

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: October 4, 2022

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

Submitted By: Department of Airports

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- (A) **receive and file** a Termination Agreement (TA) for a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) as of July 27, 2022, for the Runway 14-32 Expansion at North Palm Beach County General Aviation Airport (F45), Financial Project Number 440105-1 approved by the Board on May 5, 2020 (R-2020-0418). Delegation of authority for execution of the TA was approved by the BCC on August 25, 2020 (R-2020-1017);
- (B) **receive and file** a TA for a PTGA with the FDOT as of July 27, 2022, for the Runway 4-22 Rehabilitation (construction) at Palm Beach County Park Airport (LNA), Financial Project Number 434631-2 approved by the Board on April 20, 2021 (R-2021-0483). Delegation of authority for execution of the TA was approved by the BCC on August 25, 2020 (R-2020-1017);
- (C) **receive and file** a TA for a PTGA with the FDOT as of July 27, 2022, for the Construction of Runway Pavement Rehabilitation and Repair Runway 9R-27L at F45, Financial Project Number 429733-2 approved by the Board on April 20, 2021 (2021-0487). Delegation of authority for execution of the TA was approved by the BCC on August 25, 2020 (R-2020-1017); and
- (D) **approve** a Budget Amendment of \$1,891,688 in the Airport's Improvement and Development Fund to terminate three (3) PTGAs with the FDOT and reduce project costs of \$4,178,027; including a transfer to Reserves of \$2,286,339 of budgeted local match.

Summary: On May 5, 2020, the BCC adopted a Resolution (R-2020-0417), approving a PTGA (R-2020-0418) with the FDOT in the amount of \$500,000 or 5% of the eligible project costs, whichever is less, for the Runway 14-32 Expansion at F45 (F45 Expansion). The County is not permitted to commence the expansion project until completion of an on-going Environmental Assessment (EA), which is not anticipated to be completed until June 2023. The FDOT issued a TA to close this PTGA pending completion of the EA with the expectation a grant in the same amount would be reissued as early as July 2023 for the project. On April 20, 2021, the BCC approved a PTGA (R-2021-0483) with the FDOT in the amount of \$482,000 or 80% of the eligible project costs, whichever is less, for the Runway 4-22 Rehabilitation at LNA, and a PTGA (R-2021-0487) in the amount of \$909,688 or 50% of the eligible project costs, whichever is less, for Construction of Runway Pavement Rehabilitation and Repair Runway 9R-27L at F45 (Rehabilitation Projects). Additional funding will be required to complete the Rehabilitation Projects based on increased project costs. Due to the funding shortfall for the Rehabilitation Projects, the FDOT issued a TA to close the two PTGAs with the expectation that grants would be reissued in July 2023 to provide additional funding to meet the shortfall. **Countywide (AH)**

Background and Justification: Issuance of the TAs allows FDOT to reallocate the funds to active projects. The EA is anticipated to be completed in June 2023; therefore, funding for the F45 Expansion cannot be utilized at this time. Due to a funding shortfall of approximately \$9.6M based on increased construction project costs identified at the 100% design phase, additional funding is needed to complete the Rehabilitation Projects. As a result, TAs were issued for the PTGAs with the understanding that the Department of Airports would request funding in FDOT's FY24 (July 2023) for these projects, which would include a request for additional funds for the Rehabilitation Projects to address the funding shortfall. Funding requests in the amount of \$9.6M have been submitted to FDOT, with \$4.8M currently allocated in the State's program and expected to be received in FY24. The additional funds necessary to complete the Rehabilitation Projects, including the required local match, is anticipated to be obtained through the County's on-going Passenger Facility Charge (PFC) program.

Attachments:

- 1. Three (3) Termination Agreements with FDOT
- 2. Budget Amendment

Recommended By: Ms. Laura Beck Department Director Date: 9-9-22
Approved By: W. Baker County Administrator Date: 9/22/22

II. 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 | (\$4,178,027) | _____ | _____ | _____ | _____ |
| Operating Costs | _____ | _____ | _____ | _____ | _____ |
| External Revenues (Grants) | \$1,891,688 | _____ | _____ | _____ | _____ |
| Program Income (County) | _____ | _____ | _____ | _____ | _____ |
| In-Kind Match (County) | _____ | _____ | _____ | _____ | _____ |
| NET FISCAL IMPACT | <u>(\$2,286,339)</u> | _____ | _____ | _____ | _____ |
| # ADDITIONAL FTE POSITIONS (Cumulative) | _____ | _____ | _____ | _____ | _____ |

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

Budget Account No: Fund 4111 Department 121 Unit A360 Object 6504
 Reporting Category _____ A361 6504
 A385 6504
 A385 6505

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

Approval of this item reduces FDOT grant revenue in the amount of \$1,891,688, and project costs by \$4,178,027; including a transfer to Reserves in the amount of \$2,286,339.

