

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Capital Expenditures	<u>\$207,490</u>	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>\$207,490</u></u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No _____
 Budget Account No: Fund 4111 Department 121 Unit A187-373 Obj 6101
 Reporting Category _____

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

If the AC Application is accepted, the fiscal impact will be 27% of the estimated cleanup cost of \$640,400.61, plus 27% of the 20% contingency of \$128,080.12, for a \$207,489.80 total. The amount listed above includes a 20% contingency allowance if needed.

C. Departmental Fiscal Review: *CM Simon*

III. REVIEW COMMENTS

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

Lisa Ponz 11/5/17
 OFMB *EP 1/4*

Dr. J. Jacobson 11/10/17
 Contract Dev. and Control
1/10/17

B. Legal Sufficiency:

Anne Adelant 1-10-17
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 9/03
 ADM FORM 01
 (THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

ADVANCED CLEANUP APPLICATION

In accordance with Section 376.30713, Florida Statutes (F.S.), the Florida Department of Environmental Protection (herein referred to as the Department) is accepting applications from owners, operators, or persons otherwise responsible for site rehabilitation at sites eligible for restoration funding under the Early Detection Incentive Program (EDI), Abandoned Tank Restoration Program (ATRP), Petroleum Liability and Restoration Insurance Program (PLRIP) or the Petroleum Cleanup Participation Program (PCPP). Applications will be accepted by the Department of Environmental Protection, Division of Waste Management, Petroleum Restoration Program, Bob Martinez Center, 2600 Blair Stone Road, MS #4580, Tallahassee, Florida, 32399-2400 **until 5:00 P.M. on January 3, 2017**. One paper copy and one electronic copy of all applications must be in a sealed envelope, and contain the non-refundable application review fee of \$250.00 as described below. Applications received after 5:00 P.M. on January 3, 2017, will not be considered and will be returned to the applicant unopened. Applications received beginning November 1, 2016, and on or before 5:00 P.M. on January 3, 2017, shall be publicly opened at the Department of Environmental Protection located at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, in Room 433, on January 6, 2017, beginning at 9:00 A.M. Applications will be considered received by the Department when the sealed application is opened, and only at this time shall it be subject to Section 119.07(1), Florida Statutes.

A separate application must be submitted for each site either as an individual site application or as part of a bundled application package. Only one application per site shall be submitted during this application period. Only one proposed course of action and one proposed cost share shall be submitted in the application.

NOTE: If the Limited Contamination Assessment Report (LCAR) cannot be enclosed in the sealed envelope, it may be included in a separate package with the following statement appearing on the package: "Section VI of the Advanced Cleanup Sealed Application for Facility No. 50-8514018 _____." In addition, all packages submitted in support of this application must contain the facility identification number and indicate the package number of the total number of packages submitted (i.e. Package 1 of 2, Package 2 of 2, etc.). Finally, packages should be bound together, with the sealed envelope on top, to avoid separation during mailing.

NOTE: THERE IS AN ADDITIONAL APPLICATION FORM FOR APPLICANTS PURSUING A BUNDLED PERFORMANCE BASED CONTRACT.

The information requested below must be provided to enable the Department to properly review and consider your application.

I. General Site Information

Facility Identification Number: 50-8514018
Facility Name: Palm Beach County Transit Authority
Facility Location: Building 1440 Palm Beach International Airport
[Street Address/Location]

West Palm Beach Palm Beach Florida 33406
[City] [County] [State] [Zip Code]

Real Property Owner: Palm Beach County
Real Property Owner's Address: 2633 Vista Parkway
West Palm Beach FL 33411
[City] [State] [Zip Code]

Real Property Owner's Phone Number: (561) 471-7403
[Area Code] [Phone Number]

Real Property Owner's email: lmbeebe@pbia.org

II. Applicant Information

Name of Applicant (if different than the current real property): Palm Beach County Department of Airports
Applicant's Address: 846 Palm Beach International Airport

[Mailing Address]
West Palm Beach FL 33406
[City] [State] [Zip Code]

Applicant's Phone Number: (561) 471-7403 - Daytime Phone
[Area Code] [Phone Number]

Applicant's Email: lmbeebe@pbia.org

Applicant's Relationship to the Facility (mark appropriate choice):

- Real Property Owner
- Real Property Operator
- Real Property Owner and Operator

Person Otherwise Responsible for Rehabilitation (supply an explanation below and attach documentation supporting this relationship)

Explanation: _____

III. Site Eligibility (mark appropriate selection(s) if more than one discharge):

- Early Detection Incentive Program (EDI)
- Abandoned Tank Restoration Program (ATRP)
- Petroleum Liability and Restoration Insurance Program (PLRIP)
- Innocent Victim Program (IVP)
- Petroleum Cleanup Participation Program (PCPP)

IV. Applicant's Cost Share/Saving Commitment

Per 376.30713(2)(b)(I)-(II), the cost share commitment for individual sites may be submitted on one of two formats:

1. For an individual application proposing that the Department enter into a Performance-Based Contract (PBC) may use a commitment to pay, a demonstrated cost savings, or both.
2. For an individual application relying on a demonstrated cost savings to the Department, the applicant shall, in conjunction with the proposed Agency Term Contractor (ATC), establish and provide in the application the percentage of cost savings to the Department for cleanup of the sites under the application compared to the cost of cleanup of the same site using the current rates provided to the Department by the proposed ATC.

