



# Broward County

## Legislation Text

File #: 21-157, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Mark Gale

**Department:** Aviation

**Division:** Capital Development

### Information

#### Requested Action

MOTION TO APPROVE Sixth Amendment to the Addendum to the Signatory Terminal Building Lease Agreement between Broward County and JetBlue Airways Corporation, for the Terminal 3 Modernization Project at Broward County's Fort Lauderdale-Hollywood International Airport, (1) providing for additional funding in an amount of \$9,700,000 related to modifications to existing scope of work, unforeseen conditions, and projected cost increases to the current work budget, (2) to extend substantial completion for the Terminal 3 Bump-out to March 31, 2022, and (3) to create a new owner's allowance account in the amount of \$3,000,000, increasing the total Addendum amount by \$12,700,000 from \$252,565,000 to \$265,265,000; and authorize the Mayor and Clerk to execute.

#### Why Action is Necessary

In accordance with the Broward County Procurement Code, Section 21.94.a., any changes, including amendments to agreements must be approved by the appropriate award authority, based on the amendment amount.

#### What Action Accomplishes

Amends the Addendum to the Signatory Terminal Building Lease Agreement ("Signatory TBLA") to (1) provide additional funding in an amount of \$9,700,000 related to modifications to existing scope of work, unforeseen conditions, and projected cost increases to the current work budget, (2) extend substantial completion for the T3 Bump-out to March 31, 2022, and (3) create a new owner's allowance account in the amount of \$3,000,000.

#### Is this Action Goal Related

Yes

#### Previous Action Taken

None.

#### Summary Explanation/Background

THE AVIATION DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTION.

This item supports the Broward County Board of County Commissioners ("Board") Value for "Ensuring economic opportunities for all people and businesses in the County", its Goal to "Increase the economic strength and impact of revenue-generating County enterprises balancing economic, environmental, and community needs" and its Objective to modernize passenger facilities at FLL.

The Office of Economic and Small Business Development (“OESBD”) established a Community Business Enterprise (“CBE”) goal of 22% for this project. JetBlue committed to 22% CBE participation. To date, JetBlue has been paid \$184,128,564 and has paid its sub-contractors \$60,856,609, for 33.05% CBE participation (Exhibit 2).

On September 27, 2011 (Item No. 62B), the Board approved the Signatory TBLA between the County and JetBlue, commencing on October 1, 2011, for a five-year period, expiring on September 30, 2016. On October 28, 2014 (Item No. 6B), the Board approved the Fifth Amendment to the Signatory TBLA between the County and JetBlue, which extended its term for ten years, expiring on September 30, 2026.

On June 4, 2013 (Item No. 88B), the Board approved an Addendum to the Signatory TBLA between the County and JetBlue to manage the design, construction, and installation of an In-Line Baggage Screening System in T3 at FLL. Additional information on the original agreement and subsequent Board actions is included in Exhibit 3.

This proposed Sixth Amendment to the Addendum will provide funding for the T3 Modernization Project related to modifications to existing scope of work, unforeseen conditions, and projected cost increases to the current work budget; extend substantial completion for the T3 Bump-out to March 31, 2022; and, provide for a new owner’s contingency allowance account controlled by the County to reimburse JetBlue for items not included or contemplated in the Addendum at the time of execution of this Sixth Amendment. Unexpended funds in the allowance account will revert to the County. This Amendment will increase the total Addendum amount by \$12,700,000 from \$252,565,000 to \$265,265,000.

In accordance with the terms of the Addendum, JetBlue will continue to comply with the County’s contract requirements such as the CBE Program. Additionally, BCAD will continue to provide oversight of the project through weekly project meetings, and the review and approval of all invoices.

The proposed Sixth Amendment to the Addendum to the Signatory TBLA has been reviewed and approved as to form by the Office of the County Attorney.

**Source of Additional Information**

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

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

All costs associated with this project are budgeted for in the Aviation Department FLL Capital Fund 40350.