

1200 - Equipment Project

Sponsors desiring to acquire equipment under the Airport Improvement Program (AIP) program must comply with applicable AIP technical standards and Federal procurement regulations. Failure to comply with such standards and provisions can result in the acquisition being deemed ineligible for AIP reimbursement.

AIP Eligibility

AIP will participate in specific equipment that enhances or maintains safety at an airport. Examples of eligible equipment include snow removal equipment, ARFF vehicles and airfield lighting equipment.

Equipment that is used for normal airport operations and maintenance, such as mowers and maintenance vehicles, are generally not eligible for AIP participation.

Sponsors are encouraged to consult with the appropriate FAA planner one year in advance of the desired acquisition date. This coordination will address issues related to justification, eligibility and funding availability.

FAA Technical Standards

The FAA publishes several Advisory Circulars that establish acceptable standards for specific equipment. In order for a procurement action to remain eligible for AIP reimbursement, the equipment acquired must meet the requirements established within the appropriate FAA standard. Some of these guide specifications may allow for permissible options and alterations that can be applied by the Sponsor for purposes of customizing their equipment purchase for their specific location. Some of the most common FAA equipment standards are listed as follows:

- AC 150/5220-10 - Guide Specification For Aircraft Rescue And Firefighting Vehicles
- AC 150/5220-20 - Airport Snow And Ice Control Equipment
- AC 150/5220-21 - Guide Specification for Lifts used to Board Airline Passengers with Mobility Impairments.
- AC 150/5345 Series - Approved Lighting Equipment
- AC 150/5210-5 – Painting Marking and Lighting of Vehicles Used on an Airport

Sponsor Initiated Modifications

Sponsors are cautioned that equipment options desired by the Sponsor but not identified within the appropriate FAA standard may not be eligible for AIP participation. If a Sponsor desires to incorporate a nonstandard modification, the Sponsor must first seek FAA review and approval in order for the costs to be deemed eligible under the AIP.

When submitting the procurement specifications to the FAA for review and approval, the sponsor must separately identify all additions and deletions from the FAA standard guide specification. The Sponsor must provide a written justification for each modification. Modifications that are deemed proprietary, exclusionary or unnecessary will not likely be approved for AIP participation.

ARFF and SRE Specifications

For procurements involving snow removal equipment (SRE) and aircraft rescue and firefighting (ARFF) equipment, the respective Advisory Circulars contain guide specifications intended to aid the sponsor in preparing a complete procurement bid package. The content of these guide specifications have been coordinated with the appropriate industry and thus **should not** require significant modification by the Sponsor.

Use of these guidelines is mandatory for ARFF vehicles funded under the Federal grant assistance programs (both AIP and PFC) and for airports certified under CFR Part 139.

Incorporating non-standard requirement in an AIP funded equipment acquisition increases the risk of a bid protest and will likely result in a determination of ineligibility.

Industry Standards

In the event that a FAA standard does not exist for AIP eligible equipment procurement, the sponsor shall rely on accepted industry standards as the basis for specifying the equipment. Sponsors shall identify the industry standard when submitting the procurement specification to the FAA for review and concurrence.

For ARFF equipment, the following industry standards must be met:

- National Fire Protection Association Standard (NFPA) 414, 2007 Edition, Standard for Aircraft Rescue and Fire-Fighting Vehicles
- National Fire Protection Association Standard (NFPA) 1901, 2003 Edition, Standard for Automotive Fire Apparatus.

Buy American Preferences: (Title 49 U.S.C. Chapter 501)

AIP Sponsors are required by grant assurance to comply with Buy American Preferences established under Title 49 U.S.C. Section 50101. Unless otherwise formally approved by the Federal Aviation Administration, all acquired steel and manufactured products installed under the AIP assisted project must be produced in the United States. As a condition of bid responsiveness, Bidders must submit the appropriate Buy American certification with their proposal. Installation of equipment/material that are manufactured in the United States and for which no formal waiver exists is ineligible for AIP participation.

Competition in Procurement Actions

Federal Regulation 49 CFR 18.36 (c) requires that all procurement transactions be conducted in a manner providing full and open competition. Sponsors are advised that failing to conduct fair and open competition can result in bid protests and may jeopardize AIP participation.

