Agenda Item: 3F5

# PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

يد حدد عب حدد عدد حدد بدل حدد التلا عن التلا التلا التلا Meeting Date: October 17, 2017 Consent [ ] Regular Workshop [ ] Public Hearing [X] [] **Department:** Airports

Submitted By: Department of Airports

#### Submitted For: Department of Airports

## I. EXECUTIVE BRIEF

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 (PBIA), standardizing the adjustment process for transaction fees.

Summary: Pursuant to the FDOT Agreement approved by the Board of County Commissioners on November 3, 2009, the Department of Airports pays a transaction fee for each SunPass transaction at PBIA, currently in the amount of \$0.1418. The Agreement also provides for an annual adjustment to the fee as determined by a Consumer Price Index (CPI). Amendment No. 1 will change the annual adjustment date to July 1 of each year (previously was contract anniversary date) and changes the particular CPI used. This amendment will have no impact to parking customers and will not materially change the transaction fee amount paid by the Department. Changing these items is part of a contract standardization process the FDOT is going through for all tolling agencies in the State. Countywide (AH)

Background and Justification: SunPass was implemented at PBIA in Fiscal Year 2010 to provide customers with the added convenience of paying parking fees using their SunPass account, including automatic entry, exit, and payment. PBIA collects the appropriate parking fee and remits to FDOT a transaction fee. Amendment No. 1 changes the annual adjustment date of the transaction fee to July 1 of each year (previously was contract anniversary date) and changes the index used to the Bureau of Labor statistics Consumer Price Index (BLSCPI), base years 1982-1984, annual average all expenditures, urban consumers, U.S. city average (previously was BLSCPI all urban consumers, US city average, not seasonally adjusted).

### Attachments:

Amendment No.1 (30Riginals)

Recommended By:	Shen Jelly	9/28/17
Cope	Department Director	Date
Approved By:	VCBake	10/6/17

County Administrator

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 Bu Budget Account No: Fund Reporting C	Dept.		Obj	ect	

**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:

OFMB AR

and Contr

**B. Legal Sufficiency:** 

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:

SIGNATURE

Name (type or print)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Ву: \_\_\_

APPROVED AS TO TERMS AND CONDITIONS

lell. BX Department Director

APPROVED:

Procurement Office

#### STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

Ву: \_\_\_

Diane Gutierrez-Scaccetti (Print/Type Name)

Title: Executive Director & C.E.O

# FOR DEPARTMENT USE ONLY LEGAL REVIEW: