

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date:** March 17, 2009 [X] Consent [ ] Regular  
[ ] Ordinance [ ] Public Hearing  
**Department:** Facilities Development & Operations

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to approve:**

- A) an Interlocal Agreement with South Florida Regional Transportation Authority (SFRTA) providing for the cooperative development of the West Palm Beach Intermodal Transit Facility (ITF); and
- B) an Easement Agreement in favor of SFRTA for shared employee parking and public parking; and
- C) a License Agreement in favor of the County for use of SFRTA's restrooms; and
- D) Amendment No. 2 to the contract with Catalfumo Construction, Ltd. (R2007-1217) in the amount of \$1,006,446.88 establishing a Guaranteed Maximum Price (GMP) for the SFRTA parking lot at the West Palm Beach ITF contingent on SFRTA approving the Interlocal Agreement on March 27, 2009; and
- E) a Budget Amendment of \$1,006,447 in the Public Building Improvement Fund recognizing revenue from SFRTA and creating a project budget.

**Summary:** The County owns a 5.76 -acre parcel of property at the southeast corner of Banyan Boulevard and Clearwater Drive, adjacent to the Tri-Rail Station, which is being developed as an Intermodal Transit Facility (ITF). The County is cooperating with SFRTA to make available 1.94 acres for development of a parking lot with 163 spaces for Tri-Rail riders and both SFRTA and Palm Tran employees. Catalfumo Construction is constructing the ITF for the County and SFRTA is contracting with the County to utilize the County's contract with Catalfumo for construction of the parking lot. SFRTA will fund the construction of the parking lot at a not-to-exceed cost of \$1,006,446.88, and the County will fund \$15,000 for security modifications to SFRTA's building required for the County's use. All previous agreements with SFRTA for construction and use of the parking lot are being terminated and replaced with the Interlocal Agreement, Easement Agreement and License Agreement. Pursuant to Catalfumo's annual CM-at-Risk contract, Amendment No. 2 will implement the construction of the SFRTA parking lot with associated drainage, lighting, landscaping and irrigation on the northern portion of the ITF property. The SBE participation goal is 15%. Catalfumo's GMP includes participation of 13.4%. The construction duration is 120 calendar days. The County will provide SFRTA with construction administration services for a fee of \$15,000 and SFRTA will be responsible for acquisition of all necessary permits prior to construction. SFRTA has scheduled the Agreements to be approved by their Governing Board on March 27, 2009. Staff will not issue the Notice to Proceed to Catalfumo until the Agreements are approved and executed by SFRTA. **(PREM/CID) District 7 (HJF/JM)**

\*\*\*Continued on Page 3\*\*\*

**Attachments:**

- 1. Location Map
- 2. Interlocal Agreement
- 3. Easement Agreement
- 4. License Agreement
- 5. Amendment No. 2
- 6. Budget Amendment
- 7. BAS

**Agenda item is more than 50 pages;  
may be viewed in Administration.**

**Recommended By:** Raymond Wolf 3/16/09  
Date  
**Approved By:** [Signature] 3/16/09  
Date  
County Administrator

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	\$1,021,447	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(1,036,447)	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>(15,000)</b>	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes \_\_\_\_\_ No X

Budget Account No: Fund 3804 Dept 411 Unit B453 Object 6502 \$1,006,447  
 Construction Costs  
 Program \_\_\_\_\_

Budget Account No: Fund 3804 Dept 541 Unit 0464 Object 6502 \$15,000  
 Security Modifications  
 Program PT893 Program Period GY07

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

Palm Tran has secured grant funding which can be applied to the security modifications (\$15,000). Completion of the security modifications and all invoicing must be received by the County no later than November 30, 2009. If this date is not met, the County will not be responsible for reimbursing SFRTA for said modifications.

SFRTA will reimburse the County for construction costs (\$1,006,446.88) and contract administration services (\$15,000) for the construction of the SFRTA Parking Lot.