Sponsors may not:

- a. Place unreasonable requirements on firms in order to qualify as an acceptable bidder
- b. Require unnecessary experience or excessive bonding
- c. Promote or advocate noncompetitive pricing practices between firms or between affiliated companies
- d. Award a contract when organizational conflict of interest exists
- e. Incorporate proprietary specifications as the basis for selection
- f. Utilize arbitrary actions in the procurement action.

A minimum of two suppliers/manufacturers must be capable of providing a specified item. While sponsors may desire to maintain uniformity in equipment when procuring additional similar equipment, the practice of specifying a manufacturer's product for this sole purpose can be construed as an exclusionary practice and thus jeopardize AIP eligibility.

For purposes of maintaining system efficiency, the practice of "sole source" specifying may only be permitted in very limited situations such as airfield lighting procurements where the item being procured represents a small percentage (less than 5%) of the existing inventory for that item. Permitting sole source procurement for a small percentage of the entire lighting systems limits the need for duplicate inventories. The Sponsor must always consult with the FAA prior to applying a sole source procurement action.

Use of "Brand Names" in Technical Specifications

In order to provide a clear and accurate description of a desired item, Sponsors are permitted to incorporate a "brand name or equal" statement in the specification. The identification of a brand name should be in addition to the establishment of the desired salient characteristics.

The basis for acceptance shall be the identified salient characteristics of the item and not solely the provision of the brand name product. All such desired feature(s) of the brand product should be clearly stated in the specification and such features shall not be exclusionary in nature. That is, more than one supplier must be capable of supplying the specified item. Sponsors are cautioned that failing to identify a desired salient characteristic of a product may result in that feature being excluded from the acceptance criteria.

Bid Protests

Sponsors must have established bid protest procedures related to their procurement activities. Referencing Federal Regulation 49 CFR 18.36(c)11, a Sponsor remains solely responsible for settlement of all contractual and administrative issues, including bid protests that arise from the procurement activity.

Protests involving disputes with the technical requirements of the specification generally must be received and resolved prior to bid opening. Protests involving claimed specification defects that are made after bid opening may be denied on the basis that the protest was not filed prior to bid opening. Protests involving the evaluation of the apparent low bidder may be made after bid opening but should be addressed and resolved prior to award.

FAA Review and Approval

Following Sponsor review and selection of an apparent low bidder, the Sponsor shall prepare and submit a written recommendation of award. The sponsor must attach a summary of the bids tabulation as well as a completed Sponsor Certification for Award of Contract.

Contract versus Purchase Order

The primary intent of utilizing a sealed bid method of procurement is to establish a contract agreement with the contractor, supplier or manufacturer. The agreement must contain the three essential elements of a contract, 1) offer, 2) acceptance and 3) Consideration.

For typical construction contracts, the offer is made by the Contractor and accepted by the Sponsor for the stated consideration. This method is acceptable as well for equipment procurements. Sponsors may also consider the use of a purchase order method as opposed to the written contract. In this approach, the Sponsor makes the offer through the issuance of a purchase order. The Contractor's acceptance of the terms of the purchase order constitutes the agreement.

The consideration must be stated within the issued purchase order. The conditions of the purchase order must be clearly stated. A copy of the equipment specifications, along with the required Federal clauses must be made as an attachment to the purchase order as a condition of acceptance.

RESOURCES

Regulation Policy

- [49 CFR Part 18](#) – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

Advisory Circulars

- [150 Series](#) - All 150 Series Advisory Circulars
- [150/5210-5](#) – Painting, Marking and Lighting of Vehicles Used on an Airport
- [150/5220-10](#) – Guide Specification For Aircraft Rescue And Firefighting Vehicles
- [150/5220-20](#) – Airport Snow and Ice Control Equipment
- [150/5220-21](#) - Guide Specification for Devices Used to Board Airline Passengers With Mobility Impairments
- [150/5345 Series](#) - Lighting Equipment

Industry Standards

- [National Fire Protection Association Standard \(NFPA\) 414](#) - Standard for Aircraft Rescue and Fire-Fighting Vehicles
- [National Fire Protection Association Standard \(NFPA\) 1901](#) - Standard for Automotive Fire Apparatus.

