

**A RESOLUTION BY TRANSPORTATION COMMITTEE AUTHORIZING THE MAYOR TO EXECUTE RENEWAL AGREEMENT NO. 3 AND ENTER INTO AN AMENDMENT FOR ADDITIONAL SECURITY SERVICES WITH HSS, INC. FOR FC- 5051, GATE GUARD SECURITY SERVICES, ON BEHALF OF THE DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED \$5,313,737.32; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FDOA 5501 (AIRPORT REVENUE FUND) 5212001 (CONSULTING/PROFESSIONAL) 180313 (AVIATION SECURITY); AND FOR OTHER PURPOSES.**

**Review List:**

|  |           |                     |
|--|-----------|---------------------|
| Patricia E McIver                      | Completed | 11/04/2013 3:59 PM  |
| Kristen M. Rectenwald                  | Completed | 11/04/2013 4:22 PM  |
| Louis Miller                           | Completed | 11/05/2013 7:46 AM  |
| Procurement                            | Completed | 11/05/2013 11:23 AM |
| Adam Smith                             | Completed | 11/05/2013 2:49 PM  |
| Mayor's Office                         | Completed | 11/05/2013 3:11 PM  |
| Office of Research and Policy Analysis | Completed | 11/05/2013 3:51 PM  |
| Transportation Committee               | Pending   |                     |
| Atlanta City Council                   | Pending   |                     |
| Mayor's Office                         | Pending   |                     |

|  |                    |
|--|--------------------|
| Certified by Presiding Officer   | Certified by Clerk |
|  |                    |
| <p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p> |                    |

LEGISLATION HISTORY – BLUE BACK

**A RESOLUTION  
BY TRANSPORTATION COMMITTEE**

**A RESOLUTION BY TRANSPORTATION COMMITTEE AUTHORIZING THE MAYOR TO EXECUTE RENEWAL AGREEMENT NO. 3 AND ENTER INTO AN AMENDMENT FOR ADDITIONAL SECURITY SERVICES WITH HSS, INC. FOR FC- 5051, GATE GUARD SECURITY SERVICES, ON BEHALF OF THE DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED \$5,313,737.32; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FDOA 5501 (AIRPORT REVENUE FUND) 5212001 (CONSULTING/PROFESSIONAL) 180313 (AVIATION SECURITY); AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta ("City") owns and operates Hartsfield-Jackson Atlanta International Airport ("Airport"); and

WHEREAS, the City as owner and operator of the Airport must ensure compliance with all Transportation Security Administration ("TSA") regulations; and

WHEREAS, the City entered into an Agreement with HSS, Inc. ("HSS") for FC-5051, Gate Guard Security Services, for the Airport on February 22, 2011; and

WHEREAS, the base term of the Agreement is for one (1) year with four (4) one (1) year renewal options at the sole discretion of the City; and

WHEREAS, the City executed Renewal Agreement No. 1 with HSS for FC-5051, Gate Guard Security Services pursuant to Resolution 11-R-1697 in the amount \$4,138,316.00; and

WHEREAS, the City executed Renewal Agreement No. 2 with HSS for FC-5051, Gate Guard Security Services pursuant to Resolution 13-R-0010 in the amount of \$4,138,316.00; and

WHEREAS, the City must ensure compliance with new federally mandated security requirements for the Airport; and

WHEREAS, the Aviation General Manager and the Chief Procurement Officer recommend the amendment for additional Gate Guard Security Services with HSS in the amount of \$1,175,321.32; and

WHEREAS, the Aviation General Manager and the Chief Procurement Officer recommend the execution of Renewal Agreement No. 3 which includes the amendment for additional services with HSS in an amount not to exceed \$5,313,737.32.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to execute Renewal Agreement No. 3 with HSS, Inc. for FC-5051, Gate Guard Security Services, in an amount not to exceed \$5,313,737.32. Payments totaling \$1,175,321.32 are scheduled to be disbursed as follows:

- 1) February 22, 2014 thru June 30, 2014
  - \$396,671.00 - 5501 180313 5212001
- 2) July 1, 2014 thru February 21, 2015
  - \$778,650.32 - 5501 180313 5212001

BE IT FURTHER RESOLVED, that the renewal term will be for a period of one (1) year beginning February 22, 2014, and ending February 21, 2015.

