

MEMORANDUM

October 13, 2014

TO: Honorable Mayor and City Commissioners

VIA: Kenneth Fields, City Manager

FROM: Teresa Allen, Assistant Public/Support Services Director

SUBJECT: Resolution 2014-14, Supplemental Joint Participation Agreement Number Two

SYNOPSIS: The adoption of Resolution 2014-14 authorizes the execution of an agreement with the Florida Department of Transportation (FDOT) for the Airfield Improvements Construction Phase at the Lake Wales Municipal Airport.

RECOMMENDATION

The recommendation is for the City Commission to adopt Resolution 2014-14 authorizing the execution of Supplemental Joint Participation Agreement Number Two by the Mayor with the Florida Department of Transportation (FDOT) for \$92,042.00.

BACKGROUND

In 2013, the City Commission adopted Resolution 2013-10, which provided funding for the engineering design phase for airfield improvements at the Lake Wales Municipal Airport for \$8,100.00.

Then in 2014 the City Commission adopted Resolution 2014-08 the Supplemental Joint Participation Agreement which provided funding for the construction phase of the airfield improvements at the airport in the amount of \$210,089.00 bringing the total share of the project cost for FDOT to \$218,189.00.

The total participation fund share from FDOT for the construction phase of this project is not sufficient to complete the project. Resolution 2014-14 will provide the additional funding from FDOT in the amount of \$92,042.00 bringing FDOT's total participation share to \$310,231.00 (\$8,100.00 for design and \$302,131.00 for construction) the funding required to complete the project.

FISCAL IMPACT

Funding is as follows:

FAA	\$2,480,010.00	(FY14)
FAA	150,000.00	(FY15)
City	184,179.00	(current budget)
State	210,089.00	(FY13)
State	92,042.00	(FY14)

Project total: \$3,116,320.00

OPTIONS

The City Commission has already accepted the grant offer from the Federal Aviation Administration (FAA) and the Florida Department of Transportation (FDOT) for the engineering design phase and construction phase for this project.

ATTACHMENTS

Resolution 2014-14
Supplemental Joint Participation Agreement

RESOLUTION 2014-14

A RESOLUTION OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (JPA), ITEM-SEGMENT-PHASE-SEQUENCE NUMBER (FINANCIAL PROJECT NUMBER): 434822 1 94 01 (REHABILITATE AN AIRPORT ROAD, PERFORM RUNWAY 24 SAFETY IMPROVEMENTS AND REALIGN TAXIWAY A WEST) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ALLOW THEIR PARTICIPATION IN AN AVIATION PROJECT AT THE LAKE WALES MUNICIPAL AIRPORT.

WHEREAS, THE City of Lake Wales has the authority to enter into a Supplemental JPA with the Florida Department of Transportation to undertake a project as authorized by Florida Statute 332, and Florida Administrative Code 14-60;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Lake Wales, Polk County, Florida:

1. That the Supplemental JPA Number Two for the Item-Segment-Phase-Sequence Number (Financial Project Number) 434822 1 94 01 (Rehabilitate an airport road, perform runway 24 safety improvements and realign taxiway A West) is approved.
2. That Eugene Fultz, Mayor, is authorized to enter into, modify or terminate the Supplemental JPA Number Two with the Florida Department of Transportation, unless specifically rescinded.

THIS RESOLUTION INTRODUCED AND PASSED by the City Commission of the City of Lake Wales, Polk County, Florida at its regular meeting on October 21, 2014.

Mayor, City of Lake Wales

ATTEST:

City Clerk

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

Number Two

Financial Project No.: <u>434822-1-94-01</u> (Item-segment-phase-sequence)	Fund: <u>010</u>	FLAIR Category: <u>088719 / 088809</u>
Contract No.: <u>AR709</u>	Function: <u>215</u>	Object Code: <u>750004 / 750098</u>
	Federal No.: <u>N/A</u>	Org. Code: <u>55012020129</u>
	DUNS No.: <u>80-939-7102</u>	Vendor No.: <u>F596000357001</u>
Catalog of Federal Domestic Assistance Number: <u>N/A</u> Catalog of State Financial Assistance 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 Lake Wales
201 Central Avenue West, Lake Wales, Florida 33853
hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 19th day of November, 2013, 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 310,231.00

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:

There are no changes to the original project description, or if subsequently amended, to the last amended project description.

2.00 Project Cost:

Paragraph 3.00 of said Agreement is increased / decreased by \$1,169,959.00
bringing the revised total cost of the project to \$3,278,320.00

Paragraph 4.00 of said Agreement is increased / decreased by \$92,042.00
bringing the Department's revised total cost of the project to \$310,231.00

3.00 Amended Exhibits:

Exhibit(s) B and D are amended, attached and incorporated by reference.