J. 9/15/22

C. Departmental Fiscal Review: *Webb Dunsanson*

III. REVIEW COMMENTS

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

PS Dell 9/16/22
 MG 9/16 OFMB *J. 9/16*

Ar. J. J. J. J. 9/19/22
 Contract Dev. and Control

B. Legal Sufficiency:

Anne Delgado 9/20/22
 Assistant County Attorney

C. Other Department Review:

 Department Director

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**TERMINATION OF THE PUBLIC TRANSPORTATION
GRANT AGREEMENT**

Form 725-000-05
STRATEGIC
DEVELOPMENT
OGC 02/19

| | | | | |
|--|--|------|-----------------|----------------|
| Financial Project Number(s): <small>(Item-segment-phase-sequence)</small> 440105-1 | Fund(s): | DPTO | FLAIR Category: | 088719 |
| | Work Activity Code/Function: | 215 | Object Code: | 740100 |
| | Federal Number/Federal Award | | Org. Code: | 55042010429 |
| | Identification Number (FAIN) – Transit only: | N/A | Vendor Number: | VF596000785033 |
| Contract Number: G1J76 | DUNS Number: | | Amendment | |
| CFDA Number: N/A | Agency SAM/UEI Number: | | Number: | |
| CFDA Title: N/A | | | | |
| CSFA Number: N/A | | | | |
| CSFA Title: N/A | | | | |

THIS TERMINATION OF THE PUBLIC TRANSPORTATION GRANT AGREEMENT ("Termination Agreement") is made and entered into on 7/27/2022 9:45 AM EDT, by and between the State of Florida, Department of Transportation ("Department"), and Palm Beach County, ("Agency"), collectively referred to as the "Parties."

WITNESSETH

WHEREAS, the parties have determined that the performance of the PUBLIC TRANSPORTATION GRANT AGREEMENT entered into between the parties on 5/22/2020 is not in their best interests.

WHEREAS, the parties agree to terminate the referenced PUBLIC TRANSPORTATION GRANT AGREEMENT; and

WHEREAS, there are no outstanding invoices related to this PUBLIC TRANSPORTATION GRANT 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, Palm Beach County

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

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: Steve Braun
Name: Steven G. 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
Legal Review:

By: Francine Steelman
43DE6B83D3BF464...

To: Ann.Mullen@dot.state.fl.us

**FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL**

G1J76

7/28/2022

CONTRACT INFORMATION

| | |
|--|--|
| Contract: | G1J76 |
| Contract Type: | GD - GRANT DISBURSEMENT (GRANT) |
| Method of Procurement: | G - GOVERNMENTAL AGENCY (287.057,F.S.) |
| Vendor Name: | PALM BEACH COUNTY BOCC |
| Vendor ID: | F596000785033 |
| Beginning Date of This Agreement: | 05/22/2020 |
| Ending Date of This Agreement: | 12/31/2022 |
| Contract Total/Budgetary Ceiling: | |
| Description: | Runway 14/32 Expansion |

FUNDS APPROVAL INFORMATION

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER ON 7/28/2022

| | |
|--------------------------------|----------------|
| Action: | Supplemental |
| Reviewed or Approved: | APPROVED |
| Organization Code: | 55042010429 |
| Expansion Option: | A1 |
| Object Code: | 740100 |
| Amount: | (\$500,000.00) |
| Financial Project: | 44010519401 |
| Work Activity (FCT): | 215 |
| CFDA: | |
| Fiscal Year: | 2020 |
| Budget Entity: | 55100100 |
| Category/Category Year: | 088719/20 |
| Amendment ID: | S001 |
| Sequence: | 00 |
| User Assigned ID: | 1 |
| Enc Line (6s)/Status: | 0001/04 |

Total Amount: (\$500,000.00)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**TERMINATION OF THE PUBLIC TRANSPORTATION
GRANT AGREEMENT**

Form 725-000-05
STRATEGIC
DEVELOPMENT
OGC 02/19

| | | | |
|--|--|--------------------|--|
| Financial Project Number(s): <small>(item-segment-phase-sequence)</small> 434631-2 | Fund(s): Work Activity Code/Function: Federal Number/Federal Award Identification Number (FAIN) – Transit only: | DPTO 215 N/A | FLAIR Category: 088719 Object Code: 751000 Org. Code: 55042010429 Vendor Number: VF596000785033 |
| Contract Number: G1V59 | DUNS Number: | | Amendment Number: |
| CFDA Number: N/A | Agency SAM/UEI Number: | | |
| CFDA Title: N/A | | | |
| CSFA Number: 55.004 | | | |
| CSFA Title: Aviation Grant Program | | | |

THIS TERMINATION OF THE PUBLIC TRANSPORTATION GRANT AGREEMENT ("Termination Agreement") is made and entered into on 7/27/2022 10:45 AM EDT, by and between the State of Florida, Department of Transportation ("Department"), and Palm Beach County, ("Agency"), collectively referred to as the "Parties."

