

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: June 11, 2024 [X] 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. 1 (Amendment) to Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) (R-2024-0231), Financial Project Number 451467-1-94-01, modifying the scope of work for improvements to Runway 9R/27L at North Palm Beach County General Aviation Airport (F45). Delegation of authority for execution of this Amendment was approved by the Board of County Commissioners (BCC) on August 25, 2020 (R-2020-1017).

Summary: The Amendment provides for a modification to the project scope to provide for a surface treatment to Runway 9R/27L rather than the full reconstruction of the pavement. The surface treatment will extend the useful life of the pavement, delaying the need for the more costly rehabilitation project. The original project cost for the rehabilitation of the runway was estimated to be \$12,029,400, which was anticipated to be funded through a combination of state and federal grant funds. The PTGA provided that FDOT would provide 5% of the funding or \$601,470. Because federal funding is not currently available for the rehabilitation of the runway and the rehabilitation can be delayed by applying a surface treatment to the runway, FDOT modified the project scope. The revised project cost for the surface treatment is estimated to be \$751,838. The Amendment provides that FDOT will fund 80% of the modified project costs or \$601,470 with a required local match of \$150,368. **Countywide (AH)**

Background and Justification: Applying a surface treatment to Runway 9R/27L at F45 will extend the useful life of the pavement pending the full rehabilitation.

Attachments:

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

Recommended By: [Signature] Department Director Date 5/14/24

Approved By: [Signature] County Administrator Date 5/28/24

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues (Grants)	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	\$0**	_____	_____	_____	_____

ADDITIONAL FTE POSITIONS (Cumulative) _____

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

Budget Account No: Fund 4111 Department 121 Unit A486-137 Object 6505

Reporting Category _____

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

**No fiscal impact. Grant stays the same and local funds will remain in Unit A486 to cover the match and other expenses.

C. Departmental Fiscal Review: Debbie Duncan

III. REVIEW COMMENTS

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

ASD/AA 5/15/24
KK 5/15 OFMB AA 5/14
 RAF 5/15

Heidi Pracht 5/23/24
 Contract Dev. and Control
 Prod 5/23/24

B. Legal Sufficiency:

Anne Helms 5-28-24
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

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Financial Project Number(s): <small>(Item-segment-phase-sequence)</small> 451467-1-94-01	Fund(s): Work Activity Code/Function: 215 Federal Number/Federal Award Identification Number (FAIN) – Transit only:	DPTO	FLAIR Category: 088719 Object Code: .751000 Org. Code: 55042010429 Vendor Number: VF596000785033 Amendment No.: 1
Contract Number: G2Q54	Federal Award Date:		
CFDA Number: N/A	SAM/UEI Number:		
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 04/17/2024 | 7:10 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 12/19/2023 (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 Modify pavement rehabilitation scope to surface treatment. Remove federal funds and reduce local funds for 80/20 match.
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)
- *Exhibit H: Audit Requirements for Awards of Federal Financial Assistance

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- *Exhibit I: Certification of Disbursement of Payment to Vehicle and/or Equipment Vendor
- *Additional Exhibit(s):

4. Project Cost.

The estimated total cost of the Project is increased/ decreased by (\$11,277,562) bringing the revised total cost of the project to \$751,838.

The Department's participation is increased/ decreased by \$0. The Department agrees to participate in the Project cost up to the maximum amount of \$601,470, and, additionally the Department's participation in the Project shall not exceed 80.00% 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:
John Krane
 By: _____
 Name: John P. Krane, P.E.
 Title: Director of Transportation Development

DS
MG

Approved as to Form and Legal Sufficiency

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: Anne Helfant
 County Attorney

Digitally signed by Anne Helfant
 DN: cn=Anne Helfant, o=State of Florida, ou=Department of Transportation, email=Anne.Helfant@fldot.org, c=US
 Reason: I am the author of this document
 Date: 2024.04.10 15:20:27-04'00'
 Form PDF Reader Version: 12.0.1

DocuSigned by:
Francine Steelman
 Legal Review: _____
 43DE8BB3D3BF464...
 Assistant General Counsel

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**PUBLIC TRANSPORTATION
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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)): Runway Pavement Rehabilitation and Repair Runway 9R-27L

B. Project Location (limits, city, county, map): North Palm Beach County General Aviation 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, the survey and geotechnical costs, construction inspection and material testing costs, mobilization and demobilization, permitting, pavement demolition, surface course improvements (such as concrete, asphalt, rejuvenators, or sealants), joint construction, runway grooving, pavement markings and striping, airfield lighting and signage improvements, recalculation of the pavement PCN, updating the new PCN numbers on the FAA Form 5010 and the FAD, sodding, and safety barricades, including all materials, equipment, labor, and incidentals required to rehabilitate the runway pavement. 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.

