied by a resident of the state, quality being equal to articles offered by the competitors outside of the state."
- C. For Public Works and the purchase of materials and products, the Airport Board shall provide a five percent (5%) preference for resident contractors and vendors, in accordance with W.S. Sections 16-6-101 through 16-6-108. In RFPs and other solicitations where price is one among multiple evaluation criteria, the five percent preference shall apply to the price or other financial criterion.
- D. In accordance with W.S. Section 16-6-103, contracts and purchase orders shall prohibit successful resident contractors from subcontracting more than thirty percent (30%) of the work to nonresidents, unless a waiver is approved in accordance with W.S. Section 16-6-1001.
- E. Contractors on Public Works projects shall be responsible for the employment of Wyoming laborers, in accordance with W.S. Sections 16-6-201 through 16-6-206.

IX. Informal Bids and Quotes

- A. This Policy does not dictate any specific means of securing bids or quotes for purchase orders and contracts where a formal solicitation is not otherwise required. Airport Staff shall seek to identify and contact no less than three (3) firms or individuals likely to be capable to supply the required good or service and to solicit bids or quotes from each such firm or individual determined capable. Contacts typically should be in writing but may be verbal if circumstances warrant.

- B. Airport Staff typically shall select the firm or individual offering to provide the good or service at the lowest price; however, Airport Staff may take other factors into consideration and make a selection considered to be in the best interest of the Airport and Board.

X. Sole Source Selection (Where Competitive Procurement Otherwise Required)

- A. This method of procurement principally shall apply to the purchase of goods (equipment, supplies, software, and materials) and associated labor for installation, operation, maintenance and repair. This method also may be used to procure utility and like services. In limited instances, sole source selection may be warranted for professional services. Sole source selection will not be used for Public Improvements, Public Works, Capital Construction Projects and other projects required to be competitively procured under federal or state law.
- B. Goods may be selected without a competitive solicitation only if it can be established that the chosen item has certain specifications that all other goods lack and that those specifications are required to meet a stated need. Professional consulting services may be selected without competitive bidding only if it can be established that the consultant can provide professional services that cannot be provided at the same level by another consultant.
- C. Professional preference is not, standing alone, a basis for sole source selection.
- D. Goods and services valued at less than \$50,000 may be sole source selected without need for justification as provided in this section.
- E. The sole source justification may be used to repurchase or replace goods and/or to renew services in connection with previously-acquired goods and services; provided that Airport Staff shall evaluate in each instance whether other goods and services have become available that meet the Airport Board's specifications and the cost to convert to another good. For illustration and without limitation, Airport Staff shall consider whether there are alternatives to subscription renewals for proprietary software and the associated cost of using new software.
- F. Airport Staff may authorize the repeat purchase of aviation and ground vehicle fuels by a known fuel vendor without competition.

- G. A sole source justification must be in writing and submitted to the Executive Director for review and approval. The sole source justification must be supported with evidence that all other potentially competitive items have been investigated with due diligence.

XI. Emergencies (Where Competitive Procurement Otherwise Required)

- A. When an emergency condition prevents the use of a competitive procurement method where an informal or formal competitive procurement otherwise required by this Policy, the Airport Board may contract for goods or services on a sole source or limited competition basis as dictated by the circumstances surrounding the emergency.
- B. An emergency condition justifies the use of an emergency procurement when that condition concerns one or more of the following:
 - 1. The functioning of the Airport;
 - 2. The preservation or protection of property; and/or
 - 3. The health or safety of any person(s) or animal(s).
- C. Emergencies do not include, for illustration and without limitation, avoidable failure to adequately plan for a conforming procurement.
- D. In the event of an emergency, the Executive Director, upon notice to the Board President or Vice-President, is authorized to select a vendor or contractor and execute a purchase order or contract valued at less than \$150,000. If the value of the purchase order or contract exceeds \$150,000, the Executive Director shall select the vendor or contractor, negotiate the purchase order or contract, and present the item to the Airport Board Members at a regular, special or emergency meeting.
- E. Emergency procurements shall be limited to the procurement of only the types of items and quantities or time period sufficient to meet the emergency condition and shall not be used to meet long-term requirements.

XII. Ethics, Confidentiality and Records

- A. Airport Board Members, Airport Staff, consultants and contractors involved in the negotiation, performance, or administration of Airport contracts on behalf of the Airport Board are bound to act in good faith. Any person who purchases goods and services, or is involved in the procurement process for the Airport Board, shall be

held to the highest degree of trust and shall be bound to the Airport's code of conduct, the Employee Handbook, or any successor code or policy addressing ethics in contracting and procurement.

- B. Airport Board Members are "public officers" subject to the ethics-related requirements of the Wyoming Criminal Code (W.S. Sections 6-5-101 – 6-5-408) and are "public officials" subject to the Wyoming Ethics and Disclosure Act (W.S. Section 9-13-101 – 9-13-109).
- C. In accordance with 2 C.F.R. Section 200.318(c), no Airport Board Member or member of Airport Staff with a real or apparent conflict of interest may participate in the selection, award or administration of a contract or agreement supported by a federal award.
- D. The Airport Board is subject to the public meetings (W.S. Section 16-4-401 – 16-4-408) and public records (W.S. Sections 16-4-201 – 16-4-205) requirements of state law. Final decisions on contracts and procurements by the Airport Board Members shall be acted on in accordance with the Wyoming public meetings law and the Airport Board By-Laws. Purchase orders and contracts subject to Airport Board Member review and approval as provided herein shall bind the Airport Board only after approval by a majority of the Airport Board Members at a duly noticed public meeting, and the Airport Board assumes no responsibility or liability for the actions of, or costs incurred by, any entities in advance or anticipation of contract approval.
- E. Bidders and respondents to a procurement action shall be obligated to mark any information shared with the Airport Board in connection with a procurement action that the entity considers confidential. The Airport Board assumes no responsibility or liability for the disclosure of records in accordance with the Wyoming public records act.
- F. Firms or individuals that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals will be excluded from competing for such procurements. This prohibition applies to federally-assisted projects, in accordance with 2 C.F.R. Section 200.319, and to all other procurements regardless of funding source.