WITNESSETH

WHEREAS, the parties have determined that the performance of the PUBLIC TRANSPORTATION GRANT AGREEMENT entered into between the parties on 3/11/2021 is not in their best interests.

WHEREAS, the parties agree to terminate the referenced PUBLIC TRANSPORTATION GRANT AGREEMENT; and

WHEREAS, there are no outstanding invoices related to this PUBLIC TRANSPORTATION GRANT 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, Palm Beach County

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

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

DocuSigned by:
By: Steve Braun
Name: Steven G. 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
Legal Review:

DocuSigned by:
Francine Steelman
43DE6BB3D3BF464...

**FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL**

G1V59

7/28/2022

CONTRACT INFORMATION

| | |
|--|---|
| Contract: | G1V59 |
| Contract Type: | GD - GRANT DISBURSEMENT (GRANT) |
| Method of Procurement: | G - GOVERNMENTAL AGENCY (287.057,F.S.) |
| Vendor Name: | PALM BEACH COUNTY BOCC |
| Vendor ID: | F596000785033 |
| Beginning Date of This Agreement: | 03/11/2021 |
| Ending Date of This Agreement: | 12/31/2023 |
| Contract Total/Budgetary Ceiling: | |
| Description: | Runway 4-22 Rehabilitation (Construction) |

FUNDS APPROVAL INFORMATION

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER ON 7/28/2022

| | |
|--------------------------------|----------------|
| Action: | Supplemental |
| Reviewed or Approved: | APPROVED |
| Organization Code: | 55042010429 |
| Expansion Option: | AL |
| Object Code: | 751000 |
| Amount: | (\$482,000.00) |
| Financial Project: | 43463129401 |
| Work Activity (FCT): | 215 |
| CFDA: | |
| Fiscal Year: | 2021 |
| Budget Entity: | 55100100 |
| Category/Category Year: | 088719/21 |
| Amendment ID: | S001 |
| Sequence: | 00 |
| User Assigned ID: | 1 |
| Enc Line (6s)/Status: | 0001/04 |

Total Amount: (\$482,000.00)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**TERMINATION OF THE PUBLIC TRANSPORTATION
GRANT AGREEMENT**

Form 725-000-05
STRATEGIC
DEVELOPMENT
OGC 02/19

| | | | |
|--|--|--------------------|--|
| Financial Project Number(s): <small>(item-segment-phase-sequence)</small> 429733-2 | Fund(s): Work Activity Code/Function: Federal Number/Federal Award Identification Number (FAIN) – Transit only: | DPTO 215 N/A | FLAIR Category: 088719 Object Code: 751000 Org. Code: 55042010429 Vendor Number: VF596000785033 |
| Contract Number: G1V61 | DUNS Number: | | Amendment Number: |
| CFDA Number: N/A | Agency SAM/UEI Number: | | |
| CFDA Title: N/A | | | |
| CSFA Number: 55.004 | | | |
| CSFA Title: Aviation Grant Program | | | |

THIS TERMINATION OF THE PUBLIC TRANSPORTATION GRANT AGREEMENT ("Termination Agreement") is made and entered into on 7/27/2022 10:44 AM EDT, by and between the State of Florida, Department of Transportation ("Department"), and Palm Beach County, ("Agency"), collectively referred to as the "Parties."

WITNESSETH


WHEREAS, the parties have determined that the performance of the PUBLIC TRANSPORTATION GRANT AGREEMENT entered into between the parties on 3/11/2021 is not in their best interests.

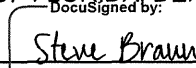
WHEREAS, the parties agree to terminate the referenced PUBLIC TRANSPORTATION GRANT AGREEMENT; and

WHEREAS, there are no outstanding invoices related to this PUBLIC TRANSPORTATION GRANT 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.

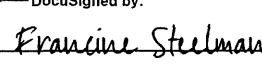
IN WITNESS WHEREOF, the Parties have executed this Termination Agreement on the day and year written above.

AGENCY, Palm Beach County
By: 
Name: Laura Beebe
Title: Director of Airports

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION
DocuSigned by:
By: 
Name: Steven C. Braun, P.E.
Title: Director of Transportation Development

DS


Approved as to Form and Legal Sufficiency
By: /s/ Anne Helfant
County Attorney

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION
Legal Review:
DocuSigned by:

43DE6BB3D3BF464...

