

JACKSON MUNICIPAL AIRPORT AUTHORITY  
BID PROTEST PROCEDURES

The following procedures apply to any bidder, proposer or other respondent (a “Bidder”) desiring to protest any advertisement for bids or other solicitation for construction and related goods, equipment and other services (each a “Solicitation”) by the Jackson Municipal Airport Authority (“JMAA”).

PRIOR TO BID OPENING

Any Bidder or potential Bidder desiring to file a protest concerning alleged improprieties in a Solicitation (*e.g.*, as a result of improper or incomplete specifications) must submit the protest in writing to JMAA’s Chief Executive Officer not less than two (2) business days prior to the deadline established for the receipt of bids (the “Bid Deadline”). The protest must be in writing, signed by or on behalf of the Bidder or potential Bidder making the protest, and must:

- (1) identify the Bidder or potential Bidder submitting the protest;
- (2) identify the project by JMAA project name and number;
- (3) clearly state the factual and legal grounds for the protest; and
- (4) include any supporting information necessary or appropriate for the Chief Executive Officer to make a determination whether the protest has merit.

JMAA’s Chief Executive Officer shall review the protest and, if any modifications to the Solicitation (including any plans or specifications) are necessary, JMAA will issue one or more addenda setting forth any changes, which addenda will be sent to each Bidder or potential Bidder that has been identified to JMAA. JMAA will further, if JMAA determines necessary or appropriate, extend the Bid Deadline for Bidders to incorporate the modifications into their bids. If JMAA’s Chief Executive Officer determines that no modifications are required, JMAA will notify the protestor of the Chief Executive Officer’s decision with a response to each substantive issue raised by the protestor. The decision of the Chief Executive Officer on this type protest is final.

AFTER BID OPENING

Any Bidder desiring to file a protest concerning alleged improprieties in sealed bid opening procedures or a Bidder’s compliance with Solicitation requirements must be delivered to and actually received by JMAA’s Chief Executive Officer within ten (10) calendar days of the date the protestor first knew or should have known of the basis for the protest, but in any event prior to award of a contract under the Solicitation by JMAA’s Board of Commissioners. The protest must be in writing, signed by or on behalf of the Bidder making the protest, and must:

- (1) identify the Bidder making the protest;
- (2) identify the project by JMAA project name and number;

- (3) clearly state the factual and legal grounds for the protest; and
- (4) include any supporting information necessary or appropriate for the Chief Executive Officer to make a determination whether the protest has merit.

JMAA's Chief Executive Officer shall make a determination on the protest based on the information provided and such other investigation as the Chief Executive Officer deems appropriate. JMAA shall inform the protestor in writing of the Chief Executive Officer's determination with respect to each substantive issue identified in the written protest.

#### AFTER AWARD

Any Bidder may protest an award made by JMAA's Board of Commissioners under any Solicitation on the basis of JMAA making award to other than to the lowest and best bidder (or, for federally assisted contracts, to the lowest responsible bidder), or that the award does not otherwise comply with the terms of the Solicitation, by filing a protest within three (3) business days after award. The protest must be submitted in writing to JMAA's Chief Executive Officer, signed by or on behalf of the Bidder making the protest, and must:

- (1) identify the Bidder making the protest;
- (2) identify the project by JMAA project name and number;
- (3) clearly state the factual and legal grounds for the protest; and
- (4) include any supporting information necessary or appropriate for the Board of Commissioners to make a determination whether the protest has merit.

JMAA's Board of Commissioners shall make a determination on the protest based on the information provided and such other investigation as the Board of Commissioners deems appropriate. JMAA shall inform the protestor in writing of the Board of Commissioner's determination with respect to each substantive issued identified in the written protest.

#### UNTIMELY PROTESTS

Any protest which is not submitted to JMAA in a timely manner or otherwise in accordance with these procedures will be deemed invalid. The decision of the Chief Executive Officer that a protest has not been timely filed is final and cannot be appealed.

#### APPEALS

Any protestor that is aggrieved by any decision of the Chief Executive Officer may appeal the Chief Executive Officer's decision to JMAA's Board of Commissioners. Any appeal of a decision of JMAA's Chief Executive Officer must be made in writing delivered to JMAA's Chief Executive Officer within three (3) business days of receipt of notice of the decision of the Chief Executive Officer. The notice of appeal shall be in writing, signed by or on behalf of the

Bidder or potential Bidder making the protest, and must: be in writing, signed by or on behalf of the Bidder or potential Bidder making the protest, and must:

- (1) clearly identify the decision being appealed, including identifying the project by JMAA project name and number;
- (2) clearly state the factual and legal grounds for the appeal; and
- (3) include any supporting information necessary or appropriate for the Board of Commissioners to make a determination whether the appeal has merit.

JMAA and JMAA's Board of Commissioners may request the parties affected by the appeal to provide such additional information as necessary to make a decision on the appeal. Following a determination on the appeal by the Board of Commissioners, JMAA shall notify the party making the appeal of the determination of the Board of Commissioners with respect to each substantive issue raised in the appeal.

Any appeal from an action of the Board of Commissioners in connection with any protest shall be made to a court of competent jurisdiction in accordance with applicable Mississippi law. A decision by the Board of Commissioners to reject all bids may not be the subject of a protest and is not appealable.

#### FEDERAL AVIATION ADMINISTRATION REVIEW

In the event some or all of the cost of the contract will be paid or reimbursed by the Federal Aviation Administration ("FAA"), a protestor may further submit protests that involve violation of federal laws or regulations (including a protest that JMAA did not follow its established protest procedures), to the FAA for consideration.

#### NO AWARD DURING PENDENCY OF PROTEST

JMAA will not make any award under any Solicitation during the pendency of any protest.