

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: November 1, 2022

Consent Regular
 Workshop Public Hearing

Submitted By: Department of Airports

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Amendment No. 4 (Amendment) to Terminal Building Lease Agreement (R-2019-1616, as amended) (Lease) with the General Services Administration (GSA), an executive agency of the United States of America, adjusting GSA's rental rate under the Lease, effective October 1, 2022.

Summary: The Lease provides for the lease of office and support space in the Palm Beach International Airport (PBI) terminal building by the GSA, on behalf of the Transportation Security Administration. Rental rates are adjusted each October 1, in accordance with the terminal rates for non-signatory airlines under the standard form Signatory Airline Agreement (R-2019-1155). GSA requires that rental rate adjustments be memorialized by amendment using a format attached as an exhibit to the Lease. The Amendment adjusts the rental rate to \$65.11 per square foot, commencing October 1, 2022 **Countywide (AH)**

Background and Justification: The Amendment is in the form attached as an exhibit to the Lease, for which authority was delegated to the Director of Airports to sign in Agenda Item 3F1, on October 22, 2019.

Attachments:

- 1. Amendment No. 4

Recommended By: _____

Laura Barber
Department Director

9-23-22
Date

Approved By: _____

Pat for
County Administrator

10/13/22
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	<u>\$6,174.45</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>\$6,174.45</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</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 8430 RSource 4413
 Reporting Category _____

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

PBI terminal rental rates are adjusted each October 1 in accordance with the rates for non-signatory airlines under the standard form Signatory Airline Agreement (R-2019-1155). This Amendment adjusts the rental rate effective October 1, 2022, from \$65.66 per square foot to \$65.11 per square foot, so annual rental for Fiscal Year 2023 will decrease by \$6,174.45, from \$759,319.28 to \$753,144.83. Future year rental adjustments cannot be predicted at this time and the fiscal impact, if any, for any future adjustment will be presented at that time. The Lease is scheduled to expire October 31, 2027.

C. Departmental Fiscal Review: *Debra Duncan*

III. REVIEW COMMENTS

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

AFB Deane 9/30/22
 MG 9/30 OFMB *PA* 9/30

Dr. J. Janku 10/12/22
 Contract Dev. and Control

B. Legal Sufficiency:

Anne G. DeLoach 10-12-22
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 11/17

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

GENERAL SERVICES ADMINISTRATION PUBLIC BUILDINGS SERVICE	LEASE AMENDMENT No. 4
	TO LEASE NO. GS-04P-LFL00876
LEASE AMENDMENT	
ADDRESS OF PREMISES: Palm Beach International Airport 846 Palm Beach International Airport West Palm Beach, FL 33406-1470	

THIS AMENDMENT NO. 4 TO TERMINAL BUILDING LEASE AGREEMENT ("Amendment") 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 Building Lease Agreement dated October 22, 2019, (R2019-1616, as amended) (GSA Lease No. GS-04P-LFL00876) (the "Lease"); and

WHEREAS, the parties hereto desire to amend the above Lease, to adjust the rental rates applicable to the Premises, as provided in Section 4.05(A) of the Lease.

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, effective as of October 1, 2022:

I. Section 4.01 of the Lease is deleted in its entirety and replaced with the following Section 4.01:

4.01 Rental, ATO Office Common Area Charge and Maintenance and Repair Expense.

A. Effective October 1, 2022, Government shall pay to County annual rental, payable in equal monthly installments in arrears, at the following annual rates:

	Annual Rental	Section
Shell Rental Rate	\$722,786.11	4.01(B)
Other (ATO Office Common Area Charge)	\$8,156.72	4.01(C)
Operating Costs (Maintenance and Repair Expense)	\$22,202.00	4.01(D)
Total Annual Rental	\$753,144.83	

B. Rental. Rental to be paid by Lessee for the Premises shall be in accordance with the rental rates for Non-Signatory Airlines, as set forth in the Signatory Airline Agreement. Rental rates shall be adjusted in accordance with Section 4.05. Effective October 1, 2022, the annual rental shall be Sixty-Five Dollars and Eleven Cents (\$ 65.11) per square foot of the Premises, as follows (the "Shell Rental"): *Rw*

	Area Location/ Description	Square Feet	Annual Rental
(i)	Coordination Center Space, Level Three	700	\$45,577.00
(ii)	Ticket/ATO Office Space, Level Three	748	\$48,702.28
(iii)	Level One Concourse "C"	1,802	\$117,328.22
(iv)	Level One Concourse "C"	1,132	\$73,704.52
(v)	Level Two, Concourse "A/B" Checkpoint Office	287	\$18,686.57
(vi)	Level Two, Concourse "C" Checkpoint Office	294	\$19,142.34
(vii)	Level One Operations Area Offices; Concourse "A/B" Connector	4,494	\$292,604.34
(viii)	Level Offices Two; across from Concourse "C" Checkpoint entry	831	\$54,106.41
(ix)	TSA Training Lab (Level One, Concourse "C")	813	\$52,934.43
INITIAL ANNUAL SHELL RENTAL SUBTOTAL:		11,101	\$722,786.11

C. ATO Office Common Area Charge. Lessee shall pay to County the ATO Office Common Area Charge for its use of ATO Office Common Area. The ATO Office Common Area Charge shall be calculated as follows

ATO Office Common Area Charge =

Square Footage of ATO Office Space Leased to Lessee	x 514 square feet x Terminal Rental Rate
3069 Square Feet of ATO Office Space	

Lessee leases approximately 748 square feet of ATO Office Space; therefore, based on the Terminal Rental Rate in effect as of October 1, 2022 the annual ATO Office Common Area Charge as of October 1, 2022 will be \$8,156.72 (i.e., [748/3069] x 514 x \$65.11 = \$8,156.72). The ATO Office Common Area Charge shall be payable in arrears, without demand, in equal monthly installments on or before the tenth (10th) day of each month. The ATO Office Common Area Charge shall be adjusted each October 1st throughout the Term of this Lease in accordance with Section 4.05. In addition to any other remedy provided for in this Lease, the Department, on behalf of County, shall have the right to revoke Lessee's license to use the ATO Office Common Area in the event Lessee fails to pay the ATO Office Common Area Charge when due.

D. Maintenance and Repair Expense. Lessee shall pay to County, the amount of Two Dollars (\$2.00) per square foot annually, for each square foot of space within the Premises, payable in equal monthly installments of \$0.1667 per square foot of space within the Premises (the "Maintenance and Repair Expense").

- II. Except as modified herein, all terms and conditions of the Lease shall remain in full force and effect.
- III. This Amendment shall be effective as of October 1, 2022.
- IV. The remainder of this page is intentionally left blank.

INITIALS: Rev LESSOR & DS CW GOV'T

IN WITNESS WHEREOF, County and Lessee have executed this Amendment, or have caused the same to be executed as of the day and year first above written.

PALM BEACH COUNTY:

By: *Russ Becke*
Director of Airports

Date signed by County: 9-8-22

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *[Signature]*
County Attorney *for Anne Heffant*

Form attached as Exhibit "E" to the Lease (R2019-1616). Delegation of authority provided in Agenda Item 3F1 October 22, 2019.

WITNESSES:

Chris Wainwright
Signature
CHRIS Wainwright

Typed or Printed Name

DocuSigned by:
James Thompson
Signature
James Thompson

Typed or Printed Name

LESSEE:

General Services Administration

By: *Carlos Williams*
Signature

Carlos Williams
Typed or Printed Name

Title: Lease Contracting officer

Date signed by Lessee: 9/2/2022

INITIALS: *RW* LESSOR & *CW* GOV'T

Certificate Of Completion

Envelope Id: EEEEC321EFC69411AA6374CAE0A6F40C6
 Subject: Please DocuSign: Amend_4_GSA_Rental_Adjustment_65.11_Oct2022.pdf
 Source Envelope:
 Document Pages: 3
 Certificate Pages: 2
 AutoNav: Enabled
 Envelopeld Stamping: Enabled
 Time Zone: (UTC) Dublin, Edinburgh, Lisbon, London

Status: Completed

 Envelope Originator:
 Carlos Williams
 1800F F St NW
 Washington DC, DC 20405
 carlos.williams@gsa.gov
 IP Address: 75.144.125.93

Record Tracking

Status: Original
 9/2/2022 7:47:09 PM
 Security Appliance Status: Connected
 Storage Appliance Status: Connected

Holder: Carlos Williams
 carlos.williams@gsa.gov
 Pool: FedRamp
 Pool: US General Services Administration

Location: DocuSign

 Location: DocuSign

Signer Events

Chris Wainwright
 christopher.wainwright@gsa.gov
 Lease Contracting Officer
 US General Services Administration
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

 47CC2355606D44A...

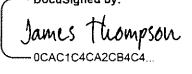
 Signature Adoption: Pre-selected Style
 Using IP Address: 75.144.125.93

Timestamp

Sent: 9/2/2022 7:50:46 PM
 Viewed: 9/2/2022 7:54:34 PM
 Signed: 9/2/2022 7:54:50 PM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

James Thompson
 james.f.thompson@gsa.gov
 Contracting Officer
 US General Services Administration
 Security Level: Email, Account Authentication (None)

DocuSigned by:

 0CAC1C4CA2CB4C4...

 Signature Adoption: Pre-selected Style
 Using IP Address: 159.142.0.104

Sent: 9/2/2022 7:54:51 PM
 Viewed: 9/6/2022 1:00:30 PM
 Signed: 9/6/2022 1:00:54 PM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent Hashed/Encrypted 9/2/2022 7:50:46 PM

Envelope Summary Events	Status	Timestamps
Certified Delivered	Security Checked	9/6/2022 1:00:30 PM
Signing Complete	Security Checked	9/6/2022 1:00:54 PM
Completed	Security Checked	9/6/2022 1:00:54 PM

Payment Events	Status	Timestamps
-----------------------	---------------	-------------------