BE IT FURTHER RESOLVED, that all contracted services be charged to and paid from FDOA 5501 (Airport Revenue Fund) 5212001 (Consulting/Professional) 180313 (Aviation Security).

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an appropriate Renewal and Amendment Agreement for execution by the Mayor.

AND FINALLY BE IT RESOLVED, that the Agreement will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to HSS, Inc.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

As of January 1, 2014, the Transportation Security Administration ("TSA") will cease staffing the exit lanes at the Airport. The exit lanes of the Airport serve as an egress point for passengers and employees leaving the sterile area. The sterile areas of the Airport are defined as those spaces that provide passengers access to boarding aircraft and to which the access is generally controlled by TSA or an aircraft operator under Transportation Security Regulation ("TSR") 1544, or a foreign air carrier under TSR 1546 through the screening of persons and property. With the cessation of staffing, the TSA is mandating that the Airport control the access of each exit lane under statute 49 U.S.C. § 44903(c) which states that the Airport is required to have a security program that "provides for the safety and security of persons and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence, aircraft piracy, and the introduction of an unauthorized weapon, explosive, or incendiary onto an aircraft." The exit lanes of the Airport are located in an area to be protected under this statute and the 49 CFR 1542 series of regulations; therefore, the Airport is federally required, as a regulated party of TSA, to ensure the protection of these exit lanes.

The TSA has communicated that this change shall become effective on January 1, 2014 with an Airport Security Program ("ASP") amendment required by November 2, 2013. The ASP is a collection of rules and guidelines that govern the security operations at the Airport and shows how the Airport complies with TSR 1542. The timing of this mandate creates a financial and procurement challenge as the Airport did not request funds in renewal number 2 to cover additional scope items of this magnitude. In order to avoid further funding or invoicing challenges as a result of this mandate, the Airport must move swiftly to amend the scope of the gate guard services contract to satisfy the TSA federal requirement.

Given the time sensitive nature of this mandate and the required action, the Airport will need to amend the scope of the gate guard services contract in conjunction with the option year renewal 3. Given more time to implement the changes, more research could have been completed to identify additional alternatives for complying with the mandate through technology, manpower or other means. The reduced implementation window has necessitated the need to react quickly and implement an expeditious change to avoid the fines and or penalties of non-compliance.

Therefore, in addition to the base contract, it is in the best interest of the City to increase the scope of services provided by HSS for expanded security responsibilities.

**2. Please provide background information regarding this legislation.**

TSA states that contractors are an acceptable means to satisfy the requirement of the amendment. The Airport has a standing relationship with a gate guard security services contractor in HSS. They have successfully provided gate guard security services to the Airport for well over two (2) years and have adhered to the guidelines and provisions outlined in the contract at an above satisfactory level. Its management team has displayed the level of cooperation and reliability required in a rapidly changing security and economic environment including working with the Department of Aviation to evaluate cost saving initiatives. Its workforce understands its mission and provides excellent customer service to the Department of Aviation, airport tenants, and the general public. An expansion of the HSS scope will include the staffing of each exit lane of the Airport, to prevent the backflow of individuals and/or prohibited items into the sterile area. In addition, the staffing of the exit lanes by HSS will provide the Airport with a quicker response time to attempted security breaches through the exit lanes. The expansion of scope will require HSS to staff all of the exit lanes throughout the Airport, and will require approximately sixty-five thousand seven hundred (65, 700) additional man hours be added to the contract. The cost of the additional man hours will be an additional \$1.1 million. This price figure has been provided by the HSS contract manager and is consistent with the rates that we are currently being charged for man hours.

**3. If Applicable/Known:**

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Professional Services
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** 1 Year Renewal Option

**4. Fund Account Center (Ex. Name and number):**

Fund: \_\_\_\_\_5501\_\_\_\_\_Account: \_\_\_180313\_\_Center: \_\_\_\_\_5212001 Consulting Professional

**5. Source of Funds:** Airport Revenue Fund

**6. Fiscal Impact:** \$5,313,737.32

This legislation will result in a reduction in the amount of \$5,313,737.32 to Fund Account Center Number 5501-180313-5212001.

7. Method of Cost Recovery: N/A

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.