G-501

FOR THE STATE OF CALIFORNIA

HR

STATE OF CALIFORNIA

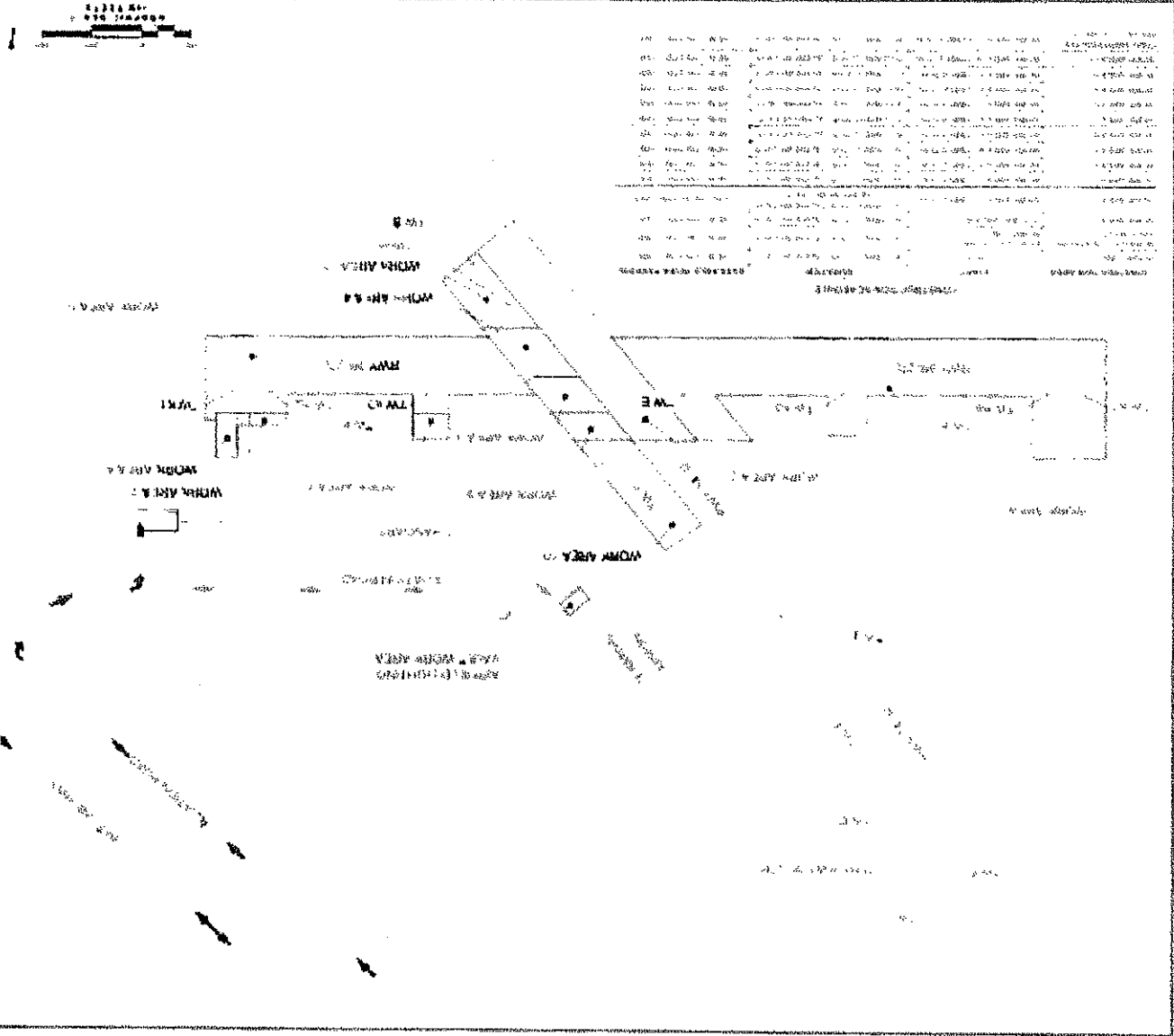
DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE ASSISTANT ATTORNEY GENERAL

1000 CALIFORNIA STREET, SUITE 1000, SACRAMENTO, CALIFORNIA 95833

TEL: (916) 227-3300 FAX: (916) 227-3301

WWW.DIR.CA.GOV



WORK AREA A: This area includes the main entrance and the central hallway.

WORK AREA B: This area is located to the north of the main entrance.

WORK AREA C: This area is located to the east of the main entrance.

WORK AREA D: This area is located to the south of the main entrance.

WORK AREA E: This area is located to the west of the main entrance.

WORK AREA F: This area is located to the north of the chapel.

WORK AREA G: This area is located to the south of the chapel.

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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
451467-1-94-01	DPTO	088719	2024	740100	N/A	N/A	\$2,000,000.00
451467-1-94-01	DPTO	088719	2024	740100	N/A	N/A	(\$1,398,530.00)
451467-1-94-01	FAA	088719	2024	740100	N/A	N/A	\$10,826,460.00
451467-1-94-01	LF	088719	2024	740100	N/A	N/A	\$101,470.00
451467-1-94-01	LF	088719	2024	740100	N/A	N/A	\$500,000.00
451467-1-94-01	FAA	088719	2024	751000	55.004	Aviation Grant Program	(\$10,826,460.00)
451467-1-94-01	LF	088719	2024	751000	55.004	Aviation Grant Program	(\$451,102.00)
Total Financial Assistance							\$751,838.00

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	\$601,470.00	\$150,368.00	\$0.00	\$751,838.00	80.00	20.00	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	\$601,470.00	\$150,368.00	\$0.00	\$751,838.00			

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

Scope Code and/or Activity Line Item (ALI) (Transit Only)	
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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.

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Laurie McDermott

Department Grant Manager Name

DocuSigned by:

Laurie McDermott
Signature

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04/11/2024 | 11:16 AM EDT

Date

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EXHIBIT D

AGENCY RESOLUTION

PLEASE SEE ATTACHED

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 3-12-0085-085-2020, 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: Jacoby Pinson
Deputy Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Anne Helgert
County Attorney

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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:** \$601,470

*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>