

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

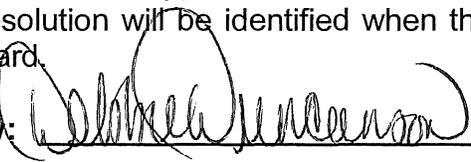
Is Item Included in Current Budget? Yes ___ No X
 Does this item include the use of federal funds? Yes ___ No X

Budget Account No: Fund ___ Department ___ Unit ___ Rsource ___
 Reporting Category _____

71

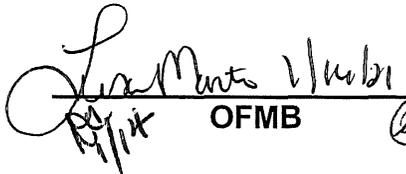
B. Recommended Sources of Funds/Summary of Fiscal Impact:

There is no fiscal impact associated with approval of this Resolution. The fiscal impact of any grants approved pursuant to this Resolution will be identified when the individual grant agreements are received and filed with the Board.

C. Departmental Fiscal Review: 

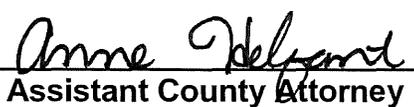
III. REVIEW COMMENTS

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


 Lisa Marie Huber
 OFMB
 1/14


 Andrew J. Jacobson
 Contract Dev. and Control
 1-21-21

B. Legal Sufficiency:

 1-25-21
 Anne Helgert
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 11/17

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

RESOLUTION NO. 2021 - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR OR DESIGNEE TO EXECUTE SUPPLEMENTAL JOINT PARTICIPATION AGREEMENTS AND TERMINATION AGREEMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION IN ORDER TO TRANSFER GRANT FUNDS FROM EXISTING JOINT PARTICIPATION AGREEMENTS TO NEW PUBLIC TRANSPORTATION GRANT AGREEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County ("County"), by and through its Department of Airports ("Department"), owns and operates the Palm Beach International Airport, North Palm Beach County General Aviation Airport, Palm Beach County Park Airport and Palm Beach County Glades Airport ("Airport System"); and

WHEREAS, pursuant to Agenda Item 3F3 on September 23, 2008, the Board of County Commissioners ("Board") authorized the County Administrator or designee to execute administrative amendments to Florida Department of Transportation ("FDOT") grant agreements known as Joint Participation Agreements ("JPA") to include modifications to the language that may be required to bring JPAs into compliance with state laws; and

WHEREAS, pursuant to Agenda Item 3F11 on October 18, 2011, the Board authorized the County Administrator or designee to sign extensions of time and approve minor changes to JPAs with the FDOT; and

WHEREAS, the FDOT replaced the JPA grant form with a new standard form Public Transportation Grant Agreement ("PTGA"); and

WHEREAS, rather than completing outstanding projects funded under existing JPAs, the FDOT has requested that existing JPAs be closed in order for the funds to be transferred to new PTGA forms; and

WHEREAS, in instances where the project is active, the FDOT is requesting the County enter into a Supplemental JPA ("SJPA") to provide for the reduction of the scope of work and associated project dollars and a modification of the term to provide for the timely closure of the JPA; and

WHEREAS, following execution of the SJPA, the County would enter into a new PTGA under which the remaining scope of work would be completed with the remaining grant funds; and

WHEREAS, in instances where no work has yet been started under a JPA, the FDOT is requesting the JPA be terminated and a new PTGA be executed; and

WHEREAS, the Board authorized the County Administrator or designee to execute the new standard form PTGA pursuant to Resolution No. 2020-1017; and

WHEREAS, the delegation of authority to the County Administrator or designee to execute these agreements will eliminate delays and potential loss of grant opportunities caused by requiring such items to be brought before the Board for approval and would therefore be consistent with the goals of the Board to streamline the agenda process and to maximize the use of available grant funding sources.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are true and correct and are incorporated herein.
2. To facilitate the transfer of grant funds from existing JPAs to new PTGAs, the County Administrator or designee is hereby authorized to execute, on behalf of the Board: (a) SJPA's in substantially the form attached hereto and incorporated herein as Exhibit "A", which may include modifications to the scope of work, contract term, the associated project costs and available grant funding based on a reduced scope of work; and (b) Termination Agreements in substantially the form attached hereto as Exhibit "B".
3. The County Administrator or designee shall not execute a grant agreement pursuant to the delegation of authority granted pursuant to this Resolution unless sufficient airport funds are available to satisfy modified local match requirements, if any, and the agreements have been reviewed and approved by the County Attorney's Office as to Form and Legal Sufficiency prior to execution by the County Administrator or

designee. It is the intention of the Board that this delegation shall be limited to the parameters set forth herein. The County Administrator's designee for purposes of this Resolution shall include the Director of the Department of Airports.

4. If any section, sentence, clause, phrase, or word of this Resolution is held invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.
5. This Resolution shall become effective immediately upon adoption.

(Remainder of page intentionally left blank)

The foregoing Resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner
_____, and upon being put to a vote, the vote was as follows:

Commissioner Dave Kerner, Mayor	-
Commissioner Robert S. Weinroth, Vice Mayor	-
Commissioner Maria G. Marino	-
Commissioner Gregg K. Weiss	-
Commissioner Maria Sachs	-
Commissioner Melissa McKinlay	-
Commissioner Mack Bernard	-

Then the Mayor thereupon declared this Resolution duly passed and
adopted this _____ day of _____, 2021.

