



Broward County

Legislation Text

File #: 20-2067, Version: 1

Broward County Commission Regular Meeting

Director's Name: Mark Gale

Department: Aviation

Division: Security

Information

Requested Action

MOTION TO APPROVE Transportation Security Administration Other Transaction Agreement No. 70T02021T6114N095 for participation in the Law Enforcement Office Reimbursement Program at Broward County's Fort Lauderdale-Hollywood International Airport, authorize the Director of Aviation to execute future modifications to the Agreement with the Transportation Security Administration, subject to review by the Office of the County Attorney as to legal sufficiency; and authorize the Mayor and Clerk to execute.

Why Action is Necessary

All agreements require the approval of the Broward County Board of County Commissioners ("Board").

What Action Accomplishes

Allows Broward County ("County") to accept Transportation Security Administration ("TSA") funding for the Law Enforcement Officer ("LEO") Reimbursement Program at Broward County's Fort Lauderdale-Hollywood International Airport ("FLL").

Is this Action Goal Related

No

Previous Action Taken

None.

Summary Explanation/Background

THE AVIATION DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTION.

This action allows the County to accept TSA funding for the LEO Reimbursement Program at FLL.

Pursuant to 49 U.S.C. 44903(c) and 49 C.F.R. 1542, each airport operator is required to establish an air transportation security program that provides a law enforcement presence and capability at the airport that is adequate to ensure the safety of passengers. This is part of a joint effort between the TSA and the Broward County Aviation Department ("BCAD") to deploy sufficient LEOs in support of passenger screening activities at security checkpoints and to meet FLL's responsibility to ensure the safety of passengers.

On September 25, 2007 (Item No. 77), the Board approved an Other Transaction Agreement (“OTA”) for the LEO Reimbursement Program at FLL for a five-year term. Subsequently, the OTA was extended by modifications to the original OTA received from TSA. The last extension ended on January 31, 2016. The TSA did not get approval from Congress to release the funds for the continuation of the LEO Reimbursement Program at FLL until April 2016.

On May 10, 2016 (Item No. 3), the Board approved OTA No. HSTS02-16-H-SLR735 for a total award amount of \$3,211,335. The OTA covered the period from February 1, 2016, through December 31, 2018, and was incrementally funded through modifications as federal funds were made available and appropriated. The OTA had four modifications, which increased the total award by \$1,488,200, to provide funding for years 2019 and 2020.

On November 13, 2019, BCAD applied to TSA’s open solicitation for a new OTA. On October 20, 2020, BCAD was notified by TSA that funds for a new OTA will become available effective January 1, 2021. The proposed OTA will provide funding for a one-year base funding period, beginning on the effective date of the award. At the conclusion of the base funding period, it is TSA’s intent to unilaterally provide two additional one-year funding periods, for a total of three years. The TSA reserves the right to unilaterally fund the OTA beyond this period; however, the OTA will not be funded longer than five years. This action approves the proposed OTA and authorizes the Director of Aviation to execute future modifications to the OTA. The final OTA award amount to be funded is yet to be determined.

Article XII of the OTA states that disputes shall be resolved by informal discussion between the contracting officer for TSA and the County. In the event TSA and the County are unable to resolve any disagreement through good faith negotiations, the County may submit the dispute to the Deputy Assistant Administrator for Contracting and Procurement. If the decision of the Deputy Assistant Administrator for Contracting and Procurement is unsatisfactory, the decision may be appealed to the TSA Assistant Administrator for Contracting and Procurement. The County and TSA agree that the TSA Assistant Administrator/Head of the Contracting Activity for Contracting and Procurement’s decision shall be final and not subject to further judicial or administrative review and shall be enforceable and binding upon TSA and the County.

The proposed OTA has been reviewed and approved as to form by the Office of the County Attorney. The OTA does not include the County’s standard agreement terms as TSA requires the County to use its form agreement.

Source of Additional Information

Mark E. Gale, A.A.E., CEO/Director of Aviation, (954) 359-6199

Fiscal Impact

Fiscal Impact/Cost Summary

The proposed OTA is budgeted for the estimated amount of \$678,023 within the Aviation Department Operating Fund.