



# Broward County

## Legislation Details (With Text)

**File #:** 22-1699      **Version:** 1

**Status:** Agenda Ready

**In control:** PORT EVERGLADES DEPARTMENT

**On agenda:** 11/15/2022      **Final action:** 11/15/2022

**Title:** MOTION TO APPROVE Public Transportation Grant Agreement (“PTGA”) between the Florida Department of Transportation (“FDOT”) and Broward County for Financial Project No. 433414-1-94-05, with FDOT agreeing to grant up to \$7,700,066 to Broward County for the Port Everglades Dredging and Widening Project (“Project”), but no more than 50% of the total eligible cost of the Project, and County agreeing to match FDOT’s grant and cover any project cost overruns, and Addendum thereto modifying the indemnification language of the PTGA; authorize the Mayor and Clerk to execute the PTGA and 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 amendments to the PTGA that do not increase the County’s financial obligation, subject to review by the Office of the County Attorney for legal sufficiency.

**Sponsors:** PORT EVERGLADES DEPARTMENT

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - FDOT Dredging and Widening PTGA

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

MOTION TO APPROVE Public Transportation Grant Agreement (“PTGA”) between the Florida Department of Transportation (“FDOT”) and Broward County for Financial Project No. 433414-1-94-05, with FDOT agreeing to grant up to \$7,700,066 to Broward County for the Port Everglades Dredging and Widening Project (“Project”), but no more than 50% of the total eligible cost of the Project, and County agreeing to match FDOT’s grant and cover any project cost overruns, and Addendum thereto modifying the indemnification language of the PTGA; authorize the Mayor and Clerk to execute the PTGA and 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 amendments to the PTGA that do not increase the County’s financial obligation, subject to review by the Office of the County Attorney for legal sufficiency.

#### Why Action is Necessary

Broward County Board of County Commissioners (“Board”) approval is required for the execution of the PTGA and Addendum.

### **What Action Accomplishes**

Execution of the PTGA and Addendum provides grant funding from FDOT for the environmental, design and construction work for the Port Everglades Dredging & 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 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 the lesser of \$22,500,000 or 50% of the Project cost. The County was required to provide the greater of \$22,500,000 or 50% of the Project cost.

On June 12, 2019 (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 to the lesser of \$51,388,637 (i.e., \$22,500,000 + \$28,888,637) or 50% of the Project cost.

On December 8, 2020 (Item No. 10), the Board approved a Project Partnership Agreement ("PPA") with the USACE to move forward on next steps of the Project. The Project schedule had been updated as part of the PPA. FDOT therefore recommended adjusting State funding to align more closely with the timing of possible expenditures for the Project.

On April 20, 2021 (Item No. 7), the Board approved the termination of the previous JPA and approved a new Public Transportation Grant Agreement ("PTGA") that provided funding in an amount of up to \$43,188,637, not to exceed 50% of the total Project cost, with the County bearing expenses in excess of FDOT's funding. With the execution of that PTGA, total Project costs were estimated at \$86,377,274, with FDOT representing that the remaining balance of FDOT funding under the terminated JPA (up to \$8,200,000) would be included in a new PTGA for the State's Fiscal Year 2022-2023.

For Fiscal Year 2022-2023, FDOT has approved the disbursement of the remaining balance from the

terminated JPA through a new PTGA. However, the amount has been reduced to up to \$7,700,066, not to exceed 50% of the total Project cost of \$15,400,132 under this new PTGA, requiring matching funds from the County in the amount of up to \$7,700,066, with the County bearing expenses in excess of FDOT's funding. The PTGA also includes an Addendum modifying the standard indemnification language included in the PTGA. The new PTGA is effective upon full execution by both parties and will expire on January 31, 2028. With the addition of the second PTGA for the Project, the total Project cost covered by FDOT grants is now \$101,777,406.

A portion of the remaining funds from the original JPA (\$499,934) are intended to be used to complete the Port Everglades Eller Drive/McIntosh Road Intersection Feasibility Study in partnership with FDOT. That project was identified in the Port's 2018 Master/Vision Plan Update approved by the Board on June 16, 2020 (Item No. 70) as an alternative to improve traffic flows to and from the container terminals in Southport and reduce emissions from idling vehicles at that intersection. A Local Funding Agreement ("LFA") with FDOT for this study will be the subject of a separate agenda item at a future date.

Completing the Project is necessary for Port Everglades to create adequate capacity (depth and width) to accommodate "Neo-Panamax" vessels that call at the Port today, 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 FDOT will execute the PTGA and Addendum after Board approval.

#### **Source of Additional Information**

J. David Anderton II, PPM, AICP, Assistant Director of Port Everglades, 954-468-0144, [danderton@broward.org](mailto:danderton@broward.org)

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

The Port Everglades Dredging & Widening Project and matching funds are budgeted in the Port's five-year Capital Program.