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

Joseph Abruzzo
Clerk of the Circuit Court & Comptroller

By: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
County Attorney

Exhibit “A”

**Supplemental Joint Participation
Agreement
with the
Florida Department of Transportation**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

725-030-07
 PUBLIC TRANSPORTATION
 12/18

Number: _____

Page 1 of

Financial Project No(s): _____ _____ _____ (item-segment-phase-sequence) Contract No.: _____	Fund: _____ Function: _____ Federal No.: _____ DUNS No.: <u>80-939-7102</u>	FLAIR Category: _____ Object Code: _____ Org. Code: _____ Vendor No.: _____
Catalog of Federal Domestic Assistance Number: _____		Catalog of State Financial Assistance Number: _____
CFDA Title: _____		CSFA Title: _____

THIS AGREEMENT, made and entered into on _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter referred to as the Department,
 and _____
 hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on enter date, entered into a Joint Participation Agreement;
 and

WHEREAS, the Agency desires to accomplish certain project items as outlined in the Attachment "A" appended hereto; and

WHEREAS, the Department desires to participate in all eligible items for this project as outlined in Attachment "A" for a total Department Share of _____.

NOW, THEREFORE THIS INDENTURE WITNESSETH: that for and in consideration of the mutual benefits to flow from each to the other, the parties hereto agree that the above described Joint Participation Agreement is to be amended and supplemented as follows:

1.0 Project Description: The project description is amended

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

2.00 Project Cost:

Paragraph 3.00 of said Agreement is increased / decreased by \$_____

bringing the revised total cost of the project to \$_____.

Paragraph 4.00 of said Agreement is increased/ decreased by \$_____

bringing the Department's revised total cost of the project to \$_____.

3.00 Amended Exhibits:

Exhibit(s) _____ of said Agreement is amended by Attachment "A".

4.00 Contract Time:

Paragraph 16.00 of said Agreement _____.

5.00 E-Verify

Vendors/Contractors:

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/Contractor during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

Financial Project No(s): _____

Contract No. _____

Agreement Date: _____

Except as hereby modified, amended or changed, all other terms of said Agreement dated _____ and any subsequent supplements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

AGENCY

FDOT

See attached Encumbrance Form for date of Funding Approval by Comptroller

AGENCY NAME

LEGAL REVIEW
DEPARTMENT OF TRANSPORTATION

SIGNATORY (PRINTED OR TYPED)

DEPARTMENT OF TRANSPORTATION

SIGNATURE

TITLE

TITLE

Financial Project No(s): _____

Contract No. _____

Agreement Date: _____

ATTACHMENT "A"
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and ___ dated _____.

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

I.	<u>Project Cost:</u>	<u>As Approved</u>	<u>As Amended</u>	<u>Net Change</u>
		\$	\$	\$ 0.00
	Total Project Cost	\$ 0.00	\$ 0.00	\$ 0.00
II.	<u>Fund Participation:</u>	<u>As Approved</u>	<u>As Amended</u>	<u>Net Change</u>
	Department:	\$	\$	\$ 0.00
	Agency:	\$	\$	\$ 0.00
	Total Project Cost	\$ 0.00	\$ 0.00	\$ 0.00

Comments:

III. MULTI-YEAR OR DEFERRED REIMBURSEMENT PROJECT FUNDING

If a project is a multi-year or prequalified project subject to paragraphs 4.10 and 17.20 of this agreement, funds are programmed in the Department's Work program in the following fiscal year(s):

FY	\$	FY	\$
FY	\$	FY	\$
FY	\$	FY	\$
FY	\$	FY	\$
FY	\$	FY	\$
FY	\$	FY	\$
FY	\$	FY	\$
FY	\$	FY	\$
FY	\$	FY	\$
FY	\$	FY	\$

Project years may be advanced or deferred subject to Legislative appropriation or availability of funds.

Special Considerations

Exhibit “B”

**Termination Agreement
with the
Florida Department of Transportation**

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
TERMINATION OF THE JOINT PARTICIPATION AGREEMENT

725-000-05(b)
 STRATEGIC
 DEVELOPMENT
 OGC 12/20

Financial Project Number(s): (item-segment-phase-sequence) _____ _____ _____ Contract Number: _____ CFDA Number: _____ CFDA Title: _____ CSFA Number: _____ CSFA Title: _____	Fund(s): Work Activity Code/Function: _____ Federal Number/Federal Award Identification Number (FAIN)–Transit only: _____ DUNS Number: _____ Agency DUNS Number: _____	FLAIR Category: _____ Object Code: _____ Org. Code: _____ Vendor Number: _____ Amendment Number: _____
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THIS TERMINATION OF THE JOINT PARTICIPATION AGREEMENT (“Termination Agreement”) is made and entered into on _____, by and between the State of Florida, Department of Transportation (“Department”), and _____, (“Agency”), collectively referred to as the “Parties.”

WITNESSETH

WHEREAS, the parties have determined that the performance of the JOINT PARTICIPATION AGREEMENT entered into between the parties on _____ is not in their best interests.

WHEREAS, the parties agree to terminate the referenced JOINT PARTICIPATION AGREEMENT; and

WHEREAS, there are no outstanding invoices related to this JOINT PARTICIPATION AGREEMENT..

NOW, THEREFORE, in consideration of the premises it is agreed that the above described agreement is terminated and each party relieves the other of any obligations.

IN WITNESS WHEREOF, the Parties have executed this Termination Agreement on the day and year written above.

AGENCY,

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: _____
 Name: _____
 Title: _____

By: _____
 Name: _____
 Title: _____

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION
 Legal Review:
