



Broward County

Legislation Details (With Text)

File #: 21-635 **Version:** 1

Status: Agenda Ready

In control: PORT EVERGLADES DEPARTMENT

On agenda: 4/20/2021 **Final action:** 4/20/2021

Title: A. MOTION TO APPROVE Termination of the Joint Participation Agreement (“JPA”) between the Florida Department of Transportation (“FDOT”) and Broward County for Financial Project No. 433414-1-94-02, entered into on April 24, 2017, for expenses relating to the construction of the Port Everglades Dredging and Widening Project; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:51 AM) Approved.

VOTE: 9-0.

B. MOTION TO APPROVE Public Transportation Grant Agreement (“PTGA”) between FDOT and Broward County for Financial Project No. 433414-1-94-04, with FDOT agreeing to grant to Broward County up to \$43,188,637 for environmental, design, and construction work for the Port Everglades Dredging and Widening Project and Broward County agreeing to match FDOT’s grant and cover any project cost overruns, and the Addendum modifying the indemnification language, and effective upon execution by FDOT; authorize the Mayor and Clerk to execute the PTGA and the Addendum; authorize the County Administrator or designee to take the necessary administrative and budgetary actions resulting from approval of the PTGA; and authorize the County Administrator to approve any nonmonetary amendments to the PTGA, subject to the Office of the County Attorney approving as to legal sufficiency.

ACTION: (T-10:51 AM) Approved.

VOTE: 9-0.

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - Termination of the Joint Participation Agreement, 2. Exhibit 2 - Public Transportation Grant Agreement For Port Everglades Dredging and Widening Project, 3. Exhibit 3 - FDOT Request Dated March 3, 2021

Date	Ver.	Action By	Action	Result
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Broward County Commission Regular Meeting

Director's Name: Jonathan Daniels

Department: Port Everglades

Division: Director’s Office

Information

Requested Action

A. MOTION TO APPROVE Termination of the Joint Participation Agreement (“JPA”) between the Florida Department of Transportation (“FDOT”) and Broward County for Financial Project No. 433414-1-94-02, entered into on April 24, 2017, for expenses relating to the construction of the Port Everglades Dredging and Widening Project; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:51 AM) Approved.

VOTE: 9-0.

B. MOTION TO APPROVE Public Transportation Grant Agreement (“PTGA”) between FDOT and Broward County for Financial Project No. 433414-1-94-04, with FDOT agreeing to grant to Broward County up to \$43,188,637 for environmental, design, and construction work for the Port Everglades Dredging and Widening Project and Broward County agreeing to match FDOT’s grant and cover any project cost overruns, and the Addendum modifying the indemnification language, and effective upon execution by FDOT; authorize the Mayor and Clerk to execute the PTGA and the Addendum; authorize the County Administrator or designee to take the necessary administrative and budgetary actions resulting from approval of the PTGA; and authorize the County Administrator to approve any nonmonetary amendments to the PTGA, subject to the Office of the County Attorney approving as to legal sufficiency.

ACTION: (T-10:51 AM) Approved.

VOTE: 9-0.

Why Action is Necessary

A. Broward County Board of County Commissioners (“Board”) approval is required for the execution of the Termination of the JPA.

B. Board approval is required for the execution of the PTGA and Addendum.

What Action Accomplishes

A. Termination of the JPA allows funding for the Port Everglades Dredging and Widening Project to be re-allocated through the new PTGA, aligning more closely with the planned timing of project expenditures.

B. Execution of the PTGA provides grant funding from FDOT for environmental, design, and construction work for the Port Everglades Dredging and Widening Project. The County Administrator is delegated authority to take the necessary administrative and budgetary actions to implement the PTGA, and to approve any future nonmonetary amendments to the PTGA.

Is this Action Goal Related

Yes

Previous Action Taken

None

Summary Explanation/Background

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This item supports the Broward County Board of County Commissioners’ (“Board”) Value of “Ensuring economic opportunities for Broward’s diverse population and businesses” and the Goal to “Increase the economic strength and impact of revenue-generating County enterprises balancing economic, environmental, and community needs.”

On April 4, 2017 (Item No. 3), the Board approved a Joint Participation Agreement (“JPA”) between Broward County and the Florida Department of Transportation (“FDOT”) for Financial Project No. 433414-1-94-02 for partial funding of costs associated with the U.S. Army Corps of Engineers’ (“USACE”) Port Everglades Navigation Improvements (Dredging and Widening) Project (“Project”). The JPA approved a Project cost of up to \$45,000,000, and provided grant funding from FDOT to Broward County in the amount of up to \$22,500,000, with the County required to provide up to \$22,500,000, or 50% of the Project cost.

On June 12, 2018 (Item No. 30), the Board approved Supplemental Joint Participation Agreement (“SJPA”) No. 1 for FDOT to provide an additional \$28,888,637 in state funding for the Project, requiring \$28,888,637 in matching funds from Broward County. This SJPA brought the total estimated Project cost up to \$102,777,274, and FDOT’s participation up to \$51,388,637, or 50% of the Project cost.

On December 8, 2020 (Item No. 10), the Board approved a Project Partnership Agreement (“PPA”) between the Department of the Army and Broward County to move forward on next steps of the Project. The USACE Project schedule was updated as part of the PPA. As a result, FDOT recommended adjusting state funding to align more closely with the timing of possible Project expenditures by terminating the previous JPA and executing a new Public Transportation Grant Agreement (“PTGA”).

The proposed new PTGA, FDOT Financial Project No. 433414-1-94-04, will provide up to \$43,188,637 in grant funds from FDOT for the Project, which requires matching funds from the County in the amount up to \$43,188,637, or 50% of the Project cost. The new PTGA extends the expiration date in the previous JPA from December 31, 2022, to June 1, 2026, to better align with the revised USACE Project schedule. The PTGA also includes an Addendum for approval modifying the standard FDOT PTGA Indemnification and Insurance provisions to language more favorable to the County.

With the execution of this PTGA, total estimated Project costs will be up to \$86,377,274. FDOT has committed that the remaining balance of FDOT funding previously provided under the terminated JPA (up to \$8,200,000) will be included in a new PTGA in State Fiscal Year 2023. These grant funds, along with grant funds previously provided by FDOT through a separate PTGA, will cover a significant portion of the required local cost share for the USACE project, with Port funds budgeted to cover any amounts not funded by the FDOT grants or required County match, or any cost overruns.

Completing the Project is needed for Port Everglades to create adequate capacity (depth and width) to accommodate “Neo-Panamax” vessels that call at the Port today from Europe, as well as those that traverse the widened Panama Canal. It will enable Port Everglades to remain competitive with other ports and to market to ocean carriers on the East-West and North-South trade lanes.

A requirement for this funding is to execute this PTGA between FDOT and Broward County prior to disbursement of any funding. This PTGA is written in the standard FDOT format and has been approved as to form by the Office of the County Attorney. FDOT will execute the Amendment after Board approval.

Source of Additional Information

J. David Anderton II, PPM, AICP, Assistant Director, Port Everglades Department, (954) 468-0144

Fiscal Impact

Fiscal Impact/Cost Summary

The Port Everglades Dredging and Widening Project and matching funds are budgeted in the Port's five-year capital program.