**C. Departmental Fiscal Review: \_\_\_\_\_**

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development Comments:**

*[Signature]* 3/13/09  
 OFMB08  
 3/13/09  
 (MD) CN 3/16/09

*[Signature]* 3/13/09  
 Contract Development and Control  
 6/13/09

This Contract complies with our contract review requirements.

**B. Legal Sufficiency:**

*[Signature]* 3/16/09  
 Assistant County Attorney  
 Agreements not signed by SFRTA at time of CAO review.

This item complies with current County policies.

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**This summary is not to be used as a basis for payment.**

**Background & Policy Issues:** The County and SFRTA are cooperating in the development of County and SFRTA property to provide a centralized Intermodal Transit Facility that is intended to enhance the public ground transportation network by bringing together the commuter rail and bus systems in a manner which facilitates transfers between the different modes of public transportation. In October 2007, the Board approved a License Agreement (R-2007-1717), Parking Agreement (R2007-1719), and a Parking Lot Easement Agreement (R-2007-1720) with SFRTA for the unified development of the County's Intermodal Transit Facility and SFRTA's parking lot. The interim use of the easement premises by SFRTA for parking will help to promote the use of public transportation in Palm Beach County.

During the planning process, the parties have come up with an expanded and more efficient layout for the SFRTA parking lot which requires redefining the land area encumbered by the License Agreement and the Parking Lot Easement Agreement. The parties are terminating these prior Agreements and entering into new Agreements. Pursuant to the Interlocal Agreement, the County will grant SFRTA an easement to construct a 163-space parking lot and associated improvements, and will provide SFRTA construction administration services for the development and closeout phases of the project for a fee of \$15,000 to be paid upon completion of construction. SFRTA will reimburse the County for the construction expenses pursuant to Amendment No. 2. In the event SFRTA is unable to obtain permits and provide a Notice to Proceed for construction by April 30, 2009, SFRTA has the option to proceed with construction of the SFRTA Parking Facility independently, at which time, the budget would be rescinded. The parking lot will be operated and maintained by SFRTA with one hundred eighteen (118) spaces utilized by SFRTA customers and forty-five (45) spaces allocated for Palm Tran and SFRTA employees.

The Easement Agreement provides for the reservation of twenty-five (25) parking spaces for County bus drivers and County employees (collectively "County employees") within the SFRTA Parking Lot. During construction, SFRTA, at SFRTA's expense, will reserve ten (10) parking spaces located at the Reflections One North Tower parking lot, which is located across the street from the ITF Property, for the use by the County employees. SFRTA will have the right to tie into and discharge storm water runoff into the County's surface water management system. The County has the right to terminate the Interlocal Agreement and the Easement Agreement in their entirety in the event the parking lot is required for County use. In addition, if the County decides to convey or lease the property to a third party for the purpose of development, two hundred fifty (250) parking spaces for the public using the Tri-Rail Station will be required to be included in any new development, but SFRTA will be responsible for any costs associated therewith.

Pursuant to the License Agreement, in consideration of granting SFRTA an easement to build the parking lot, SFRTA will grant the County access to the non-public restrooms located at the Tri-Rail Station for County employees working within the ITF. In order to allow County employees access to the SFRTA Building, installation of card key readers are required and SFRTA will make every effort in securing grant funding for the security modifications; however, if SFRTA is unable to secure said funding, the County has agreed to reimburse SFRTA up to \$15,000 for the cost of the security modifications. The County has secured grant funding that could be applied to the security modifications. The License Agreement is for a term of ten (10) years, with automatic renewals for ten (10) year terms.

Construction Manager (CM) at Risk is a project delivery method in which the CM provides design-phase assistance in evaluating costs, schedule, alternate designs, systems, and materials and then serves as the General Contractor issuing subcontracts for construction. Catalfumo is under a contract to provide these services on a continuing annual basis. The Board recently approved Amendment No. 1 for construction of the ITF which consists of a paved bus loop with eighteen (18) bus parking spaces, a public restroom, and a passenger vehicle drop-off lane adjacent to this parking lot. Builders Risk insurance will be covered by the County Master Builder's Risk Program.