This Legislative Request Form Was Prepared By: Jerome Woodard

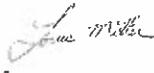


KASIM REED  
Mayor

LOUIS E. MILLER  
Aviation General Manager

Date: October 21, 2013

To: Adam L. Smith, Esq., CPPB, CPPO, CPPM, CPP  
Chief Procurement Officer

From: Louis E. Miller   
Aviation General Manager

**SUBJECT: FC-5051 – Gate Guard Security Services**

The City of Atlanta entered into the subject Contract with HSS, Inc. on February 22, 2011. The initial term of the Contract was for one year, with four separate one-year renewal options at the sole discretion of the City. Both the first and second renewal options have been exercised.

We have reviewed HSS, Inc.'s performance during the second renewal and are recommending the Contract be renewed under this third renewal option for one year in accordance with the terms and conditions of the Contract.

Additionally, on October 3, 2013, the Transportation Security Administration (TSA) communicated its decision to assign the access control responsibilities for the exit lanes at Hartsfield-Jackson Atlanta International Airport to the Airport (see attached TSA letter for reference). The TSA has communicated that this change shall become effective on January 1, 2014.

The exit lanes of the Airport serve as an egress point for passengers and employees leaving the sterile areas, which provide passengers access to boarding aircraft and to which the access is generally controlled by TSA or an aircraft operator. The Airport is federally required, as a regulated party of TSA, to ensure the protection of these exit lanes.

Considering the timing of this mandate and the required action, it is in the best interest of the City to amend the scope of the subject contract in conjunction with the request for Renewal #3. The second renewal budget for the subject Contract, (still in effect through February 21, 2014), has sufficient funds to cover the exit lane transition from TSA to the Airport through the end of that term. The third renewal budget will need to increase by \$1,175,321.32, for these expanded exit lane responsibilities. The total for the third renewal is an amount not to exceed \$5,313,737.32.



If any additional information is needed, please contact Philip Keller, Contracting Officer, at 404-382-2234.

Attachment

cc: B. Bheodari  
R. Duncan  
J. Lennon  
J. Woodard  
E. Jenkins  
P. Keller  
A. Williams  
J. Strickland  
G. Geeter  
J. Boston  
File

U.S. Department of Homeland Security  
4245 International Parkway  
Atlanta, GA 30354



Transportation  
Security  
Administration

Mr. Louis E. Miller  
Aviation General Manager  
Department of Aviation  
Hartsfield-Jackson Atlanta International Airport  
6000 North Terminal Parkway  
Atlanta, GA 30320

October 3, 2013

SUBJECT: Airport Security Program (ASP) Amendment – Exit Lane Access Control  
TSA-ATL DOA-EXIT

Dear Mr. Miller:

The implementation of aviation security is a shared responsibility among the Government, airport operators, aircraft operators, foreign air carriers, and passengers themselves. In the aftermath of September 11, 2001, the Transportation Security Administration (TSA) assumed access control and funding for many exit lanes at airports from the original responsible parties. TSA has borne the sole fiscal responsibility and oversight for more than 350 exit lanes at over 145 separate airports.

On June 5, 2013, I issued a proposed Exit Lane Amendment to you outlining the planned transition of access control responsibilities for the exit lanes at Hartsfield-Jackson Atlanta International Airport. All affected airport operators were provided a 45-day notice and comment period in which to submit written information, views, and arguments on the proposed amendment. After considering all relevant materials, including your comment submissions, I have decided to issue the attached ASP amendment. Responses to your comments are attached. A consolidated list of comment responses from all affected airport operators and others can be found on the TSA ACO 200 webboard. The amendment to Hartsfield-Jackson Atlanta International Airport's ASP becomes effective on November 2, 2013 and must be implemented no later than January 1, 2014.

Your airport is required by statute to have a security program. See 49 U.S.C. § 44903(c). The regulations also provide that your airport must adopt and carry out a security program that "provides for the safety and security of persons and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence, aircraft piracy, and the introduction of an unauthorized weapon, explosive, or incendiary onto an aircraft." See 49 CFR 1542.101(a)(I). The sterile area is protected from unauthorized access largely to prevent these occurrences. No statutory authority requires TSA to be responsible for the control of exit lanes.

Under this ASP amendment, TSA is establishing a requirement that each exit lane must be controlled by only one regulated party, which this amendment calls the controlling entity, either the airport operator or an aircraft operator [or foreign air carrier] that has received an amendment to its TSA-approved or accepted security program, or a consortium of carriers that has requested

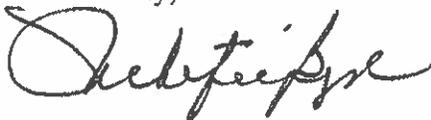
and received TSA approval. TSA prohibits multiple parties from sharing responsibility for one exit lane. However, a controlling entity may be approved to control multiple exit lanes at an airport, and different regulated parties may each control different exit lanes at an airport. The amendment allows the controlling entity multiple options to control access at exit lanes including its direct employees, contractors, and/or technology. TSA is collaborating with the airport industry to develop performance-based industry security technology guidelines. TSA plans to release these guidelines on or about November 1, 2013. TSA will not provide a Qualified Products List (QPL). However, on or about January 8, 2014, TSA will provide a tool to airport operators to evaluate and assess potential investments in technologies for exit lane access control.

TSA has added clarifying language to the proposed amendment regarding the screening of Law Enforcement Officers (LEO) flying armed, Federal Air Marshals (FAM), Federal Flight Deck Officers (FFDO), and Known Crewmembers™ (KCM™). TSA will continue to be responsible for the screening of these individuals. TSA has modified Section C. "Control of Exit Lanes" (paragraphs 2 and 3) of the amendment to clarify that TSA will maintain the responsibility to screen LEOs, FAMs, FFDOs, and KCMs™ prior to their entry into the sterile area. The controlling entity must include in its amendment procedures to be used to provide for identity checks of persons who will not be passengers but are authorized to enter the sterile area without submitting to TSA screening, to include armed LEOs and emergency responders who have duties in the sterile area and authorized personnel, as described in the ASP.

As a matter of process, an airport operator may seek reconsideration of a Federal Security Director (FSD)-directed amendment by sending to the FSD, not later than 15 days before the effective date of the amendment, a petition for reconsideration by the Administrator. The FSD will consider the petition, and either amends or withdraws the amendment, or transmits the petition to the Administrator for reconsideration. The Administrator has 30 days from the date of receipt of the airport operator's petition for reconsideration request to issue a decision. If the Administrator decides not to affirm the FSD's directed amendment, he may either direct the FSD to modify the directed amendment, or to withdraw it. 49 CFR 1542.105(c)(3). If Hartsfield-Jackson Atlanta International Airport wishes to petition the Administrator to reconsider the ASP amendment, it must send the petition for reconsideration to me no later than October 18, 2013. A timely petition for reconsideration would stay the effective date of the amendment. If Hartsfield-Jackson Atlanta International Airport does not seek reconsideration from the Administrator as outlined above, the amendment will become final as to the airport operator. However, no amendment of a security program issued by an FSD shall be final for purposes of judicial review under 49 U.S.C. § 46110 except a final order of the Administrator issued in accordance with 49 C.F.R. 1542.105.

If you have any questions, please contact this office.

Sincerely,



Mary Leftridge Byrd  
Federal Security Director, TSA-ATL  
Enclosures

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 10/25/13

Anticipated Committee Meeting Date(s): 11/13/13

Anticipated Full Council Date: 11/18/13

Legislative Counsel's Signature: Cheryl Treadwell

Commissioner's Signature: [Signature]

Chief Financial Officer: N/A

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: Adam J. Smith

**CAPTION**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RENEWAL AGREEMENT NO. 3 AND ENTER INTO AN AMENDMENT FOR ADDITIONAL SECURITY SERVICES WITH HSS, INC. FOR FC- 5051, GATE GUARD SECURITY SERVICES, ON BEHALF OF THE DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED \$5,313,737.32; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FDOA 5501 (AIRPORT REVENUE FUND) 5212001 (CONSULTING/PROFESSIONAL) 180313 (AVIATION SECURITY); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any) \$5,313,737.32

Mayor's Staff Only

Received by CPO: 10/24/13  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 10-29-13  
(date)

Reviewed by: \_\_\_\_\_  
(date)

Submitted to Council: \_\_\_\_\_  
(date)

## ***Legislative White Paper***

**Committee of Purview:** Transportation

**Caption:**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RENEWAL AGREEMENT NO. 3 AND ENTER INTO AN AMENDMENT FOR ADDITIONAL SECURITY SERVICES WITH HSS, INC. FOR FC- 5051, GATE GUARD SECURITY SERVICES, ON BEHALF OF THE DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED \$5,313,737.32; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FDOA 5501 (AIRPORT REVENUE FUND) 5212001 (CONSULTING/PROFESSIONAL) 180313 (AVIATION SECURITY); AND FOR OTHER PURPOSES.**

