

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>	<u><u>\$-0-</u></u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No _____
 Does this item include the use of federal funds? Yes _____ No X

Budget Account No: Fund 4100 Department 120 Unit _____ RSource _____
 Reporting Category _____

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

No fiscal impact.

C. Departmental Fiscal Review: CM Sumic

III. REVIEW COMMENTS

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

[Signature] 12/4/19
 OFMB [Signature] 12/4

[Signature] 12/5/19
 Contract Dev. and Control
[Signature]

B. Legal Sufficiency:

[Signature] 12/7/19
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 11/17

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

<p style="text-align: center;">GENERAL SERVICES ADMINISTRATION PUBLIC BUILDINGS SERVICE</p>	<p style="text-align: center;">LEASE AMENDMENT NO. 1</p>
<p style="text-align: center;">LEASE AMENDMENT</p>	<p style="text-align: center;">TO LEASE NO. GS-04P-LFL00876</p>
<p>ADDRESS OF PREMISES: Palm Beach International Airport 846 Palm Beach International Airport West Palm Beach, FL 33406-1470</p>	

THIS AMENDMENT NO. 1 TO TERMINAL SPACE LEASE AGREEMENT ("Amendment No. 1") is made and entered into between **Palm Beach County** ("County" or "Lessor")

whose address is: 846 Palm Beach International Airport
West Palm Beach, FL 33406-1405

and the **General Services Administration**, an executive agency of the **United States of America**, hereinafter called the "Government" or "Lessee":

WHEREAS, the parties hereto entered into that certain Terminal Space Lease Agreement for the Term commencing November 1, 2019, (R2019-1616) (GSA Lease No. GS-04P-LFL00876) (the "Lease"); and

WHEREAS, the parties hereto desire to amend the Lease as provided herein.

NOW THEREFORE, the parties for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, covenant and agree that the said Lease shall be amended as follows:

I. Exhibit "B" to the Lease, General Clauses, is hereby amended to add the following two (2) provisions, attached hereto as Attachment "1" and Attachment "2":

Attachment "1": 52.204-24 *Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (AUG 2019)*

Attachment "2": 52.204-25 *Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (AUG 2019)*

II. Except as modified herein, all terms and conditions of the Lease shall remain in full force and effect.

III. This Amendment No. 1 shall be effective as of November 1, 2019.

IV. The remainder of this page is intentionally left blank.

IN WITNESS WHEREOF, County and Lessee have executed this Amendment No. 1, or have caused the same to be executed in their names.

ATTEST: .

Sharon R. Bock, Clerk & Comptroller

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

By: _____
Deputy Clerk

By: _____
Dave Kerner , Mayor

(SEAL)

Date Signed by County: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: *Paula Bock*
Director of Airports

WITNESSES:

Signature

Typed or Printed Name

LESSEE:
General Services Administration

By: _____
Signature

Typed or Printed Name

Signature

Typed or Printed Name

By: _____
Title: _____

Date signed by Lessee: _____

Attachment "1"

*52.204-24 Representation Regarding Certain Telecommunications and Video
Surveillance Services or Equipment (AUG 2019)*

**Representation Regarding Certain Telecommunications and Video Surveillance Services
or Equipment (Acquisitions of Leasehold Interests in Real Property)**

Complete appropriate boxes, sign the form, and return form, along with any other required disclosure information, to LCO or his/her designee. The Offeror makes the following additional Representations.
NOTE: The "Offeror," as used on this form, is the owner of the property offered, not an individual or agent representing the owner.

52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (AUG 2019)

- (a) *Definitions.* As used in this provision—
“Covered telecommunications equipment or services”, “Critical technology”, and “Substantial or essential component” have the meanings provided in clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.
- (b) *Prohibition.* Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Contractors are not prohibited from providing—
- (1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
 - (2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.
- (c) *Representation.* The Offeror represents that— It [] will, [X] will not provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation.
- (d) *Disclosures.* If the Offeror has responded affirmatively to the representation in paragraph (c) of this provision, the Offeror shall provide the following information as part of the offer—
- (1) All covered telecommunications equipment and services offered (include brand; model number, such as original equipment manufacturer (OEM) number, manufacturer part number, or wholesaler number; and item description, as applicable);
 - (2) Explanation of the proposed use of covered telecommunications equipment and services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b) of this provision;
 - (3) For services, the entity providing the covered telecommunications services (include entity name, unique entity identifier, and Commercial and Government Entity (CAGE) code, if known); and

LESSOR: _____ GOVERNMENT: _____

Representation Regarding Certain
Telecommunications and Video
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- (4) For equipment, the entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known).

OFFEROR OR LEGALLY AUTHORIZED REPRESENTATIVE	NAME, ADDRESS (INCLUDING ZIP CODE)	TELEPHONE NUMBER
	_____ Signature	_____ Date

LESSOR: _____ GOVERNMENT: _____

Attachment "2"

52.204-25 Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (AUG 2019)

General Clause Addendum to the Lease
FAR 52.204-25 and GSAR 552.204-70

52.204-25 PROHIBITION ON CONTRACTING FOR CERTAIN
TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT
(AUG 2019)

(a) Definitions. As used in this clause—

“Covered foreign country” means The People’s Republic of China.

