



Broward County

Legislation Details (With Text)

File #: 21-1171 **Version:** 1

Status: Agenda Ready

In control: AVIATION DEPARTMENT

On agenda: 6/15/2021 **Final action:** 6/15/2021

Title: MOTION TO APPROVE Second Addendum to the Signatory Terminal Building Lease Agreement between Broward County and JetBlue Airways Corporation in substantially the form attached hereto, subject to final review for legal sufficiency by the Office of the County Attorney, for the management of the construction of Terminal 5 at Broward County's Fort Lauderdale-Hollywood International Airport, to be substantially complete within 890 calendar days after issuance of the third Notice to Proceed, in the not-to-exceed amount of \$306,000,000; and authorize the County Administrator to execute.

Sponsors:

Indexes: Established Commission Goals

Code sections:

Attachments: 1. Exhibit 1 - JETBLUE Airways Signatory TBLA Terminal 5 Second Addendum, 2. Exhibit 2 - County Business Enterprise Goals

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

Director's Name: Mark Gale

Department: Aviation

Division: Capital Development

Information

Requested Action

MOTION TO APPROVE Second Addendum to the Signatory Terminal Building Lease Agreement between Broward County and JetBlue Airways Corporation in substantially the form attached hereto, subject to final review for legal sufficiency by the Office of the County Attorney, for the management of the construction of Terminal 5 at Broward County's Fort Lauderdale-Hollywood International Airport, to be substantially complete within 890 calendar days after issuance of the third Notice to Proceed, in the not-to-exceed amount of \$306,000,000; and authorize the County Administrator to execute.

Why Action is Necessary

In accordance with the Code, Section 21.47.a, the Board is required to approve all contracts over \$500,000.

What Action Accomplishes

Approves the agreement to manage the construction of Terminal 5 ("T5") at Broward County's Fort Lauderdale-Hollywood International Airport ("FLL").

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 Board of County Commissioners Value for "Ensuring economic opportunities for all people and businesses in Broward County ("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 increase passenger facilities at FLL.

The Office of Economic and Small Business Development established a County Business Enterprise ("CBE") goal of 25% for this project (Exhibit 2).

On September 27, 2011 (Item No. 62B), the Board approved the Signatory Terminal Building Lease Agreement ("TBLA") between the County and JetBlue Airways Corporation ("JetBlue"), commencing on October 1, 2011, for a five-year period, expiring on September 30, 2016.

On June 4, 2013 (Item No. 88B), the Board approved the Addendum to the Signatory TBLA for JetBlue to manage the design, construction and installation of an In-line Baggage System in Terminal 3 at FLL.

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. There were four previous Amendments to the Signatory TBLA, which are unrelated to the T5 project.

The proposed Second Addendum to the Signatory TBLA will provide funding for the management and construction of T5 at FLL. In accordance with the FLL Master Plan, an additional terminal is needed at FLL to accommodate passenger growth. The T5 project consists of a five-gate, domestic, satellite concourse with ticketing, inbound and outbound baggage processing, security screening checkpoint, retail and food/beverage concessions, including two separate elevated pedestrian bridges, building systems, and other airport/airline/building support and public spaces. T5 will be located east of T4, will include a fixed connection to T4, and will accommodate Airplane Design Group ("ADG") III aircraft such as the B737-900 and the Airbus A-321, and one wide body aircraft. The project also includes private and commercial vehicle terminal curb fronts, as well as an access roadway system that will connect to the existing, lower arrival-level roadway and outbound roadway system.

Approval of the proposed Second Addendum provides funding in the not-to-exceed amount of \$306,000,000 for JetBlue to manage the construction of T5 at FLL.

In accordance with the terms of the Second Addendum, JetBlue will use approved County contract forms and comply with the County's contract requirements such as the CBE Program, Construction Apprenticeship Program, Public Art and Design Program, and Workforce Investment Program. Additionally, Broward County Aviation Department ("BCAD") will continue to provide oversight of the project through regularly scheduled project meetings, will review and approve the design, and review and approve all project invoices.

BCAD anticipates in excess of \$70,000,000 in grant funding from the Florida Department of Transportation ("FDOT") for T5. Certain Florida law concerning local competitive construction solicitations that include state funding is being modified effective July 1, 2021. The changes in the law may impact the use of County Programs on T5. The County Attorney's Office will review the statutory changes and applicable FDOT grant agreements, and revise the Second Addendum, if necessary before execution by the County Administrator.

The proposed Second 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 and PFC Fund 40450.