Forms

- **Final Acceptance - Equipment:** [MS Word](#) | [PDF](#)

1210 - Federal Provisions Equipment Projects

Procurement actions for equipment acquired under the Airport Improvement Program must comply with appropriate Federal regulations and provisions. The Sponsor's acceptance of the grant offer and the associated grant assurances obligates the Sponsor to apply these provisions in their procurement actions. As a condition of FAA approval, the procurement package will be reviewed for compliance with AIP standards as well for incorporation of the required Federal provisions.

Sponsors should note that some of the Federal provisions are applicable for all equipment procurements regardless of the contract dollar amount. Others provisions have a dollar threshold limit that specifies when they apply. The requirement for the DBE clauses largely depends on what has been approved in the Sponsor's individual DBE program.

The specification preparer shall ensure that the appropriate Federal provisions are incorporated as follows:

Provisions for all Equipment Contracts

- Buy American Preference, Title 49 U.S.C., Chapter 501 – Currently being revised
- [Civil Rights Act of 1964, Title VI - Contractor Contractual Requirements](#) (MS Word) - 49 CFR Part 21
- [Airport and Airway Improvement Act of 1982, Section 520](#) (MS Word) - Title 49 U.S.C. 47123
- [Disadvantaged Business Enterprise](#) (MS Word) - 49 CFR part 26
- [Lobbying and Influencing Federal Employees](#) (MS Word) - 49 CFR Part 20
- [Access to Records and Reports](#) (MS Word) - 49 CFR Part 18.36
- [Energy Conservation](#) (MS Word) - 49 CFR Part 18.36
- [Rights to Inventions](#) (MS Word) - 49 CFR Part 18.36
- [Trade Restriction Clause](#) (MS Word) - 49 CFR Part 30

Additional Provisions for Equipment Contracts exceeding \$10,000

- [Termination of Contract](#) (MS Word) - 49 CFR part 18.36

Additional Provisions for Equipment Contracts exceeding \$25,000

- [Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion](#) (MS Word) - 49 CFR Part 29

Additional Provisions for Equipment Contracts exceeding \$100,000

- [Breach of Contract Terms](#) (MS Word) - 49 CFR Part 18.36
- [Clean Air and Water Pollution Control](#) (MS Word) - 49 CFR Part 18.36(i)(12)

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Regulation Policy

- [49 CFR Part 18](#) – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

Advisory Circulars

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Forms

- **Sponsor Certification for Final Acceptance - Equipment:** [MS Word](#) | [PDF](#)

1220 - Sample Bid Documents Equipment Projects

Procurement actions for equipment acquired under the Airport Improvement Program must comply with appropriate Federal regulations and provisions. As a condition of FAA approval, the procurement package will be reviewed for compliance with AIP standards as well for incorporation of the required Federal clauses and provisions. The Sponsor is obligated to apply these provisions by accepting the grant and the associated grant assurances.

Sponsors shall note that per Federal Regulation 49 CFR Part 18.36, the grantee remains solely responsible for all matters concerning procurement actions for a project. The Sponsor is also the contractual authority for all matters related to establishing and administering a contract agreement. The FAA is not a party to such procurement and contracting actions.

Suggested Forms for Construction Contracting

For the benefit of the Sponsor, several suggested sample bid documents have been prepared for use as a guide in preparing a site-specific equipment bid package. These samples incorporate required Federal provisions and best practices associated with equipment acquisition. The samples that are provided incorporate the Federal provisions that are required for a project greater than \$100,000. Projects of lesser amounts may not require all of the provisions included in the sample documents.

Sponsors and consultants are cautioned that these suggested samples shall not be construed as being complete and whole. Sponsors and consultants are further cautioned that the provision of these suggested sample contract documents by the FAA does not represent an implied or expressed guarantee of legal sufficiency. Sponsors are solely responsible for verifying the legal sufficiency of all matters concerning procurement and contracting.

- [Advertisement \(IFB/RFP\)](#) (.doc)
- [Instructions-to-Bidders](#) (.doc)
- [General Terms and Conditions](#) (.doc)
- [Supplementary Provisions](#) (.doc)
- [Bid Bond](#) (.doc)
- [Form of Proposal \(includes DBE forms\)](#) (.doc)
- [Contract Agreement](#) (.doc)

RESOURCES

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