

## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

#### AGENDA ITEM SUMMARY

| ======================================= |               |           |                     | === |                               |
|---|---------------|-----------|---------------------|-----|-------------------------------|
| Meeting Date:                           | March 6, 2012 | [X]<br>[] | Consent<br>Workshop |     | ] Regular<br>] Public Hearing |
| Department:                             |               |           | -                   | -   |                               |

Submitted By: Department of Airports

#### Submitted For:

\_\_\_\_\_

### I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve:** First Amendment to Terminal Building Lease Agreement (Amendment) with the General Services Administration (GSA), an executive agency of the United States of America, providing that GSA's payment of reimbursement for construction costs shall commence on November 1, 2011.

**Summary:** The Terminal Building Lease Agreement (R2011-1160) (Lease) approved by the Board on August 16, 2011, provides for the lease of office and support space for the Transportation Security Administration (TSA), including approximately 825 square feet of new space that was built-out at the County's expense, which will be reimbursed by GSA in monthly installments plus interest. Reimbursement was scheduled to commence the first day of the month following completion of construction. Construction was completed on November 17, 2011, and therefore reimbursement payments commenced on December 1, 2011. Amending the Lease will result in the final reimbursement payment being made at the scheduled expiration of the initial term of the Lease. Countywide (HJF)

**Background and Justification:** The Lease provides that GSA shall reimburse construction costs in the amount of \$64,740 by making 60 payments, in the amount of \$1,221.71, which includes interest at the rate of 5%. Based on the completion date of construction, only 59 payments are scheduled to be made prior to expiration of the initial term. GSA has asked to amend the Lease so that the final, 60<sup>th</sup>, payment is made concurrent with expiration of the initial term.

Attachments:

1. Amendment (3)

|                     | ======================================= | ے چ ہے ج کے پر <u>و</u> نے من نیز کر کر کر کر کر ک |
|---------------------|---|--|
| ታይ<br>Recommended B | y: Sun Self-                            | 1/26/12  |
|                     | Department-Difector                     | Date   |
| Approved By:        | County Administrator                    | <u>Visin</u><br>Date                               |

# **II. FISCAL IMPACT ANALYSIS**

# A. Five Year Summary of Fiscal Impact:

| Fiscal Years                  | <u>2012</u>   | <u>2013</u> | <u>2014</u> | <u>2015</u> | <u>2016</u> |
|-------------------------------|---------------|-------------|-------------|-------------|-------------|
| Capital Expenditures          |               |             |             | •           |             |
| Operating Costs               |               |             | <u></u>     |             |             |
| Operating Revenues            |               |             |             |             |             |
| Program Income (County)       |               | ·           | ·····       |             |             |
| In-Kind Match (County)        |               |             |             |             |             |
| NET FISCAL IMPACT             | ~ 0~ * s.e.   | below       |             |             |             |
| # ADDITIONAL FTE              |               |             |             | -           |             |
| POSITIONS (Cumulative)        |               |             |             |             | ·           |
| Is Item Included in Current E | Budget? Ye    | esNo        | )           |             |             |
| Budget Account No: Fun        | d Dep         | artment     | Unit        | Rsource _   | <u> </u>    |
|                               | orting Catego |             |             |             |             |

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

No fiscal impact. The amendment modifies the date for commencement of reimbursement costs to a fixed date of November 1, 2011, versus December 1, 2011 which is the commencement date based on the actual completion-date. Construction costs \$64,740 (4111-121-A212-6211) are being reimbursed by the GSA over five years in monthly installments which include interest charges of 5%.

C. Departmental Fiscal Review:

**III. REVIEW COMMENTS** 

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



**B. Legal Sufficiency:** 

Assistant County Attorney

C. Other Department Review:

This amendment complies with our review requirements.

**Department Director** 

# FIRST AMENDMENT TO TERMINAL BUILDING LEASE AGREEMENT

THIS FIRST AMENDMENT TO TERMINAL BUILDING LEASE AGREEMENT (this "Amendment") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between Palm Beach County, a political subdivision of the State of Florida (hereinafter referred to as "County" or "Lessor") and the General Services Administration, an executive agency of the United States of America (hereinafter referred to as "Lessee" or the "Government").

### WITNESSETH:

WHEREAS, County and Lessee have entered into that certain Terminal Building Lease Agreement dated August 16, 2011 (R2011-1160) (the "Lease") for the Government's use of certain specific premises at the Palm Beach International Airport (Airport"); and

WHEREAS, the parties hereto desire to amend the Lease in accordance with the terms and conditions set forth herein.

**NOW, THEREFORE,** in consideration of the premises and the mutual covenants herein contained and for such other good and valuable consideration, the receipt of which the parties hereby expressly acknowledge, the parties hereto covenant and agree to the following terms and conditions:

1. <u>Recitals</u>. The recitals set forth above are true and correct and incorporated herein by this reference. Terms not defined herein shall have the meaning ascribed to them in the Lease.

2. <u>Section 4.02(C) of the Lease</u> is hereby deleted in its entirety and replaced with the following:

C. Reimbursement by Lessee to County, for construction costs of the Initial Improvements, pursuant to Section 4.01(C) shall commence on November 1, 2011.

3. <u>Ratification of Lease</u>. Except as specifically modified herein, all of the terms and conditions of the Lease shall remain unmodified and in full force and effect and are hereby ratified and confirmed by the parties hereto.

4. <u>Paragraph Headings</u>. The heading of the various sections of this Amendment are for convenience and ease of reference only, and shall not be construed to define, limit, augment or describe the scope, context or intent of this Amendment or the Lease.

5. <u>Effective Date</u>. This Amendment shall become effective when signed by all parties and approved by the Palm Beach County Board of County Commissioners.

Page 1 GSA - Terminal Building Lease Agreement No. GS-04B-61874 **IN WITNESS WHEREOF**, County and Lessee have executed this Amendment, or have caused the same to be executed as of the day and year first above written.

By:

ATTEST:

Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY, a political subdivision of the State of Florida by its Board of County Commissioners

Ву:\_\_\_\_\_

Shelley Vana, Chair

(SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:\_\_\_\_ County Attorney APPROVED AS TO TERMS AND CONDITIONS

B Director of Airpo

WITNESSE AND Typed or Printed Name or Printed Na

LESSEE: General Services Administration

By Signature Title:\_

Page 2 GSA - Terminal Building Lease Agreement No. GS-04B-61874