4.00 Contract Time:

Paragraph 18.00 of said Agreement "Expiration of Agreement" shall reflect an expiration date of July 1, 2019.

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. 434822-1-94-01

Contract No. AR709

Agreement Date _____

Except as hereby modified, amended or changed, all other terms of said Agreement dated 11/19/2013 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

FDOT

City of Lake Wales
AGENCY NAME

See attached Encumbrance Form for date of Funding Approval by Comptroller

*JSL
11/18/13*

SIGNATORY (PRINTED OR TYPED)

LEGAL REVIEW
DEPARTMENT OF TRANSPORTATION

SIGNATURE

CHRIS SMITH
DEPARTMENT OF TRANSPORTATION

TITLE

Director of Transportation Development
TITLE

III. MULTI-YEAR OR DEFERRED REIMBURSEMENT 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	2014	\$218,189.00	FY
FY	2015	\$92,042.00	FY
FY			FY
FY			FY
FY			FY
FY			FY
FY			FY
FY			FY
FY			FY
FY			FY

Project years may be advanced or deferred subject to Legislative appropriation or availability of funds.

EXHIBIT "B"
PROJECT BUDGET

This exhibit forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and the City of Lake Wales at 201 Central Avenue West, Lake Wales, Florida 33853 dated _____ and referenced by the above Financial Project Number.

Expiration Date: July 1, 2019

Project funds are programmed in the Department's Work Program in the following fiscal year(s):

Design/Permitting of all components. Construction of Runway 24 Safety Improvements and Taxiway Alpha Realignment.

		FY 13/14
FAA Funding (FAA)	(90%)	\$ 1,762,200.00
State Funding (DPTO/DDR)	(5%)	\$ 97,900.00
Local Funding (LF)	(5%)	\$ 97,900.00

		FY 14/15
FAA Funding (FAA)	(90%)	\$ 1,012,710.00
State Funding (DPTO/DDR)	(5%)	\$ 56,262.00
Local Funding (LF)	(5%)	\$ 56,262.00

		FY 13/14
Entrance Road Construction		
State Funding (DPTO)	(80%)	\$ 120,289.00
Local Funding (LF)	(20%)	\$ 30,072.00

		FY 14/15
State Funding (DPTO)	(80%)	\$ 35,780.00
Local Funding (LF)	(20%)	\$ 8,945.00

Total	\$ 3,278,320.00
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Project years may be advanced or deferred subject to Legislative appropriation or availability of funds.

State funds programmed on this project must be expended and an invoice for their reimbursement to the agency submitted to the Department by the following date(s):

FY 13/14 funds by May 1, 2019

FY 14/15 funds by May 1, 2020

Such funds, which are not expended and invoiced by the dates indicated, shall be forfeited by the agency. Invoices shall be submitted at a minimum of every 24 months or the project funds are subject to deletion.

EXHIBIT "D"
PROJECT COMPLIANCES

This exhibit forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and the City of Lake Wales at 201 Central Avenue West, Lake Wales, Florida 33853 dated _____ and referenced by the above Financial Project Number.

State Agency:	Florida Department of Transportation
CSFA Number & Title:	55.004, Aviation Development Grant
Amount:	\$ 183,387.00
	55.014, Intermodal Development Program
Amount:	\$ 126,844.00

COMPLIANCES

ACTIVITIES ALLOWED

Airport Planning

Airport Planning Grants are to study options for airport development and operations. The Department funds airport master plans, airport layout plans (ALP), noise and environmental studies, economical impact, services development, and airport promotion. Examples of projects are:

- Master Plans and Airport Layout Plans (ALP);
- Master Drainage Plans;
- Environmental Assessments (EA);
- Development of Regional Impact (DRI);
- Operations and Emergency Response Plans (ERP);
- Federal Aviation Regulations (FAR) Part 150 noise studies;
- Environmental Impact Studies (EIS);
- Wildlife Hazard Studies;
- Feasibility and Site Selection Studies;
- Business plans;
- Airport management studies and training;
- Air services studies and related promotional materials.

