

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date: September 13, 2022 [X] Consent [] Regular
[] Workshop [] Public Hearing
Submitted By: Department of Airports
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Amendment No. 1 to the Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for the Conversion of Gate B1 to International Gate at Palm Beach International Airport (PBI). Delegation of authority for execution of this Amendment was approved by the BCC on August 25, 2020 (R-2020-1017).

Summary: The FDOT has submitted Amendment No. 1 to the PTGA changing the original scope to provide for the additional efforts needed to support the overall improvements to the Concourse B expansion project and not convert Gate B1 to an International Gate as originally planned. On April 16, 2019, the Board adopted a resolution (R-2019-0494) approving a PTGA (R-2019-0495) with the FDOT in the amount of \$1,250,000 or 50% of the eligible project costs, whichever is less for the Conversion of Gate B1 to International Gate at PBI. This project provided for the planning, design, permitting and construction of improvements on Gate B1 in order for international traffic to have the ability to access the Federal Inspection Services (FIS) facility on Level 1 of the terminal. Existing funds will support the overall improvements to Concourse B that are currently underway. This change requires execution of an Amendment to the PTGA. Countywide (AH)

Background and Justification: The County is currently in the design phase of the expansion of Concourse B, providing for expanded concessions space, hold room space and restrooms. Initial design efforts included the addition of a second international gate on Concourse B with the ability to access the FIS facility on Level 1 of the terminal; however, based on the Department of Airports and consultant design efforts, it was determined that such gate would create impacts to the general circulation within the existing footprint of the concourse. As such, it has been decided that any improvements to accommodate an additional international gate would be handled under an additional design task associated with improvements to the FIS facility. Therefore, the Department of Airports requested that the funds associated with this effort be amended to provide funding for the additional efforts needed to support the overall increase in funding necessary for the Concourse B expansion project.

Attachments:

- 1. Amendment No. 1 to PTGA w/FDOT

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Recommended By: Jerry M. Lynch for Loree Beebe 8-16-2022
Department Director Date

Approved By: [Signature] 8/30/22
County Administrator Date

FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues (Grants)	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	=====	=====	=====	=====	=====
 # 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 4111 Department 121 Unit A392 Object 6504
 Reporting Category _____

JH

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

There is no fiscal impact for this item.

C. Departmental Fiscal Review: *Walter Duncanson*

III. REVIEW COMMENTS

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

Sum 8/22/22
 OFMB 9A 8/18 ESW 8/19/2022
 8/19/22

Arc S. Jaworski 8/29/22
 Contract Dev. and Control

B. Legal Sufficiency:

Anne Delgado 8/30/22
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 11/17

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

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
AMENDMENT TO THE PUBLIC TRANSPORTATION
GRANT AGREEMENT

Form 725-000-03
 STRATEGIC
 DEVELOPMENT
 OGC 04/22

Financial Project Number(s): <small>(item-segment-phase-sequence)</small>	Fund(s):	DPTO,GMR	FLAIR Category:
444177-1-94-01	Work Activity Code/Function:	215	088719
	Federal Number/Federal Award		Object Code: 751000
	Identification Number (FAIN) – Transit only:		Org. Code: 55042010429
Contract Number: G1653	Federal Award Date:		Vendor Number: VF596000785033
CFDA Number: N/A	SAM/UEI Number:		Amendment No.: 1
CFDA Title: N/A			
CSFA Number: 55.004			
CSFA Title: Aviation Grant Program			

THIS AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT ("Amendment") is made and entered into on 8/8/2022 | 7:16 AM EDT, by and between the State of Florida, Department of Transportation ("Department"), and Palm Beach County, ("Agency"), collectively referred to as the "Parties."

RECITALS

WHEREAS, the Department and the Agency on 5/7/2019 (date original Agreement entered) entered into a Public Transportation Grant Agreement ("Agreement").

WHEREAS, the Parties have agreed to modify the Agreement on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants in this Amendment, the Agreement is amended as follows:

1. **Amendment Description.** The project is amended This amendment will change the scope to provide for the additional efforts needed to support the overall improvements to Concourse B expansion project and not convert to an International Gate as originally planned due to determination of optimal traffic flow in this area. Existing funds will support the overall improvements to Concourse B area underway.

2. **Program Area.** For identification purposes only, this Agreement is implemented as part of the Department program area selected below (select all programs that apply):

- Aviation
- Seaports
- Transit
- Intermodal
- Rail Crossing Closure
- Match to Direct Federal Funding (Aviation or Transit)
(Note: Section 15 and Exhibit G do not apply to federally matched funding)
- Other

3. **Exhibits.** The following Exhibits are updated, attached, and incorporated into this Agreement:

- Exhibit A: Project Description and Responsibilities
- Exhibit B: Schedule of Financial Assistance
- *Exhibit B1: Deferred Reimbursement Financial Provisions
- *Exhibit B2: Advance Payment Financial Provisions
- *Exhibit C: Terms and Conditions of Construction
- Exhibit D: Agency Resolution
- Exhibit E: Program Specific Terms and Conditions
- Exhibit F: Contract Payment Requirements
- *Exhibit G: Financial Assistance (Single Audit Act)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PUBLIC TRANSPORTATION
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- *Exhibit H: Audit Requirements for Awards of Federal Financial Assistance
- *Additional Exhibit(s):

4. Project Cost.

The estimated total cost of the Project is increased/ decreased by \$0 bringing the revised total cost of the project to \$2,500,000.

The Department's participation is increased/ decreased by \$0. The Department agrees to participate in the Project cost up to the maximum amount of \$1,250,000, and, additionally the Department's participation in the Project shall not exceed 50.00% of the total eligible cost of the Project.

Except as modified, amended, or changed by this Amendment, all of the terms and conditions of the Agreement and any amendments thereto shall remain in full force and effect.

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

AGENCY Palm Beach County

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: *Laura Beebe*
 Name: Laura Beebe
 Title: Director of Airports

DocuSigned by:
 By: *Steve Braun*
 Name: Steven C. Braun, P.E.
 Title: Director of Transportation Development

DS
MG

Approved as to Form and Legal Sufficiency

By: /s/ Anne Helfant
County Attorney

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

DocuSigned by:
 Legal Review: *Francine Steelman*
 43DE6BB3D3BF464...

7/29/2022 | 12:04 PM EDT Assistant General Counsel

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PUBLIC TRANSPORTATION
GRANT AGREEMENT EXHIBITS**

Form 725-000-02
STRATEGIC
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EXHIBIT A

Project Description and Responsibilities

A. Project Description (description of Agency's project to provide context, description of project components funded via this Agreement (if not the entire project)): Palm Beach International Airport Conversion of Gate B1 to International Gate

B. Project Location (limits, city, county, map): Palm Beach International Airport/West Palm Beach, FL/Palm Beach

C. Project Scope (allowable costs: describe project components, improvement type/service type, approximate timeline, project schedule, project size): As required by 215.971, F.S., this scope of work includes but is not limited to consultant and design fees, survey and geotechnical costs, permitting, construction inspection and material testing costs, mobilization and demobilization, maintenance of traffic, erosion control, demolition, pavement (access roadways, parking lots, and sidewalks), drainage, stormwater structures, utilities, primary and back-up power supplies, building (foundation, structure, roof, MEP, drainage, and fire prevention and protection), terminal systems and IT, vehicular parking facilities, pavement markings, lighting and signage, vehicular parking management systems, fencing and gates, landscaping (including outdoor lighting), and security systems, including all materials, equipment, labor, and incidentals required to complete the project. The Sponsor will comply with Aviation Program Assurances.

D. Deliverable(s):

The project scope identifies the ultimate project deliverables. Deliverables for requisition, payment and invoice purposes will be the incremental progress made toward completion of project scope elements. Supporting documentation will be quantifiable, measurable, and verifiable, to allow for a determination of the amount of incremental progress that has been made, and provide evidence that the payment requested is commensurate with the accomplished incremental progress and costs incurred by the Agency.

E. Unallowable Costs (including but not limited to):

F. Transit Operating Grant Requirements (Transit Only):

Transit Operating Grants billed as an operational subsidy will require an expenditure detail report from the Agency that matches the invoice period. The expenditure detail, along with the progress report, will be the required deliverables for Transit Operating Grants. Operating grants may be issued for a term not to exceed three years from execution. The original grant agreement will include funding for year one. Funding for years two and three will be added by amendment as long as the grantee has submitted all invoices on schedule and the project deliverables for the year have been met.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PUBLIC TRANSPORTATION
 GRANT AGREEMENT EXHIBITS**

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 OGC 03/22

EXHIBIT B

Schedule of Financial Assistance

FUNDS AWARDED TO THE AGENCY AND REQUIRED MATCHING FUNDS PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

A. Fund Type and Fiscal Year:

Financial Management Number	Fund Type	FLAIR Category	State Fiscal Year	Object Code	CSFA/CFDA Number	CSFA/CFDA Title or Funding Source Description	Funding Amount
444177-1-94-01	DPTO	088719	2023	751000	55.004	Aviation Grant Program	\$0.00
444177-1-94-01	GMR	088719	2019	751000	55.004	Aviation Grant Program	\$1,250,000.00
444177-1-94-01	LF	088719	2019	751000	55.004	Aviation Grant Program	\$1,250,000.00
Total Financial Assistance							\$2,500,000.00

B. Estimate of Project Costs by Grant Phase:

Phases*	State	Local	Federal	Totals	State %	Local %	Federal %
Land Acquisition	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Planning	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Environmental/Design/Construction	\$1,250,000.00	\$1,250,000.00	\$0.00	\$2,500,000.00	50.00	50.00	0.00
Capital Equipment/ Preventative Maintenance	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Match to Direct Federal Funding	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Mobility Management (Transit Only)	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Totals	\$1,250,000.00	\$1,250,000.00	\$0.00	\$2,500,000.00			

*Shifting items between these grant phases requires execution of an Amendment to the Public Transportation Grant Agreement.

BUDGET/COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:

I certify that the cost for each line item budget category (grant phase) has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, Florida Statutes. Documentation is on file evidencing the methodology used and the conclusions reached.

Laurie McDermott

Department Grant Manager Name

Laurie McDermott

7/28/2022 | 8:17 AM EDT

Signature 73135B5160304E8...

Date

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PUBLIC TRANSPORTATION
GRANT AGREEMENT EXHIBITS**

Form 725-000-02
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EXHIBIT D

AGENCY RESOLUTION

PLEASE SEE ATTACHED

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PUBLIC TRANSPORTATION
GRANT AGREEMENT EXHIBITS**

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OGC 03/22

EXHIBIT G

AUDIT REQUIREMENTS FOR AWARDS OF STATE FINANCIAL ASSISTANCE

THE STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:~

Awarding Agency: Florida Department of Transportation
State Project Title: Aviation Grant Program
CSFA Number: 55.004
***Award Amount:** \$1,250,000

*The award amount may change with amendments

Specific project information for CSFA Number 55.004 is provided at: <https://apps.fldfs.com/fsaa/searchCatalog.aspx>

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT:

State Project Compliance Requirements for CSFA Number 55.004 are provided at: <https://apps.fldfs.com/fsaa/searchCompliance.aspx>

The State Projects Compliance Supplement is provided at: <https://apps.fldfs.com/fsaa/compliance.aspx>

RESOLUTION NO. 2020- 1017

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR OR DESIGNEE TO EXECUTE GRANT APPLICATIONS AND AGREEMENTS FOR THE BENEFIT OF THE COUNTY'S AIRPORT SYSTEM, AND CERTAIN MODIFICATIONS TO GRANT AGREEMENTS ENTERED INTO PURSUANT TO DELEGATED AUTHORITY; PROVIDING FOR REPEAL OF RESOLUTION 2006-2086 TO THE EXTENT OF ANY CONFLICT; 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, the United States of America, by and through its Department of Transportation and the Federal Aviation Administration (hereinafter collectively referred to as the "FAA"), provides grant funding through standard form grant agreements for eligible airport projects, which are required to be executed in order to receive federal funding; and

WHEREAS, the FAA uses the Airport Improvement Program ("AIP"), established pursuant to Title 49, U.S.C, Subtitle VII, as now or hereafter amended, as the primary means of distributing funding to airports; and

WHEREAS, the Board of County Commissioners authorized the County Administrator or designee to execute standard form FAA grant agreements pursuant to Resolution 93-801, which was repealed and replaced by Resolution 2006-2086; and

WHEREAS, pursuant to Resolution 2006-2086, the Board of County Commissioners authorized the County Administrator or designee to execute standard FAA AIP grant agreement forms; and

WHEREAS, pursuant to Agenda Item 3F3 on September 23, 2008, the Board of County Commissioners 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 of County Commissioners authorized the County Administrator or designee to sign extensions of time and approve minor changes to Joint Participation Agreements with FDOT ; and

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748, Public Law 116-136), signed into law on March 27, 2020, included \$10 billion in funds to be awarded as economic relief to eligible airports affected by the prevention of, preparation for, and response to the COVID-19 pandemic; and

WHEREAS, the FAA offered approximately \$37 million in CARES Act funding to the County to be used for the benefit of the Airport System for any lawful purpose for which airport revenues may be used, utilizing a simplified standard AIP grant agreement form; and

WHEREAS, the agencies typically require acceptance of grant offers to occur within a specified period of time; and

WHEREAS, the form of the various grant agreements are updated from time to time by the agencies providing grants and are not subject to modification or negotiation by the grantee; and