To: Ann.Mullen@dot.state.fl.us

**FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL**

**G1V61
7/28/2022**

CONTRACT INFORMATION

| | |
|--|--|
| Contract: | G1V61 |
| Contract Type: | GD - GRANT DISBURSEMENT (GRANT) |
| Method of Procurement: | G - GOVERNMENTAL AGENCY (287.057,F.S.) |
| Vendor Name: | PALM BEACH COUNTY BOCC |
| Vendor ID: | F596000785033 |
| Beginning Date of This Agreement: | 03/11/2021 |
| Ending Date of This Agreement: | 12/31/2023 |
| Contract Total/Budgetary Ceiling: | |
| Description: | Construction of Runway Pavement Rehabilitation and Repair Runway 9R-27L(formerly 8R-26L & 13-31) |

FUNDS APPROVAL INFORMATION

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER ON 7/28/2022

| | |
|--------------------------------|----------------|
| Action: | Supplemental |
| Reviewed or Approved: | APPROVED |
| Organization Code: | 55042010429 |
| Expansion Option: | AL |
| Object Code: | 751000 |
| Amount: | (\$909,688.00) |
| Financial Project: | 42973329401 |
| Work Activity (FCT): | 215 |
| CFDA: | |
| Fiscal Year: | 2021 |
| Budget Entity: | 55100100 |
| Category/Category Year: | 088719/21 |
| Amendment ID: | S001 |
| Sequence: | 00 |
| User Assigned ID: | 1 |
| Enc Line (6s)/Status: | 0001/04 |

Total Amount: (\$909,688.00)

22 - 0997

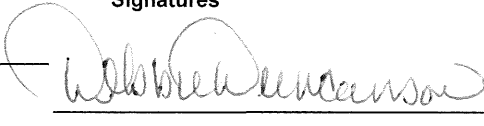

BUDGET AMENDMENT
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

Fund 4111 Airport Improvement & Development Fund

Advantage Document Numbers:
 BGRV 090822/521
 BGEX 090822/1752

Use this form to provide budget for items not anticipated in the budget.

| ACCT.NUMBER | ACCOUNT NAME | ADOPTED BUDGET | CURRENT BUDGET | INCREASE | DECREASE | ADJUSTED BUDGET | EXPENDED/ ENCUMBERED AS OF 09/15/2022 | REMAINING BALANCE |
|--|-------------------------------|--------------------|--------------------|------------------|------------------|--------------------|---------------------------------------|--------------------|
| Revenues | | | | | | | | |
| 121-A360-3404 | State Grant Capital-Transport | 496,380 | 482,000 | 0 | 482,000 | 0 | | |
| 121-A361-3404 | State Grant Capital-Transport | 939,284 | 909,688 | | 909,688 | 0 | | |
| 121-A385-3404 | State Grant Capital-Transport | 500,000 | 500,000 | | 500,000 | 0 | | |
| Total Receipts and Balances | | <u>168,065,082</u> | <u>169,781,762</u> | <u>0</u> | <u>1,891,688</u> | <u>167,890,074</u> | | |
| Expenditures | | | | | | | | |
| 121-A360-6504 | lotb Non Infra | 620,475 | 601,740 | | 588,642 | 13,098 | 13,098 | 0 |
| 121-A361-6504 | lotb Non Infra | 2,141,382 | 2,110,857 | | 2,090,062 | 20,795 | 20,795 | 0 |
| 121-A385-6504 | lotb Non Infra | 1,000,000 | 1,000,000 | | 1,000,000 | 0 | 0 | 0 |
| 121-A385-6505 | Des/Eng | 499,323 | 499,323 | | 499,323 | 0 | 0 | 0 |
| 121-A900-9909 | Reserves Improvement Program | 19,773,212 | 6,110,858 | 2,286,339 | | 8,397,197 | 0 | 8,397,197 |
| Total Appropriations & Expenditures | | <u>168,065,082</u> | <u>169,781,762</u> | <u>2,286,339</u> | <u>4,178,027</u> | <u>167,890,074</u> | <u>57,268,883</u> | <u>110,621,191</u> |

| | | | |
|---|---|-------------|--|
| | Signatures | Date | By Board of County Commissioners |
| Airports |  | 9/15/22 | At Meeting of |
| INITIATING DEPARTMENT/DIVISION | | | October 4, 2022 |
| Administration/Budget Department Approval |  | 9/16/22 | Deputy Clerk to the Board of County Commissioners |
| OFMB Department - Posted | | | |