



Broward County

Legislation Text

File #: 22-847, Version: 1

Broward County Commission Regular Meeting

Director's Name: Mark Gale

Department: Aviation

Division: Administration

Information

Requested Action

A. MOTION TO WAIVE Section 39.4, "Other Rates, Fees, and Charges and Collection," subsection (e) of Chapter 39, "Fees and Other Charges, Aviation," of the Broward County Administrative Code, to waive the requirement of posting a security deposit for the Terminal Building Lease Agreement between Broward County and the United States General Services Administration for the lease of space at the Broward County's Fort Lauderdale-Hollywood International Airport.

ACTION: (T-12:55 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0.

B. MOTION TO APPROVE Terminal Building Lease Agreement between Broward County and the United States General Services Administration, for the lease and use of office space by the Transportation Security Administration, at Broward County's Fort Lauderdale-Hollywood International Airport, commencing September 15, 2022, and terminating September 14, 2027; and authorize the Mayor or Vice-Mayor and Clerk to execute.

ACTION: (T-12:55 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0.

C. MOTION TO AUTHORIZE Director of Aviation to execute various documents required by the United States General Services Administration, namely, FAR 52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment; GSAR Representation 552.270-33 Foreign Ownership and Financing Representation for High-Security Leased Space; and GSAR 552.270-34 Access Limitations for High-Security Leased Space.

ACTION: (T-12:55 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0.

Why Action is Necessary

Motion A: The waiver of any provision of the Broward County Administrative Code ("Administrative Code") requires the approval of the Broward County Board of County Commissioners ("Board").

Motion B: Chapter 2, Section 2-40(a) of the Broward County Code of Ordinances requires that the Board authorize any commercial activities or the occupation of space at Broward County's Fort Lauderdale-Hollywood International Airport ("FLL").

Motion C: Board approval is required to authorize the Director of Aviation to execute three United States General Services Administration ("GSA") documents. The GSA is requesting that the documents be executed by the Board ("Lessor") and the items permit the Director of Aviation to sign.

What Action Accomplishes

Motion A: Waives Chapter 39, Section 39.4(e) of the Administrative Code which requires the posting of a security deposit.

Motion B: Approves the Terminal Building Lease Agreement ("TBLA") between Broward County ("County") and GSA to lease 10,135 square feet of office space in Terminals 1, 2, 3, and 4 in accordance with the provisions of the TBLA to be used by the Transportation Security Administration ("TSA"), which establishes the payment of rent for the leased space at FLL.

Motion C: Authorizes the Director of Aviation to execute three GSA required documents on behalf of the Lessor.

Is this Action Goal Related

No

Previous Action Taken

None.

Summary Explanation/Background

THE AVIATION DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTIONS.

Motion A

This action will waive Chapter 39, Section 39.4(e) of the Administrative Code for the posting of a security deposit for the TBLA between the County and GSA.

Section 39.4(e) of the Administrative Code provides that security deposits under agreements between the County and businesses operating at the County's airports shall be established at not less than three months anticipated rentals, fees, and charges, plus sales taxes. This motion waives Section 39.4(e) because the GSA, as a Federal entity, is not permitted to pay a security deposit pursuant to Federal Acquisition Regulation.

Motion B

This action approves the TBLA between the County and GSA to lease space for utilization by TSA in all terminals at FLL in accordance with the provisions of the TBLA.

On August 22, 2017 (Item No. 4), the Board approved a TBLA between the County and GSA for the use of office space by TSA in Terminals 1, 2, 3, and 4 to provide security screening services at FLL. The current TBLA expires on September 14, 2022.

The proposed TBLA allows GSA to lease 10,135 square feet (Type 2) space in Terminals 1, 2, 3, and 4 to continue providing security screening services at FLL. The term of the proposed agreement shall commence on September 15, 2022, and terminate on September 14, 2027.

The GSA payments will be based on the actual amount payable under the proposed TBLA and will be adjusted according to the rates and charges established in Chapter 39 of the Administrative Code.

The proposed TBLA has been reviewed and approved as to form by the Office of the County Attorney and the Risk Management Division.

Motion C

This action authorizes the Director of Aviation to execute three other GSA required documents as described below:

FAR 52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment. This document confirms that FLL does not provide any covered telecommunications equipment as part of its services to GSA. Covered telecommunications equipment is defined as any safety, security, or surveillance equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, Dahua Technology Company, Huawei Technologies Company, or ZTE Corporation (or any subsidiary or affiliate of such entities). Broward County's TBLA, Section 11.8, prohibits all tenants from using any covered telecommunications equipment on its premises.

GSAR Representative 552.270-33 Foreign Ownership and Financing Representation for High Security Leased Space. This document certifies that the space being leased or County equipment being used by the TSA, whether whole or in part, is not owned or financed by any foreign entity.

GSAR 552.270-34 Access Limitations for High-Security Leased Space. This document ensures that GSA will maintain access and the Lessor will need prior approval to access GSA's leased space.

Source of Additional Information

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

Fiscal Impact

Fiscal Impact/Cost Summary

The estimated annual rent for the first lease year is \$1,842,264 in revenue to the Broward County Aviation Department, and will be adjusted annually according to Chapter 39 of the Administrative Code.