“Covered telecommunications equipment or services” means –

(1) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);

(2) For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);

(3) Telecommunications or video surveillance services provided by such entities or using such equipment; or

(4) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

“Critical technology” means-

(1) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations;

(2) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled—

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(i) Pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or

(ii) For reasons relating to regional stability or surreptitious listening;

(3) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by part 810 of title 10, Code of Federal Regulations (relating to assistance to foreign atomic energy activities);

(4) Nuclear facilities, equipment, and material covered by part 110 of title 10, Code of Federal Regulations (relating to export and import of nuclear equipment and material);

(5) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code; or

(6) Emerging and foundational technologies controlled pursuant to section 1758 of the Export Control Reform Act of 2018 (50 U.S.C. 4817).

“Substantial or essential component” means any component necessary for the proper function or performance of a piece of equipment, system, or service.

(b) Prohibition. Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. The Contractor is prohibited from providing to the Government any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (c) of this clause applies or the covered telecommunication equipment or services are covered by a waiver described in Federal Acquisition Regulation 4.2104.

(c) Exceptions. This clause does not prohibit contractors from providing-

(1) A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or

(2) Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

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(d) Reporting requirement.

(1) In the event the Contractor identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during contract performance, or the Contractor is notified of such by a subcontractor at any tier or by any other source, the Contractor shall report the information in paragraph (d)(2) of this clause to the Contracting Officer, unless elsewhere in this contract are established procedures for reporting the information; in the case of the Department of Defense, the Contractor shall report to the website at <https://dibnet.dod.mil>. For indefinite delivery contracts, the Contractor shall report to the Contracting Officer for the indefinite delivery contract and the Contracting Officer(s) for any affected order or, in the case of the Department of Defense, identify both the indefinite delivery contract and any affected orders in the report provided at <https://dibnet.dod.mil>.

(2) The Contractor shall report the following information pursuant to paragraph (d)(1) of this clause

(i) Within one business day from the date of such identification or notification: the contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.

(ii) Within 10 business days of submitting the information in paragraph (d)(2)(i) of this clause: any further available information about mitigation actions undertaken or recommended. In addition, the Contractor shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

(e) Subcontracts. The Contractor shall insert the substance of this clause, including this paragraph (e), in all subcontracts and other contractual instruments, including subcontracts for the acquisition of commercial items.

(End of clause)

552.204-70 REPRESENTATION REGARDING CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT (AUG 2019)

LESSOR: _____
GOVERNMENT: _____

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- (a) *Definitions.* As used in this clause-
“Covered telecommunications equipment or services”, “Critical technology”, and
“Substantial or essential component” have the meanings provided in FAR 52.204-25,
Prohibition on Contracting for Certain Telecommunications and Video Surveillance
Services or Equipment.
- (b) *Prohibition.* Section 889(a)(1)(A) of the John S. McCain National Defense
Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an
executive agency on or after August 13, 2019, from procuring or obtaining, or extending
or renewing a contract to procure or obtain, any equipment, system, or service that uses
covered telecommunications equipment or services as a substantial or essential
component of any system, or as critical technology as part of any system. Contractors
are not prohibited from providing-
- (1) A service that connects to the facilities of a third-party, such as
backhaul, roaming, or interconnection arrangements; or
 - (2) Telecommunications equipment that cannot route or redirect user data
traffic or permit visibility into any user data or packets that such equipment
transmits or otherwise handles.
- (c) *Representation.* The Offeror or Contractor represents that it [] will or [X] will not
[Contractor to complete and submit to the Contracting Officer] provide covered
telecommunications equipment or services to the Government in the performance of
any contract, subcontract, order, or other contractual instrument resulting from this
contract. This representation shall be provided as part of the proposal and resubmitted
on an annual basis from the date of award.
- (d) *Disclosures.* If the Offeror or Contractor has responded affirmatively to the
representation in paragraph (c) of this clause, the Offeror or Contractor shall provide the
following additional information to the Contracting Officer--
- (1) All covered telecommunications equipment and services offered or
provided (include brand; model number, such as original equipment
manufacturer (OEM) number, manufacturer part number, or wholesaler number;
and item description, as applicable);
 - (2) Explanation of the proposed use of covered telecommunications
equipment and services and any factors relevant to determining if such use
would be permissible under the prohibition in paragraph (b) of this provision;
 - (3) For services, the entity providing the covered telecommunications
services (include entity name, unique entity identifier, and Commercial and
Government Entity (CAGE) code, if known); and
 - (4) For equipment, the entity that produced the covered
telecommunications equipment (include entity name, unique entity identifier,
CAGE code, and whether the entity was the OEM or a distributor, if known).

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(End of clause)

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