**Council Meeting Date:** 11/18/13

**Legislation Title:** Renewal Agreement No. 3 and Amendment, Gate Guard Security Services

**Requesting Dept.:** Aviation

**Contract Type:** Professional Services

**Source Selection:** N/A

**Bids/Proposals Due:** N/A

**Invitations Issued:** N/A

**Number of Bids/  
Proposals Received:** N/A

**Bidders/Proponents:** N/A

### **Background:**

As of January 1, 2014, the Transportation Security Administration ("TSA") will cease staffing the exit lanes at the Airport. The exit lanes of the Airport serve as an egress point for passengers and employees leaving the sterile area. The sterile areas of the Airport are defined as those spaces that provide passengers access to boarding aircraft and to which the access is generally controlled by TSA or an aircraft operator under Transportation Security Regulation ("TSR") 1544, or a foreign air carrier under TSR 1546 through the screening of persons and property. With the cessation of staffing, the TSA is mandating that the Airport control the access of each exit lane under statute 49 U.S.C. § 44903(c) which states that the Airport is required to have a security program that "provides for the safety and security of persons and property on an aircraft operating in air transportation or intrastate air transportation against an act of criminal violence, aircraft piracy, and the introduction of an unauthorized weapon, explosive, or incendiary onto an aircraft." The exit lanes of the Airport are located in an area to be protected under this statute and the 49 CFR 1542 series of regulations; therefore, the Airport is federally required, as a regulated party of TSA, to ensure the protection of these exit lanes.

The TSA has communicated that this change shall become effective on January 1, 2014 with an Airport Security Program ("ASP") amendment required by November 2, 2013. The ASP is a collection of rules and guidelines that govern the security operations at the Airport and shows how the Airport complies with TSR 1542. The timing of this mandate creates a financial and procurement challenge as the Airport did not request funds in renewal number 2 to cover additional scope items of this magnitude. In order to avoid further funding or invoicing challenges as a result of this mandate, the Airport must move swiftly to amend the scope of the gate guard services contract to satisfy the TSA federal requirement.

Given the time sensitive nature of this mandate and the required action, the Airport will need to amend the scope of the gate guard services contract in conjunction with the option year renewal 3. Given more time to implement the changes, more research could have been completed to identify additional alternatives for complying with the mandate through technology, manpower or other means. The reduced implementation window has necessitated the need to react quickly and implement an expeditious change to avoid the fines and or penalties of non-compliance. Therefore, in addition to the base contract, it is in the best interest of the City to increase the scope of services provided by HSS for expanded security responsibilities.

TSA states that contractors are an acceptable means to satisfy the requirement of the amendment. The Airport has a standing relationship with a gate guard security services contractor in HSS. They have successfully provided gate guard security services to the Airport for well over two (2) years and have adhered to the guidelines and provisions outlined in the contract at an above satisfactory level. Its management team has displayed the level of cooperation and reliability required in a rapidly changing security and economic environment including working with the Department of Aviation to evaluate cost saving initiatives. Its workforce understands its mission and provides excellent customer service to the Department of Aviation, airport tenants, and the general public. An expansion of the HSS scope will include the staffing of each exit lane of the Airport, to prevent the backflow of individuals and/or prohibited items into the sterile area. In addition, the staffing of the exit lanes by HSS will provide the Airport with a quicker response time to attempted security breaches through the exit lanes. The expansion of scope will require HSS to staff all of the exit lanes throughout the Airport, and will require approximately sixty-five thousand seven hundred (65, 700) additional man hours be added to the contract. The cost of the additional man hours will be an additional \$1.1 million. This price figure has been provided by the HSS contract manager and is consistent with the rates that we are currently being charged for man hours.

**Source of Funds:** Airport Revenue Fund

**Fiscal Impact:** \$5,313,737.32

**Term of Contract:** One (1) year Renewal Option

**Method of Cost Recovery:** N/A

**Approvals:**

**DOF:** yes

**DOL:** yes

**Prepared By:** Anita Williams

**Contact Number:** 404-382-2313