- G. Airport Staff may prescribe additional standards to avoid conflicts-of-interest in a written solicitation that may preclude or disqualify a firm or individual from bidding or entering into a purchase order or contract with the Airport Board.
- H. From the formal initiation of a procurement action, typically the issuance of a Request for Qualifications, Request for Proposals or Invitation for Bid, prospective proposers and bidders shall not contact any Airport Board Member or Airport Staff about the procurement, except to submit information and ask questions of the designated procurement point-of-contact, Executive Director or Airport Attorney, or otherwise seek to influence the selection or outcome of the procurement action. Unsolicited contacts in violation of this standard may result in disqualification.
- I. Contracts for Public Improvements are subject to the ethics-related requirements in W.S. Section 15-1-113, including the prohibitions on improperly aiding a bidder, favoring a bidder by giving or withholding information, misleading a bidder, improperly certifying materials or supplies received, and collusion among bidders and others.
- J. Airport Staff shall be responsible for the retention and destruction of records in connection with contracting and procurement in accordance with applicable policies and schedules, including, without limitation, the retention and access requirements for federally-assisted projects currently set forth in 2 C.F.R. Sections 200.334 through 200.338 and the retention and access requirements for “public records” currently set forth in W.S. Sections 9-2-405 – 9-2-413.

XIII. Contract Amendments and Change Orders

- A. Price is a material term of any purchase order or contract. Accordingly, amendments or change orders to purchase orders and contracts approved by the Airport Board Members that increase the value above the maximum contract liability shall require Airport Board Member approval, unless otherwise specified in the purchase order or contract. If no maximum contract liability is specified, amendments that increase the Airport Board’s financial obligation by more than fifteen percent (15%) of the amount billed against the purchase order or contract shall require approval by a majority of Airport Board Members acting at a duly noticed public meeting.

- B. The Executive Director shall be authorized to approve amendments and change orders using “owner contingency” as specified in a purchase order or contract.
- C. For purchase orders and contracts initially valued at less than \$150,000, Airport Board Member approval shall be required for any amendment or change order that would increase the maximum contract liability above \$150,000.

XIV. Protests

Any actual or prospective bidder, contractor, or vendor who is aggrieved in connection with the solicitation or award of a purchase order or contract may protest as set forth in this section.

- A. The protest shall be submitted in writing to the Executive Director within seven (7) working days after the aggrieved party knows or should have known of the facts giving rise thereto.
- B. The protest shall include a concise statement indicating the grounds and evidence, including facts, rules, regulations, statutes, and constitutional provisions, upon which the protest is based, with inclusion of all supporting documentation, a statement of specific ruling or relief requested, and signature of the protestor or an authorized agent of the protestor.
- C. The Executive Director shall have the authority to settle and resolve a protest of an aggrieved bidder, contractor, or vendor, actual or prospective, concerning a solicitation or award of a contract. A written decision regarding the protest shall be rendered within twenty-five (25) working days after the protest is filed. This authority shall be exercised in accordance with this Policy.
- D. If a protestor formally disputes the procurement because the bid solicitation is allegedly defective, it is the responsibility of the protestor to notify the Executive Director in writing prior to the bid opening to allow the correction of the deficiency by amending the solicitation.
 - 1. If a protestor disputes a defective solicitation after bid opening the Executive Director may dismiss the protest without action.
 - 2. No formal protest may challenge the chosen procurement method, the evaluation criteria, the relative weight of the evaluation criteria or the

formula specified for assigning points in any competitive selection process.

- E. A protestor may appeal the decision of the Executive Director to the Board President, who may refer the matter to the Airport Board Members or render a decision, provided the Airport Board's final decision shall be issued no more than sixty (60) days from receipt of the appeal. The Board President may direct the Executive Director to suspend the solicitation or to delay consideration of the award during the pendency of the protest. In the absence of explicit direction from the Board President, the solicitation and award may proceed.
- F. During any protest, the protestor shall not contact any Airport Board Member or Airport Staff about the protest, other than the procurement point-of-contract identified in the solicitation, the Executive Director, and the Airport Attorney. Such *ex parte* communication may result in an automatic disqualification from selection for the pending solicitation.
- G. Protestors shall exhaust the administrative remedy provided herein before filing suit in state or federal court.

XV. Summary Table

Category or Value	Competition Required	Form of Competition	Airport Board Member Approval	Signature Authority
\$0 - \$5,000	No	None	No	Manager
\$5,000.01 - \$50,000	No	None	No	ED or Chief
\$50,000.01 - \$150,000	Yes	Informal	No	ED
\$150,000.01 - \$250,000	Yes	Informal	Yes	Board President
Over \$250,000	Yes	RFP or Bid	Yes	Board President
Public Improvements More Than \$75,000	Yes	Bid	Yes	Board President
New Automobiles and Trucks	Yes	Bid	Yes	Board President
Furniture and Movable Equipment in Capital Construction Project	Yes	Bid	Yes	Board President