Date: May 5, 2009

Memorandum

MIAMI-DADE COUNTY

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 8(A)(1)(C)

From: George M. Burgess
County Manager

Subject: Ratification of Acceptance and Execution of Federal Aviation Administration (FAA) Grant Agreement in the amount of $10,110,000 for the tenth installment payment toward the cost of the already-constructed Runway 8L-26R. AIP No. 3-12-0049-057-2009

RECOMMENDATION

It is recommended that the Board adopt the attached resolution ratifying the actions of the Mayor's Designee regarding the acceptance and execution, pursuant to provisions of the Miami-Dade Aviation Department's (MDAD) Expedite Ordinance No. 95-64, codified as Section 2-285(6) of the Miami-Dade County Code, of the Federal Aviation Administration (FAA) grant in the amount of $10,110,000 for the Northside Runway Project at Miami International Airport (MIA). This Grant Offer and Agreement represents the tenth installment of the anticipated eleven payments for the already-constructed Runway 8L-26R pursuant to the FAA's previously approved Letter of Intent (LOI) with Miami-Dade County.

SCOPE

This project is located within District Six.

FISCAL IMPACT

The total New Runway project cost was $138,720,806.00. This $10,110,000 Airport Improvement Program (AIP) grant represents the tenth installment of a total anticipated FAA funding of $104,040,000. Other funding for this project included FDOT grants of $17,790,000 and $16,890,000 in Aviation revenue bonds.

PROJECT MONITOR

The project has been completed. Grants for this project are managed by MDAD Chief of Aviation Grants Norma Mata.

BACKGROUND

On April 3, 2000, MDAD submitted its application for federal assistance for the construction of a new Northside Runway at MIA. In response to MDAD's application, the FAA issued a Letter of Intent (LOI) for grants to the County in a maximum amount of $101,040,000 toward the cost of the runway project.

Under the LOI, the FAA provides funds periodically through Grant Offers in individual Grant Agreements. The grant funds are from two sources: Discretionary Funds which, as the name suggests, are discretionary with the FAA; and Entitlement Funds, which MIA is entitled to as a matter of law.

On July 15, 2000, the Board, by Resolution No. R-783-00, authorized the acceptance of $12 million as a first installment of the FAA's total commitment of $101,040,000 under the LOI. On March 11, 2004, the LOI was amended to reflect an additional $3 million toward the project, bringing the FAA participation in the runway project to $104,040,000.

The following is the schedule of LOI Grant payments paid to date and to be paid in the future as they relate to the runway project:

Received Installments #1 through #9

FY	Discretionary	Entitlement	Total
2000	$ 5,000,000	$ 7,000,000	$12,000,000
2001	3,000,000	7,000,000	10,000,000
2002	2,840,000	8,475,703	11,315,703
2003	4,000,000	7,000,000	11,000,000
2004	8,000,000	5,524,297	13,524,297
2005	8,000,000	0	8,000,000
2006	7,550,000	0	7,550,000
2007	8,000,000	0	8,000,000
2008	4,000,000	0	4,000,000
Total:	$50,390,000	$35,000,000	$85,390,000
	To Be Received in Current Installment #10		
2009	$10,110,000	0	$10,110,000
	To Be Received in Final Installment #11		
2010	$ 8,540,000	0	$ 8,540,000
Total LOI Amount:	**$69,040,000**	**$35,000,000**	**$104,040,000**

The Northside Runway 8L-26R opened in September, 2003.

It is anticipated that the FAA will make the final payment of $8,540,000 in 2010. The attached resolution authorizes the Mayor's designee to execute the documents of the eleventh Grant Offer following review by the County Attorney.

It is recommended that the Board approve the attached resolution ratifying the execution of the FAA Grant Agreement and authorizing the Mayor's designee to execute the anticipated Grant Offer documents in 2010.

Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: May 5, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(A)(1)(C)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(A)(1)(C)
5-5-09

RESOLUTION NO. _____

RESOLUTION RATIFYING EXECUTION BY THE MAYOR'S DESIGNEE OF THE TENTH STANDARD GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR $10,110,000.00 OF A TOTAL POTENTIAL FUNDING OF $104,400,000.00 PREVIOUSLY APPROVED BY THE FAA UNDER A LETTER OF INTENT TO PROVIDE GRANT FUNDS FOR CONSTRUCTION OF THE COMPLETED NORTHSIDE RUNWAY AT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING MAYOR'S DESIGNEE TO EXECUTE THE ELEVENTH AND FINAL STANDARD GRANT AGREEMENT AFTER REVIEW BY THE COUNTY ATTORNEY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies, confirms, and approves the execution by the Mayor's designee of the tenth standard grant agreement between Miami-Dade County and the Federal Aviation Administration (FAA) in the amount of ten million one hundred ten thousand dollars ($10,110,000.00), such amount being a portion of the total grant of one hundred four million forty thousand dollars ($104,040,000.00) previously approved by the FAA under a Letter of Intent to provide such funds in installments to the County to be applied towards the cost of the completed Northside Runway project at Miami International Airport; authorizing Mayor's designee to execute the eleventh and final standard grant agreement after review by the County Attorney.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

DN/for

Thomas P. Abbott

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GRANT AGREEMENT

U. S. Department
of Transportation
Federal Aviation
Administration

Date of Offer: **January 13, 2009**

Project Number: **3-12-0049-057-2009**
Recipient: **Miami-Dade County Board of County Commissioners** (Herein called Sponsor)
Airport: Miami International Airport

OFFER

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay, as the United States' share, seventy-five percent (75%) of the allowable costs incurred in accomplishing the project consisting of the following:

> "Tenth (10th) Installment under LOI ASO 99-02 for Construction of Runway 8L/26R and Construction of Trac one Apron Drainage, Grading and Pavement Improvement "

as more particularly described in the Project Application dated March 12, 1998.

The maximum obligation of the United States payable under this Offer shall be $10,110,000 for airport development.

This offer is made in accordance with and for the purpose of carrying out the applicable provisions of the Federal Aviation Act of 1958, as amended, codified at Title 49 of the United States Code. Acceptance and execution of this offer shall comprise a Grant Agreement, as provided by Title 49 of the United States Code, constituting the contractual obligations and rights of the United States and the Sponsor.

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

Manager, Airports District Office

ACCEPTANCE

The Sponsor agrees to accomplish the project in compliance with the terms and conditions contained herein and in the document "Terms and Conditions of Accepting Airport Improvement Program Grants" dated March 29, 2005.

Executed this 30th day of January 2009

(Seal)

Attest:

Deputy Clerk
Title

Miami-Dade Board of County Commissioners
Name of Sponsor

Signature of Sponsor's Designated Official Representative

Aviation Director
Title

CERTIFICATE OF SPONSOR'S ATTORNEY

I, THOMAS P. ABBOTT, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of State of Florida. Further, I have examined the foregoing Grant Agreement, and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the applicable provisions of the Federal Aviation Act of 1958, as amended, codified at Title 49 of the United States Code. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Signature of Sponsor's Attorney

1/30/09
Date