

**REQUEST FOR DISCUSSION AND  
COMMISSION ACTION**

**NEW BUSINESS  
ITEM H-3**

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**PREPARED BY:** Carl S. Baker - Director of Planning & Development

August 16, 2018

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**SUBJECT:** FDOT Grant Funding  
Consideration of SJPA #4 for On-Port Rail Expansion Project and Adoption of  
Corresponding Resolution

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**BACKGROUND INFORMATION:** The attached Supplemental Joint Participation Agreement #4 (SJPA #4) is for additional grant funds for the design, permitting and construction of additional rail trackage for the On-Port Rail Facility Expansion Project. The SJPA agreement includes the following:

- The agreement is in the total amount of \$8,675,158.00 to cover the design, permitting and construction costs of the On-Port Rail Facility Expansion Project.
- These funds are immediately available and allocated by FDOT.
- This SJPA ratio is 50% / 50% split (\$4,337,579 FDOT / \$4,337,579 Port of Palm Beach).
- The original JPA that these funds are being issued under will expire on December 31, 2018.
- This SJPA expires December 31, 2019.
- The funding source for these funds is the FDOT Strategic Intermodal System and will be available until July 2023.

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**ADDITIONAL INFORMATION ATTACHED:**

No \_\_\_\_\_ Yes  X

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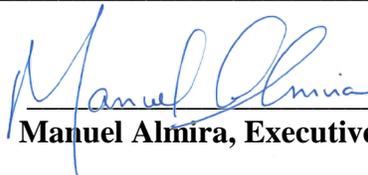
**FINANCIAL IMPACT:** The project will be funded from the Port's FY2018/2019/2020/2021/2022 Capital Program Budgets (50%) and the use of FSTED grant funds (50%). Total project funding (grant funds and Port matching funds) is \$8,675,158.00

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**RECOMMENDATIONS:** The Board of Commissioners is respectfully requested to approve the Supplemental Joint Participation Agreement #4 with FDOT, adopt the corresponding resolution, and direct the Executive Director to return six (6) executed agreements and two (2) executed resolutions to FDOT for processing.

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**Respectfully Submitted By:**

  
\_\_\_\_\_  
**Manuel Almira, Executive Director**

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**DATE ACTION TAKEN:**

Approved: \_\_\_\_\_  
Disapproved: \_\_\_\_\_  
Deferred To: \_\_\_\_\_  
Incorporated into Minutes: \_\_\_\_\_

Motion By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_  
Unanimous: Yes \_\_\_\_\_ No \_\_\_\_\_  
By: \_\_\_\_\_

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

Number 4

|  |   |   |
|--|---|---|
| Financial Project No.:<br><u>436215-1-94-01</u><br>(Item-segment-phase-sequence)<br>Contract No.: <u>ARL88</u>       | Fund: <u>DIS</u><br>Function: <u>215</u><br>Federal No.: <u>N/A</u><br>DUNS No.: <u>80-939-7102</u> | FLAIR Category: <u>088794</u><br>Object Code: <u>750005</u><br>Org. Code: <u>55042010429</u><br>Vendor No.: <u>VF596000531002</u> |
| Catalog of Federal Domestic Assistance Number: <u>N/A</u> Catalog of State Financial Assistance Number: <u>55005</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 PORT OF PALM BEACH DISTRICT,  
One East 11<sup>th</sup> Street, Rivera Beach, FL 33419  
hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 22nd day of September, 2014, 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 \$4,867,624.00.

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

The Project Description is NOT amended

**2.00 Project Cost:**

Paragraph 3.00 of said Agreement is  increased /  decreased by \$8,675,158.00  
bringing the revised total cost of the project to \$9,735,248.00 .

Paragraph 4.00 of said Agreement is  increased /  decreased by \$4,337,579.00  
bringing the Department's revised total cost of the project to \$4,867,624.00 .

**3.00 Amended Exhibits:**

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

**4.00 Contract Time:**

Paragraph 18.00 of said Agreement has been extended until 12/31/2019 .

**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. 436215-1-94-01

Contract No. ARL88

Agreement Date \_\_\_\_\_

Except as hereby modified, amended or changed, all other terms of said Agreement dated 9/22/2014  
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

PORT OF PALM BEACH DISTRICT,  
AGENCY NAME

See attached Encumbrance Form for date of Funding  
Approval by Comptroller

\_\_\_\_\_  
SIGNATORY (PRINTED OR TYPED)

\_\_\_\_\_  
LEGAL REVIEW  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
TITLE

Director of Transportation Development  
TITLE

Financial Project No. 436215-1-94-01

Contract No. ARL88

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 PORT OF PALM BEACH DISTRICT,  
One East 11th Street, Rivera Beach, FL 33419  
dated 9/22/2014.

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):  
Supplemental # 4 FY 18/19 DIS funding allocation as follows:  
Department (50%): \$4,337,579.00  
Port of Palm Beach District (50%): \$4,337,579.00

| I. Project Cost:        | As Approved    | As Amended     | Net Change     |
|-------------------------|----------------|----------------|----------------|
|                         | \$1,060,090.00 | \$9,735,248.00 | \$8,675,158.00 |
| Total Project Cost      | \$1,060,090.00 | \$9,735,248.00 | \$8,675,158.00 |
|                         |                |                |                |
| II. Fund Participation: | As Approved    | As Amended     | Net Change     |
| Department:             | \$530,045.00   | \$4,867,624.00 | \$4,337,579.00 |
| Agency:                 | \$530,045.00   | \$4,867,624.00 | \$4,337,579.00 |
| Other:                  | \$0.00         | \$0.00         | \$0.00         |
| Total Project Cost      | \$1,060,090.00 | \$9,735,248.00 | \$8,675,158.00 |

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Comments:

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 | FY |

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

**RESOLUTION NO. 2018-04**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PORT OF THE PORT OF PALM BEACH DISTRICT APPROVING THE SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (JPA) #4 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR COSTS RELATED TO THE PORT OF PALM BEACH ON PORT INTERMODAL RAIL FACILITY EXPANSION PROJECT.**

WHEREAS, The Port of Palm Beach District, a political subdivision of the State of Florida (hereinafter called the “District”) has incurred, and/or shall incur, various costs and expenditures relating to the Port of Palm Beach On Port Intermodal Rail Facility Expansion Project (the “Project”); and

WHEREAS, The District has determined it is in its best interest to enter into a Joint Participation Agreement (“JPA”) with the Florida Department of Transportation for costs related to the project;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PORT OF PALM BEACH DISTRICT, RIVIERA BEACH, FLORIDA that:**

**SECTION 1:** The Port of Palm Beach District authorizes the acceptance and execution of the Joint Participation Agreement (JPA) with the Florida Department of Transportation for Financial Project Number 436215-1-94-01 for a total project amount of \$8,675,158.00.

**SECTION 2:** The Executive Director is directed to send two (2) copies of this Resolution along with six (6) executed copies of the Joint Participation Agreement to the Florida Department of Transportation.

**SECTION 3:** This Resolution shall take effect immediately upon passage.

**RESOLUTION NO. 2018-04**

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PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF AUGUST, 2018.



**PORT OF PALM BEACH DISTRICT BY  
ITS BOARD OF COMMISSIONERS:**

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Jean L. Enright, Chairperson

**Attest:**

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Katherine Waldron, Secretary/Treasurer

**Legal Sufficiency:**

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Greg Picken, Port Attorney