



# Broward County

## Legislation Text

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File #: 24-082, Version: 1

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

**Director's Name:** Mark Gale

**Department:** Aviation

**Division:** Finance

### **Information**

#### **Requested Action**

A. MOTION TO ADOPT budget Resolution reducing grant funding in the Passenger Facility Charges Capital Fund for the Broward County Aviation Department in the amount of \$79,894,490.

***ACTION: (T-10:45 AM) Approved Resolution No. 2024-065.***

***VOTE: 9-0. Mayor Rich voted in the affirmative telephonically.***

B. MOTION TO ADOPT budget Resolution appropriating grant funding in the Broward County's Fort Lauderdale-Hollywood International Airport Capital Fund for the Broward County Aviation Department in the amount of \$79,894,490.

***ACTION: (T-10:45 AM) Approved Resolution No. 2024-066.***

***VOTE: 9-0. Mayor Rich voted in the affirmative telephonically.***

C. MOTION TO APPROVE Second Amendment to the Public Transportation Grant Agreement between Broward County and the State of Florida Department of Transportation for Financial Project No. 444844-1-94-01, increasing the total project cost of the Automated People Mover Circulator project at Broward County's Fort Lauderdale-Hollywood International Airport to \$159,788,978 and increasing the grant funding total maximum contribution to \$79,894,489; authorizing the Mayor and Clerk to execute the Second Amendment; and authorizing the County Administrator to take any necessary administrative and budgetary actions to implement the Second Amendment.

***ACTION: (T-10:45 AM) Approved.***

***VOTE: 9-0. Mayor Rich voted in the affirmative telephonically.***

#### **Why Action is Necessary**

A and B. Broward County Board of County Commissioners ("Board") approval is required for budget resolutions to accept grant revenue not anticipated in the budget.

C. Board approval is required for the execution of the Second Amendment to the Public Transportation Grant Agreement ("PTGA").

#### **What Action Accomplishes**

A. and B. Reduce funds within the Passenger Facility Charges (“PFC”) Capital Fund and appropriate funds in the Broward County’s Fort Lauderdale-Hollywood International Airport (“FLL”) Capital Fund to accurately budget and facilitate the acceptance of the State of Florida Department of Transportation (“FDOT”) grant for the Automated People Mover Circulator project (“APM Project”) at FLL.

C. Allows the Broward County Aviation Department (“BCAD”) to accept FDOT grant funding for the APM Project at FLL.

**Goal Related Icon(s)**

- ☐ County Commission
- ☐ Go Green
- ☐ MAP Broward

**Previous Action Taken**

None.

**Summary Explanation/Background**

THE AVIATION DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTIONS.

**Motions A and B**

These actions reduce funds within the PFC Capital Fund and appropriate funds in the FLL’s Capital Fund to accurately budget and facilitate the acceptance of the FDOT grant for the APM Project at FLL.

**Motion C**

This action allows BCAD to accept additional FDOT grant funding for the APM Project at FLL.

On February 22, 2022 (Item No. 46), the Board approved the PTGA for Financial Project No. 444844-1-94-01 to fund the APM Project at FLL. FDOT committed to 50% participation of the cost, up to a maximum amount of \$12,950,000, and required Broward County (“County”) to fund all expenses in excess of FDOT’s funding, estimated to be in the amount of \$12,950,000, while covering any APM Project cost overruns.

On February 21, 2023, (Item No. 50), the Board approved the First Amendment to the PTGA for Financial Project No. 444844-1-94-01 to fund the design of the APM Project at FLL. FDOT contributed an additional \$19,000,000 and required the County to match its funding of \$19,000,000, while continuing to cover any APM Project cost overruns.

The proposed APM Project will construct approximately 16,000 linear feet of an elevated, dual-lane guideway that will navigate through the landside areas of Terminals 1, 2, 3, and 4 within FLL. The APM Project will comprise of a bi-directional system with up to six stations within the terminal area, providing entrance and exit access to each of the four Terminals as well as the Palm, Cypress, and Hibiscus Garages, and the future Intermodal Center at FLL. The APM Project will enhance FLL’s landside capacity, efficiency, and passenger connectivity to the four Terminals, and will relieve congestion along Terminal Drive.

The funding through this FDOT grant will continue to fund the criteria package and other professional services needed to procure the design and development phases of the APM Project. Additional funds, as available, will be used for the design of enabling infrastructure, site improvements, and other actions necessary to proceed with the design and construction of the APM Project.

This action approves the proposed Second Amendment to the PTGA to increase the total Project design cost to \$159,788,978, increasing FDOT's share to a maximum amount of \$79,894,489 and requiring the County to increase its match to a maximum amount of \$79,894,489, while continuing to cover any APM Project cost overruns. The PTGA is phased to allow for future grant opportunities if they become available.

The Office of the County Attorney requested FDOT make certain modifications to a pass-through indemnification provision in the PTGA, but FDOT declined contending that the indemnification provision is legally sufficient. BCAD desires to move forward with this Second Amendment to the PTGA to obtain grant funding for the Project. The Office of the County Attorney will work with BCAD to modify the relevant third-party construction or design agreements, as applicable, to comply with the PTGA and mitigate any potential risk associated with the pass-through indemnification provision in the PTGA.

The proposed Second Amendment has been reviewed by the Office of the County Attorney. The Second Amendment does not include the County's standard agreement provisions as FDOT requires the County to use its form agreement.

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

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

#### **Fiscal Impact**

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

Approval of the budget Resolutions will accurately budget and facilitate the acceptance of the FDOT grant in FLL's Capital Fund.