



**Exhibit B - 10/5/09 - Letter from
Becker & Poliakoff to Cnty.
Attorney**

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October 5, 2009

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**Re: RFP No.: 2007-0514-0-AV-01, Airport Information Management
System (AIMS)**

Dear Mr. Newton:

Please be advised that the law firm of Becker & Poliakoff, P.A., represents Air-Transport IT Services, Inc., ("Air-IT") the first-ranked bidder, in the above referenced Broward County procurement. We respectfully request that this correspondence be "yellow sheeted" to the Board of County Commissioners ("Board"), as soon as possible so that they may have adequate time to review the substance contained herein.

We are writing to respond to the correspondence you received on October 2, 2009, ("Letter") from Shutts & Bowen ("Shutts") representing the second-ranked bidder, Infax, Inc. The Letter is a pathetic, "last ditch" attempt to confuse the real issues at hand and further delay the implementation of the AIMS project that the Broward County Airport Division desperately needs to deal with the upcoming terminal renovation and development projects at Fort Lauderdale - Hollywood International Airport.

As previously stated in our earlier correspondence, the County and Air-It have now expended well over a year in negotiating the terms of the contract, at great time and expense, and, Infax's continued strategy of misdirection and misinformation should be evidence enough to reject their request to stop this award. Nevertheless, we have provided another point-by-point response to the Letter and Infax, so that you may have all of the information and comfort necessary to move ahead and approve the agreement with Air-IT.

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Exhibit B - continued

Jeff Newton
Broward County Attorney
September 24, 2009

- 1. A specification challenge to the RFP at this late date is not only in violation of the Procurement Code, but also nonsensical.**

The Letter asserts, "the County made a political decision to favor Air-IT, which is the only vendor designing 'DAPP' systems;" however, if Infax or any of the other vendors felt that the RFP wasn't objectively written then they had the option to file a bid protest on a specification challenge when the Board of County Commissioners approved the RFP. Not only did no one file such a challenge, and thus this issue has been "waived;" but there were at least three other vendors, in addition to Air-IT and Infax, who submitted DAPP systems to Broward County. Now at the final hour, how can Infax legitimately argue a "spec challenge" when it not only failed to timely file such a challenge in conformity with the Broward County Procurement Code, but they submitted their own DAPP system in response to the RFP!

- 2. In this objective RFP process based on a scoring system, Air-IT was ranked first.**

In the Letter, Shutts and Infax seem to infer that this procurement was tainted by writing, "in a purely political vote, AirIT, was recommended for award because it was the only vendor with 'DAPP' experience;" however they couldn't be farther from the truth. This procurement is a Request for Proposals ("RFP") in which each Evaluation Committee member was provided a score sheet to then "score" each of the proposals. Then the scores were tallied and totaled to determine which vendor would be selected by the County. Any reference to a "vote" with respect to this RFP is clearly erroneous on the part of Infax. If Infax felt that the scoring system expressed in the RFP was unfair, it could have filed a specification challenge; however they failed to do so in a timely manner and are now trying to argue this point, which is a direct violation of the Procurement Code. The fact is that Air-IT was ranked first because it was clearly the best solution for the County as it remains to be so today.

- 3. Discussion of CUPPS vs. DAPP**

Infax and Shutts continue to claim that DAPP is old technology and that CUPPS is the "wave of the future." This discussion is a red-herring for two reasons: first, the County chose to procure a DAPP system and; second, AirIT's EASE system, which is DAPP compliant, was recently updated to accommodate and incorporate future CUPPS applications.

Whether or not the County made the "right" decision in seeking to procure a DAPP system is immaterial today. As noted above, Infax could have filed a specification protest on this issue. Not only did they fail to file such a protest but, they submitted their own DAPP solution in response to this RFP. By arguing that the County is buying old technology, Infax highlights their lack of familiarity with DAPP and Air-IT's EASE system. DAPP is a software platform that will allow all the different airlines' own passenger processing software to so that the airlines and BCAD and efficiently deploy resources on an as-needed basis. This is known as "common use." While CUPPS is the next wave of common use technology, it is not widely used today.

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Infax also continues to assert that CUPPS "has been adopted by every major industry trade group;" and thus BCAD should follow suit. However, Convergent Strategies Consulting, Inc., ("CSC") the County's independent consultant who is overseeing this project, wrote on September 24, 2009, *"the CUPPS 'standard', which is actually a Recommended Practice, ('RP') has not been finalized."* Further CSC reported that, *"it is feasible that some airlines will not implement CUPPS compliant passenger processing applications. In addition, those airlines that do implement CUPPS compliant applications will do so as their planning and budget allow, which could take years. Currently, there are only five (5) airlines participating in the pilot..."* CSC, the County's independent consultant has affirmed that CUPPS hasn't been finalized and that only five airlines are participating in the pilot, which not only reaffirms the decision to procure a DAPP system, but that even in the event that CUPPS is finalized in the near future, at most, only five airlines will have applications that work with CUPPS.

4. Air-IT's EASE product is the best of both worlds.

Again, Infax continues to grasp at straws by claiming, "AirIT is now trying to back-door CUPPS into its solution, in violation of the solicitation..." First, Air-IT's EASE platform was submitted in response to the RFP and selected by the evaluation committee. Second, the EASE platform is in use by other airports throughout the United States, so it is natural that Air-IT would update its product, akin to a Microsoft Windows Update, to continue to evolve its technology and meet its clients' future needs. Third, the incorporation of CUPPS into the EASE platform does not materially alter Air-IT's submission to the County, as the County would still be purchasing the EASE platform and the County as an Air-IT customer would be entitled to system updates, like every other Air-IT customer. In fact, CSC wrote, "[F]rom BCAD's perspective, the selected vendor has agreed to meet the new RP, and when the new RP is finalized the selected vendor is positioned as well as any other vendor to meet the recommendations provided.

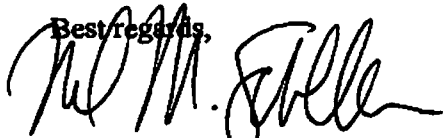
Despite the overwhelming evidence to the contrary, Infax and Shutts continue to push the issue of CUPPS, when in reality, this is not the issue at all, but a bad game of three-card-monte. The real issue here is that Air-IT was objectively selected by the Evaluation Committee, not Infax and; that Infax failed to file any specification protests to the County regarding this RFP. Any concerns about "future-proof" technology have been addressed by Air-IT's incorporation of CUPPS into its EASE system, the same system that was again ranked first. Infax did not file a timely specification protest and they even withdrew their bid protest of the award. Now they are coming for a "third bite at the apple" and are raising any issue they can think of, true or false, in order to gain an ounce of traction. We respectfully ask you to see through these cheap attempts and move forward with the contract on your agenda tomorrow.

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Jeff Newton
Broward County Attorney
September 24, 2009

Should we be able to provide any further assistance, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read "Neil M. Schiller". The signature is fluid and cursive, with a large initial "N" and "S".

Neil M. Schiller
For the Firm

cc: John Hernandez – Broward County Airports Division
Glenn Miller, Esq. – Broward County Attorney's Office
Brenda Billingsley – Broward County Purchasing
Karen Walbridge – Broward County Purchasing

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