In order to be considered for Advanced Cleanup (AC) funding, applicants in the EDI, ATRP, PLRIP or IVP Programs must commit to provide cost share/cost savings of no less than 25% of the proposed course of action exclusive of the cost for the limited contamination assessment report (LCAR) and any costs previously expended on this site. Applicants in the PCPP Program must also commit to provide cost share/cost savings of no less than 50% of the proposed course of action exclusive of the cost for the limited contamination assessment report (LCAR) and any costs previously expended on this site. The Department shall rank applications received based on the percentage of cost-sharing/savings commitment proposed by applicants, with the highest ranking given to the applicant that proposes the highest percentage of cost-sharing. If the Department receives applications that propose identical cost-sharing/saving commitments and which exceed the funds available to commit to all such proposals during the advanced cleanup application period, the Department shall notify the group of applicants appearing in the identical cost-share/saving category and provide these applicants a second opportunity to revise their cost-share/saving commitment percentage. If such an opportunity is offered, the date and time for submittal of a revised cost-share/saving commitment percentage shall be included in the request that is mailed to such applicants.

Pursuant to Section 376.30713 (4), F.S., the Department is authorized to enter into contracts for a total of up to **\$15 million** of advanced cleanup work for this AC application round.

STATEMENT OF APPLICANT:

Cost Share: As an applicant for the Advanced Cleanup Program, the applicant commits to pay 27 % of the total cost of the proposed course of action. The undersigned applicant understands that any expenditures made prior to the execution of a contract with the Department will not be eligible for funding under the Advanced Cleanup Program. The current estimated total cleanup cost for the proposed course of action for this facility is \$ 640,400.61.

Cost Savings: If the applicant also commits to demonstrate a cost savings, as part of an application, the percentage (%) of the demonstrated cost savings (as explained by the applicant in the proposed course of action) will be 0 % of the current estimated total cleanup cost for the site.

V. **Contractor Recommendation**

The contractor performing the work with this Advance Cleanup Agreement must either be a current agency term contractor with the Department recommended by the applicant or the work must be competitively bid by the Department. The applicant must submit a completed and signed Site Contractor Recommendation Form with the AC application if they recommend an Agency Term Contractor.

VI. **Limited Contamination Assessment Report (LCAR)**

The purpose of the LCAR is to support the proposed course of action and the associated cost estimate. An LCAR will be required in the application package for the Advanced Cleanup Program as stated in Section 376.30713 Florida Statutes (F.S.). The LCAR must be sufficient and conform to the requirements set forth in the attached LCAR guidance document dated June 9, 2000 and the Required Information and Data for the Application Package. If there are any conflicts between that guidance and the instructions in this AC bid package, the instructions in the AC bid package shall govern.

The **LCAR MUST PROVIDE SUFFICIENT SOIL AND GROUNDWATER DATA** to **characterize** and **delineate** the contamination at the site and contamination migrating off the site so that a reasonable remediation strategy and cost estimate can be developed. Along with any available historical data, soil laboratory analytical data no older than 5 years old for historic contaminated areas must be provided and be sufficient to justify the proposed remedial activity for soil cleanup. The latest groundwater analytical data presented in the LCAR must not be older than 270 days (9 months) from the time of the application per Chapter 780.700(3)(c) F.A.C. All soil and groundwater data must be presented in proper Table and Figure format.

If, in the determination of the Department, the LCAR is insufficient and does not meet the requirements set forth in Section VI of this application, the application shall be deemed non-responsive and will not be considered. Any costs incurred related to conducting the LCAR are not payable from the Inland Protection Trust Fund which supports the Advanced Cleanup Program.

NOTE: As stated earlier, if the information for this section cannot be enclosed in the sealed envelope, it may be included in a separate package with the following statement appearing on the package: "Section VI of the Advanced Cleanup Sealed Application for Facility No. 50-8514018 ." In addition, all packages submitted in support of this application must contain the Facility identification number and indicate the package number of the total number of packages submitted (i.e. Package 1 of 2, Package 2 of 2, etc.). Finally, packages should be bound together, with the sealed envelope on top, to avoid separation during mailing.