Airport Improvement

These grants are to provide capital facilities and equipment for airports. Examples of projects are:

Air-side capital improvement projects

- Runways
- Taxiways
- Aprons
- T-hangers
- Fuel farms
- Maintenance Hangers
- Lighting
- Air Traffic Control Towers
- Instrument Approach Aids
- Automatic Weather Observation Stations

Land-side capital improvement projects

- Terminal Buildings
- Parking lots and structures
- Road and other access projects

Presentation projects

- Overlays
- Crack sealing
- Marking
- Painting buildings
- Roofing buildings
- Other approved projects

Safety equipment

- Airfield Rescue and Fire Fighting Vehicle (ARFF)
- Lighted Xs

Safety projects

- Tree clearing
- Land contouring on overrun areas
- Removing, lowering, moving, and marking, lighting hazards

Information technology equipment (used to inventory and plan airport facility needs)

Drainage improvements

Land Acquisition

This grant program protects Florida's citizens from airport noise and protects airport clear zones and runway approach areas from encroachment. Administrative Costs, appraisals, legal fees, surveys, closing costs and preliminary engineering fees are eligible costs. In the event the negotiation for a fair market value is unsuccessful, the court will be petitioned for "an Order of Taking" under the eminent domain laws of Florida. Examples of projects are:

- Land acquisition (for land in an approved Master Plan or ALP)
- Mitigation land (on or off airport)
- Aviation easements
- Right of way
- Approach clear zones

Airport Economic Development

This grant program is to encourage airport revenue. Examples of projects are:

- Any airport improvement and land purchase that will enhance economic impact
- Building for lease
- Industrial park infrastructure and buildings
- General aviation terminals that will be 100 percent leased out
- Industrial park marketing programs

Aviation Land Acquisition Loan Program

The Department provides interest free loans for 75 percent of the cost of airport land purchases for both commercial service and general aviation airports.

This is a general description of project types. A detail list of project types approved for these grant programs can be found in the Aviation Grant Program manual which can be accessed through the internet at www.dot.state.fl.us/Aviation/Public.htm.

ALLOWABLE COSTS

Entities are prohibited from using grant funds for lobbying the legislature. (*Section 216.347, Florida Statutes*). Also, restrictions of expenditures are summarized in the Reference Guide for State Expenditures of the Department of Financial Services. Other specific requirements for allowable costs are unique to each state project and are found in the laws, rules, and the provisions of contracts or grant agreements pertaining to the project. For projects listed in the Compliance Supplement, these specific requirements are in Part Four.

Audit Objectives

Determine whether expenditures of state financial assistance were for allowable costs.

Suggested Audit Procedures

1. Identify the types of costs that are either specifically allowed or prohibited by the laws, rules, and provisions of contracts or grant agreements pertaining to the project.
2. Select a sample of transactions and perform procedures to verify that the transactions were for an allowable cost and not for lobbying the legislature or other prohibited uses.

Cash Management

State agencies which are expressly authorized by law to make advances for project startup or contracted services in total or periodically, shall limit such advances to other governmental entities and nonprofit entities. The amount to be advanced may not exceed the expected cash needs of the recipient within the initial 3 months. Thereafter disbursements are to be made only on a reimbursement basis. The Chief Financial Officer, after consultation with the appropriations committee, may advance funds beyond a 3-month requirement if it is determined to be consistent with the intent of the approved operating budget. Any agreement that provides for advances may contain a clause that permits the recipient to temporarily invest the proceeds, provided that any interest income either be returned to the agency or applied against the agency's obligation to the pay the contract amount. (*Section 216.181, Florida Statutes*) Specific cash management requirements unique to a state project may be found in the laws, rules, and the provisions of contracts or grant agreements pertaining to the project. For projects listed in the Compliance Supplement, these specific requirements are in Part Four.

Audit Objectives

1. Determine that cash management procedures are in accordance with Section 216.181, Florida Statutes, and other laws, rules, and the provisions of contracts or grant agreements pertaining to the state project.

2. Determine that interest income, when allowable, is correctly recorded and returned to the state agency or applied against the contract or grant agreement.

Suggested Audit Procedures

1. Review reimbursement requests and trace to supporting documentation. Ensure that costs for which reimbursement was requested were paid prior to the date of the reimbursement request.
2. Determine whether any interest income was owed to the state agency and either remitted to the agency or applied against amounts owed by the state agency.

MATCHING

Commercial Service Airports

When no federal funding is available, the Department provides up to 50 percent of the project costs. When federal funding is available, the Department can provide up to 50 percent of the non-federal share.

General Aviation Airports

When no federal funding is available, the Department provides up to 80 percent of project costs. When federal funding is available, the Department can provide up to 80 percent of the non-federal share.

Economic Development

The Department provides up to 50 percent of airport economic development funds to build on-airport revenue-producing capital improvements. This program is for local match only.

Airport Loans

The Department provides a 75 percent loan program to fund the Aviation Land Acquisition Loan Program.