

MEMORANDUM

5-A)

TO: James R. O'Connor, City Manager
VIA: Wayne R. Coment, City Attorney
FROM: Ericson W. Menger, Airport Director
DATE: January 22, 2016
SUBJECT: SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF VERO BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT, MARK, LIGHT WEST GA APRON, PHASE III (FDOT #422489-1-94-01)

Attached are four (4) copies of a Supplemental Joint Participation Agreement (SJPA) between the City of Vero Beach and the Florida Department of Transportation (FDOT) for the above-referenced airport project. Also, attached are three (3) copies of a proposed City Resolution authorizing the Mayor and City Manager to execute the SJPA on behalf of the City.

BACKGROUND:

This project is Phase 3 of a 3-phase pavement construction project to complete the aircraft parking area along Taxiway C near the main runway at the Airport. The area is serviced by 2 Fixed Base Operator (FBOs) - Corporate Air and Paris Air - which handle mostly corporate jets, flight training, maintenance, and charter services for the flying public.

On January 19, 2016, City Council approved the Award of Contract to Community Asphalt to perform the construction work for the above stated project and the Public/Private Partnership Agreements between the 2 FBOs. Staff had been working with FDOT for additional funding to help offset more of the construction cost that the 2 FBOs would have been responsible for paying. Accordingly, the attached SJPA increases the FDOT funding for this project in the amount of \$270,476 (\$2,420,476 total FDOT funding for this project).

FUNDING:

Airport account #443.4000.542.612003 will be used for financial accounting for this project. The attached SJPA revises the total project cost to \$3,025,593 with FDOT's share being \$2,420,476 (80%). Staff is working with the two FBOs to fund the airport's match and an additional cost associated with the project, so that no airport dollars are used to fund this project. In addition, there is no funding from the City's general fund.

ANALYSIS:

Strengths: This SJPA will maximize FDOT funding and private FBO funding to complete the build-out of the Airport West General Aviation (GA) ramp area at little or no cost to the Airport or City.

Weaknesses: A formal agreement has been approved to ensure that FBO private/public partnership is enforceable.

Opportunities: Airport is able to make necessary improvements to the West Ramp area at no cost to the airport.

Threats: Sections of the ramp areas will be closed during construction, temporarily impacting the business operations of the three FBOs.

RECOMMENDATION:

Staff respectfully requests this item be placed on the **February 2, 2016**, City Council Agenda, recommending approval of the proposed Resolution and acceptance of the SJPA.

EWM:drg
Attachments

cc: Airport Commission Members (via email/US mail)
City Manager's Office (via email)
Finance Department (via email)

RESOLUTION NO. 16-_____

A RESOLUTION AUTHORIZING THE CITY OF VERO BEACH, FLORIDA, TO ENTER INTO A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION TO CONSTRUCT, MARK, LIGHT WEST GA APRON, PHASE III (FDOT #422489-1-94-01)

WHEREAS, the City of Vero Beach owns and operates the Vero Beach Regional Airport and;

WHEREAS, the City desires to Construct, Mark, Light West GA Apron, Phase III and;

WHEREAS, the State government has agreed to participate in the funding of the above-referenced to Construct, Mark, Light West GA Apron, Phase III with the City of Vero Beach.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA THAT:

The Mayor and City Manager are authorized to execute all appropriate documents as representatives of the City of Vero Beach in connection with the Supplemental Joint Participation Agreement between the State of Florida and the City of Vero Beach to Construct, Mark, Light West GA Apron, Phase III.

THIS RESOLUTION was moved for adoption by Councilmember _____,

seconded by Councilmember _____, and adopted on the _____ day of

_____ 2016, by the following vote:

Mayor Kramer _____

Vice-Mayor Old _____

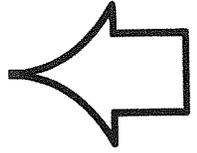
Councilmember Turner _____

Councilmember Winger _____

Councilmember Howle _____

ATTEST

CITY OF VERO BEACH, FLORIDA



City Clerk, Tammy K. Vock

Mayor, Jay Kramer

Approved as to form and
Legal sufficiency:



Attorney, Wayne R. Coment

Approved as conforming to Municipal
Policy:



City Manager, James R. O'Connor

Approved as to technical
Requirements:



Airport Director, Ericson W. Menger

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

Number 3

Financial Project No.: <u>422489-1-94-01</u> <small>(item-segment-phase-sequence)</small>	Fund: <u>DPTO</u> Function: <u>637</u> Federal No.: _____ DUNS No.: <u>80-939-7102</u>	FLAIR Approp.: <u>088719</u> FLAIR Obj.: <u>751000</u> Org. Code: <u>55042010429</u> Vendor No.: <u>VF596000445004</u>
Contract No.: <u>AQG30</u> CFDA Number: _____	CSFA Number: <u>55.004</u>	

THIS AGREEMENT, made and entered into this _____ day of _____
by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida,
hereinafter referred to as the Department, and City of Vero Beach
3400 Cherokee Drive P.O. Box 1389 Vero Beach, FL 32961-1389
hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 30th day of September, 2011
entered into a Joint Participation Agreement; and
WHEREAS, the Agency desires to accomplish certain project items as outlined in the Attachment "A" appended
hereto; and
WHEREAS, the Department desires to participate in all eligible items for this project as outlined in Attachment
"A" for a total Department Share of \$ 2,420,476.00
NOW, THEREFORE THIS INDENTURE WITNESSETH: that for and in consideration of the mutual benefits to flow
from each to the other, the parties hereto agree that the above described Joint Participation Agreement is to be amended
and supplemented as follows:

1.00 Project Description: The project description is amended
Construct/Mark/Light GA Apron W PH 3

2.00 Project Cost:

Paragraph 3.00 of said Agreement is increased decreased by \$ 338,093.00
bringing the revised total cost of the project to \$ 3,025,593.00

Paragraph 4.00 of said Agreement is increased decreased by \$ 270,476.00
bringing the Department's revised total cost of the project to \$ 2,420,476.00

3.00 Amended Exhibits:

Exhibit(s) B & D of said Agreement is amended by Attachment "A".

4.00 Contract Time:

Paragraph 18.00 of said Agreement 12/31/2016.

5.00 E-Verify:

Vendors/Contractors:

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/Contractor during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

Financial Project No. 422489-1-94-01

Contract No. AQG30

Agreement Date _____

Except as hereby modified, amended or changed, all other terms of said Agreement dated 9/30/2011 and any subsequent supplements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

AGENCY

City of Vero Beach
 AGENCY NAME

 SIGNATORY (PRINTED OR TYPED)

 SIGNATURE

 TITLE

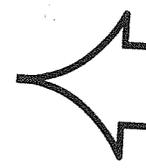
FDOT

See attached Encumbrance Form for date of Funding Approval by Comptroller

 LEGAL REVIEW
 DEPARTMENT OF TRANSPORTATION

Stacy L. Miller, P.E.
 DEPARTMENT OF TRANSPORTATION

Director of Transportation Development
 TITLE



CITY OF VERO BEACH	APPROVED	DATE
City Manager	<i>de</i>	<i>1/27/11</i>
City Attorney	<i>W/V</i>	<i>1/27/11</i>
City Clerk		
Utilities		
Public Works		
Finance		
Human Resources		
Planning		

Financial Project No. 422489-1-94-01

Contract No. AQG30

Agreement Date _____

ATTACHMENT "A"
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and City of Vero Beach
3400 Cherokee Drive P.O. Box 1389 Vero Beach, FL 32961-1389

dated _____

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

Additional funds to assist with construction bid shortfall.

		As Approved	As Amended	Net Change
I.	Project Cost	\$2,687,500.00	\$3,025,593.00	\$338,093.00
II.	Fund	DPTO	DPTO	Net DPTO
	Department:	\$2,150,000.00	\$2,420,476.00	\$270,476.00
	Agency:	\$537,500.00	\$605,117.00	\$67,617.00
	Federal:	\$0.00	\$0.00	\$0.00
	Total Project Cost	\$2,687,500.00	\$3,025,593.00	\$338,093.00

Comments:

ATTACHMENT "A"
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

III. MULTI-YEAR OR PREQUALIFIED PROJECT FUNDING

If a project is a multi-year or prequalified project subject to paragraphs 4.10 and 17.20 of this agreement, funds are programmed in the Department's Work program in the following fiscal year(s):

FY	Amount
2012	\$1,200,000.00
2014	\$350,000.00
2015	\$600,000.00
2016	\$270,476.00