WHEREAS, the Board of County Commissioners desires to simplify and consolidate the previous delegations of authority related to execution of grant applications and agreements for the benefit of the Airport System; and

WHEREAS, the delegation to the County Administrator or designee to execute aviation grant applications and agreements consistent with the provisions of this Resolution will eliminate delays and potential loss of grant opportunities caused by requiring such items to be brought before the Board of County Commissioners for approval and would therefore be consistent with the goals of the Board of County Commissioners 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. The County Administrator or designee is hereby authorized to execute, on behalf of the Board of County Commissioners, grant applications for programs established to provide funding for airport planning and development projects, acquisition of property or property interests, reimbursement or direct payment of airport operating, maintenance or capital costs, and any other lawful aviation or airport purpose; provided that the application does not become an agreement or obligation prior to acceptance of the grant offer by the County.
3. The County Administrator or designee is hereby authorized to execute, on behalf of the Board of County Commissioners, standard form grant agreements issued by the FAA: (a) under the AIP in substantially the form of the agreements attached hereto and incorporated herein as Exhibit A, as may be amended by the FAA to ensure compliance with current law and grant program requirements; and (b) any other FAA program established to provide funding for airport planning and development projects, acquisition of property or property interests, reimbursement or direct payment of airport operating, maintenance or capital costs, or any other lawful aviation or airport purpose; provided that the terms and conditions of the grant agreement are substantially similar to grant agreements issued under the AIP, which shall include grants issued by the FAA under the CARES Act and other similar programs.
4. The County Administrator or designee is hereby authorized to execute, on behalf of the Board of County Commissioners, standard form Public Transportation Grant Agreements ("PTGA") issued by FDOT in substantially the form attached hereto and incorporated herein as Exhibit "B", as may be amended by FDOT to ensure compliance with current law and grant program requirements.

5. The County Administrator or designee is hereby authorized to execute, on behalf of the Board of County Commissioners, the following modifications to grant agreements entered into pursuant to this Resolution: (a) amendments required to ensure compliance with current law and grant program requirements or that include nonmaterial changes; (b) time extensions to grant agreements; and (c) terminations of grant agreements. For purposes of this Resolution, "nonmaterial changes" mean changes that do not modify the substantive obligations of the County and includes changes to correct scrivener's errors. Any application or grant agreement entered into in accordance with the provisions of this Resolution prior to the effective date of this Resolution is hereby approved and ratified by the Board of County Commissioners, including, but not limited to, FAA CARES Act Airport Grant Agreement Numbers 3-12-0085-065-2020, 3-12-0013-019-2020, 3-12-0086-018-2020, and 3-12-0060-008-2020.

6. 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 local match requirements, if any, and the grant 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 of County Commissioners that this delegation shall be limited to the parameters set forth herein. In the event there is a material deviation from the delegation set forth in this Resolution, which would constitute discretion of the County Administrator or designee relative thereto, then the approval of the Board of County Commissioners shall be required. The deletion of inapplicable provisions, exhibits or assurances based on specific grant program requirements shall not be considered a material deviation. The County Administrator's designee for purposes of this Resolution shall include the Director of the Department of Airports.

7. Resolution 2006-2086 is hereby repealed to the extent of any conflict with this Resolution; provided, however, this Resolution shall not have any effect on the validity of any agreements entered into pursuant to Resolution 2006-2086 including, but not limited to, FAA CARES Act Airport Grant Agreement Numbers 3-12-0085-065-2020, 3-12-0013-019-2020, 3-12-0086-018-2020, and 3-12-0060-008-2020.

8. 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.

9. This Resolution shall become effective immediately upon adoption.

(Remainder of page intentionally left blank)

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

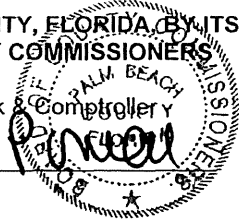
- COMMISSIONER DAVE KERNER, MAYOR - Aye
- COMMISSIONER ROBERT S. WEINROTH, VICE MAYOR - Aye
- COMMISSIONER HAL R. VALECHE - Aye
- COMMISSIONER GREGG WEISS - Aye
- COMMISSIONER MARY LOU BERGER - Aye
- COMMISSIONER MELISSA MCKINLAY - Aye
- COMMISSIONER MACK BERNARD - Aye

Then the Mayor thereupon declared this Resolution duly passed and adopted this 25th day of August, 2020.

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

Sharon R. Bock, Clerk & Comptroller

By: [Signature]
Deputy Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: [Signature]
County Attorney