VII. Proposed Course of Action:

The applicant must provide the proposed course of action including the total estimated cleanup cost (using the ATC SPI unit rates) and the timetable for conducting the activities described in the proposed course of action. If the proposed course of action does not include the required cost estimate and timetable, the submittal will be deemed non-responsive. The Agreement requires the parties to continue with the work under the Agreement regardless of changes in ranking or score.

Proposals for less than total cleanup (i.e., not reaching an SRCO) may be appropriate in cases where the cost of total cleanup pursuant to Rule 62-780.680, F.A.C. (with or without conditions) will cause the Department to exceed the \$5 million annual limit pursuant to Section 376.30713(4), F.S. If the proposed course of action is for less than total cleanup, the applicant must clearly demonstrate that the proposed course of action will achieve substantial environmental and economic benefits to the state. Failure to clearly demonstrate substantial environmental and economic benefits to the state may result in unsuccessful negotiation of the Advanced Cleanup Agreement.

VIII. Non-refundable Application Review Fee

All applicants must include a cashier's check or money order (**DO NOT SEND CASH, PERSONAL CHECKS OR CORPORATE CHECKS**) issued to the "Florida Department of Environmental Protection" for the amount of \$250.00 to cover the non-refundable application review fee in order for your application to be reviewed for responsiveness. Failure to submit the non-refundable application review fee as required above shall result in your application package being disqualified from further consideration.

All applicants submitting incomplete application packages shall forfeit the non-refundable application review fee of \$250.00.

IX. Site Access Agreement

Site Access Agreements must be submitted with the application and be signed by each owner of the Property that is part of the application by an authorized representative (See the Department's OGC internet website, Enforcement Manual, appendix). The Site Access Agreement must be the current PRP Site Access Agreement dated 5/19/15 and include the following:

- A printout of the County Property Appraiser's Parcel and Property Information. If ownership has recently changed and the County Property Appraiser's website has not been updated to reflect the ownership change, include a copy of the recorded deed.
- A completed and signed by each property owner Site Access Agreement or similar permissions that do not violate state law (i.e., Ch. 376, 119, & 768, Florida Statutes).
- A completed and signed Site Access Agreement or similar permissions that do not violate state law for any long-term tenant or leasee with a lease recorded in the County records.

Please submit an electronic copy of the entire Application Package.

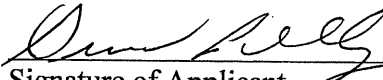
X. Conflict of Interest

The Department believes that the president or manager of an Agency Term Contractor who is also an owner, president or manager of the LLC that owns the property that is the source of contamination that is eligible for a state-funded cleanup constitutes a conflict of interest pursuant to the Agency Term Contract (ATC), paragraph 30. Subparagraph 30.A. of the ATC states that the contractor will not "acquire any interest which would conflict in any manner or degree with its performance of this" ATC. Contractors are then instructed by subparagraph 30.B. to notify the Department of any "contractual or other business relationships between the Contractor... and any of the persons or entities who are, or may be, responsible for contamination of a site on which it is assigned work." Paragraph 30.D. defines a business relationship and a contractor or subcontractor is "deemed to have had a business relationship with one of the responsible parties for site contamination if it has had a relationship with a parent organization, or subsidiary, a predecessor or a successor of such party, or if it has been engaged by independent legal representatives on behalf of any such parties. In addition, Contractor will be conclusively determined to have a conflict of interest with regard to any site, if it has given or offered remuneration, in cash or in kind, directly or indirectly, to the site owner or operator, or his or her designee to obtain the work associated with such site."

If there is the appearance of a potential conflict of interest, among the affiliates and/or the contractor, the Applicant shall be given 3 business days from date of notification by the Department to provide documentation that proves otherwise. The documentation must prove to the satisfaction of the Department there is no conflict of interest. If the Applicant fails to produce documentation to Departments satisfaction within the stated timeframe the application (including bundles) will be rejected in their entirety.

XI. Applicant's Certification

The undersigned applicant, under penalty of perjury, hereby certifies that he or she has the authority to negotiate and enter into an advanced cleanup contract with the Florida Department of Environmental Protection and qualifies as an applicant pursuant to Section 376.30713(2) F.S.



Signature of Applicant

12/3/16
Date of submittal

Bruce Pelly

Print Name of Applicant

Director of Airports

Applicant's Title with legal authority to bind the entity.

(If applicant's name is not listed with the Florida Division of Corporations, provide documentation or legal opinion from the entity's attorney of evidence of authority to bind the corporation, LLC, etc.)

Palm Beach County, a political subdivision of the State of Florida

Name of Corporation, LLC or Partnership
(if applicable)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

BY: 
County Attorney

FORM APPROVED: 11/22/2016 (R2016-1674)