

## AGENDA ITEM SUMMARY

**[ X ] Consent      [ ] Regular**  
**[ ] Workshop      [ ] Public Hearing**

**Submitted By: Department of Airports**

**Submitted For: Department of Airports**

**Motion and Title: Staff recommends motion to approve:** Amendment No.1 to the State of Florida Department of Transportation (FDOT) Agreement for the SunPass Plus Parking Program at Palm Beach International Airport (PBI), standardizing the adjustment process for transaction fees.

**Countywide (AH)**

adjusted).

Amendment No.1 (3 originals)

y:   
Department Director

9/28/17  
Date

  
County Administrator

16/6/17  
Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No X  
Budget Account No: Fund \_\_\_\_\_ Dept. \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Reporting Category \_\_\_\_\_

B. Recommended Sources of Funds/Summary of Fiscal Impact: \_\_\_\_\_ The change in CPI index should not result in any significant difference to future transaction fees. All transaction fees are paid from Airport revenues, no impact to the general fund.

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

## III. REVIEW COMMENTS

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

John Walsh 10/2/17  
OFMB AR <sup>AK</sup>  
10/2

Dr. J. Jacobson 10/5/17  
Contract Dev. and Control  
10/5/17

### B. Legal Sufficiency:

Anne Helgert 10-5-17  
Assistant County Attorney

### C. Other Department Review:

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

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
AGREEMENT  
FOR  
PALM BEACH COUNTY  
SUNPASS® PLUS PARKING PROGRAM  
AT PALM BEACH INTERNATIONAL AIRPORT MODIFICATION NO. 1

Amendment No. 1

This First Amendment to the Agreement is made and entered into effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2017 ("Effective Date"), by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the "Department", and Palm Beach County, Florida, a political subdivision of the State of Florida (hereinafter referred to as the "County"), whose principal place of business is located at 301 North Olive Avenue, West Palm Beach, Florida 33401 and who is duly authorized to conduct business in the State of Florida..

**WITNESSETH:**

WHEREAS, the Department and the County heretofore on November 12, 2009, entered into an Agreement for SunPass® Plus Parking Program at Palm Beach International Airport, hereinafter called the "Agreement", whereby the Department agreed to allow the County to incorporate SunPass® technology into the parking facilities at the Palm Beach International Airport (hereinafter "PBIA"); and,

WHEREAS, the Department has determined it necessary to amend paragraph 4 (b) of said Agreement to modify fees deducted for each SunPass® Plus Parking transaction and to modify the Consumer Price Index (CPI) calculation and implementation dates for the Florida Turnpike Enterprise (FTE) Transaction Fee adjustments to ensure consistency within the program; and,

WHEREAS, entering into this Amendment serves a public purpose.

NOW, THEREFORE, and in consideration of the mutual benefits to flow each to the other, the parties agree to the following:

- 1: Paragraph 4 (b) is hereby amended as follows:

FTE Transaction Fee: FTE will deduct a \$0.1418 fee per SunPass® Plus Parking transaction from the weekly wire transfers to the County. In the event the SunPass® Plus Parking is at no cost to the SunPass® Plus customer, no FTE Transaction Fee will be charged to the County. The FTE Transaction Fee may be adjusted on the fifteenth day following the execution date of this Amendment No. 1 and on July 1 of each calendar year of the Agreement thereafter, in accordance with the CPI, but will not go below \$0.1418, for the duration of the Agreement. The FTE Transaction Fee will be indexed in accordance with the percentage change in the CPI published by the Bureau of Labor Statistics of the United States Department of Labor, which uses 1982-1984 as the base, and is the Annual Average for all expenditure items for all urban consumers, U.S. city average. The adjustment will be calculated from, and implemented by, multiplying \$0.1418 by the percentage increase or decrease in the CPI from year to year, and then adding that product to \$0.1418, subject to the minimum fees stated above.

2. Except as hereby modified, amended, or changed, all of the terms and conditions of said Agreement will remain in full force and effect.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this First Amendment on behalf of the COUNTY and CONSULTANT has hereunto set its hand the day and year above written.

**ATTEST:**

**PALM BEACH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS**

SHARON R. BOCK  
CLERK AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Paulette Burdick, Mayor

WITNESS:

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
SIGNATURE

By: \_\_\_\_\_

\_\_\_\_\_  
Name (type or print)

Diane Gutierrez-Scaccetti  
(Print/Type Name)

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Title: Executive Director & C.E.O

By: \_\_\_\_\_

APPROVED AS TO TERMS AND  
CONDITIONS

By:   
Department Director

FOR DEPARTMENT USE ONLY

APPROVED:

LEGAL REVIEW:

\_\_\_\_\_  
Procurement Office

\_\_\_\_\_