

Memorandum



Date: December 4, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

Agenda Item No. 8(A)(2)

From: Carlos A. Gimenez
Mayor

Subject: Ratification of Acceptance and Execution of Federal Aviation Administration Grant Agreement, AIP Number 3-12-0049-067-2012, in the amount of \$1,153,456 for Additional Air Cargo Apron-Westside Cargo Area at Miami International Airport

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution ratifying the actions of the Mayor or Mayor's designee, pursuant to provisions of the Aviation Department's Expedite Ordinance No. 95-64, codified as Section 2-285 (6) of the Code of Miami-Dade County, in accepting and executing Grant Agreement AIP Number 3-12-0049-067-2012 from the Federal Aviation Administration (FAA) for the Westside Cargo Apron Project at Miami International Airport (MIA) in the amount of \$1,153,456.

SCOPE

The project associated with this Grant Agreement is located primarily within Commissioner Rebeca Sosa's District 6; however, the impact of this item is countywide as MIA is a regional asset.

FISCAL IMPACT

The Westside Cargo Apron Project has been approved under the Miami-Dade Aviation Department's (MDAD) Capital Improvement Program and is estimated to cost \$12,510,000 in total including design costs in the amount of \$1,564,000. This FAA grant provides \$1,153,456 or 75% toward eligible design, demolition, and construction costs, thereby decreasing Department expenditures by that amount. The Florida Department of Transportation (FDOT), under its Five-Year Work Program, has programmed \$2,439,947 for the non-federal share toward the Westside Cargo Apron Project in Fiscal Year 2013. Future State and Federal contributions will be allocated after the project is bid and awarded. MDAD CIP will fund the remaining share required for the final completion of the project. Any future maintenance costs are estimated to be \$10,000 per year for the life of the apron pavement and will be funded through aviation revenue funds.

PROJECT MONITOR

MDAD Facilities Project Manager Franklin Stirrup will oversee the project. The grant will be managed by MDAD Chief of Aviation Grants Norma Mata.

BACKGROUND

MDAD has identified an immediate need for additional aircraft parking positions due to aircraft fleet upgrades by the tenants in the Eastern "U" cargo handling facility. The larger wing spans of modern cargo aircraft such as the Boeing 777 and 747-800 reduce the available parking positions in the Eastern "U" area, which causes adverse operational and revenue impacts. Additional aircraft parking areas such as those contemplated by the Westside Cargo Apron Project will help alleviate those impacts.

The Westside Cargo Apron Project consists of (i) the demolition of the currently vacant U.S. Postal Service building, (ii) the design and construction of approximately 4.04 acres of rigid (concrete) aircraft pavement in the footprint of the USPS building that will have the size and capacity for storing the equivalent of two Boeing 747-800 aircraft, and (iii) construction of approximately 1.45 acres of flexible (asphalt) pavement Taxiway connector from Taxiways "S". The project is currently in design with expected construction completion by June 2014.

Jack Osterholt, Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 4, 2012

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

SUBJECT: Agenda Item No. 8(A)(2)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 8(A)(2)

Veto _____

12-4-12

Override _____

RESOLUTION NO. _____

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; RATIFYING EXECUTION BY MAYOR'S DESIGNEE OF GRANT AGREEMENT NO. 3-12-0049-067-2012 BETWEEN MIAMI-DADE COUNTY AND THE FEDERAL AVIATION ADMINISTRATION IN THE AMOUNT OF \$1,153,456 TO PROVIDE GRANT FUNDS FOR DESIGN AND CONSTRUCTION OF AN AIRCRAFT PARKING AREA OF 4.04 ACRES AS PART OF THE WESTSIDE CARGO APRON PROJECT

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and document, copies of which are incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies, confirms, and approves the execution by the Mayor's designee of the attached Grant Agreement No. 3-12-0049-067-2012 between Miami-Dade County and the Federal Aviation Administration (FAA) in the amount of \$1,153,456 to provide grant funds for the design and construction of an aircraft parking area of 4.04 acres as part of the Aviation Department's Westside Cargo Apron Project.

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:

Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro
Esteban L. Bovo, Jr.
Sally A. Heyman
Jean Monestime
Rebeca Sosa
Xavier L. Suarez

Lynda Bell
Jose "Pepe" Diaz
Barbara J. Jordan
Dennis C. Moss
Sen. Javier D. Souto
Juan C. Zapata

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2012. 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.



David M. Murray



GRANT AGREEMENT

U. S. Department
of Transportation
Federal Aviation
Administration

Date of Offer: September 13, 2012
Project Number: 3-12-0047-016-2012
Recipient: Miami Dade County Board of County Commissioners (Herein called Sponsor)
Airport: Opa-Locka Executive 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, ninety percent (90%) of the allowable costs incurred in accomplishing the project consisting of the following:

"Construct Interior Service Road (Design and Construction Phases)"

as more particularly described in the Project Application dated August 22, 2012.

The maximum obligation of the United States payable under this Offer shall be \$2,443,500 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

SPECIAL CONDITIONS See Attachment A

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 April 13, 2012. The Sponsor specifically acknowledges that knowingly and willfully providing false information to the Federal Government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject the Sponsor's Designated Official Representative to fines, imprisonment or both if the U.S. Department of Justice determines the official acted outside the scope of his/her duties.

Executed this 14th day of Sept, 2012
(Seal)
Attest County Clerk Name of Sponsor: Jose Abreu
Signature of Sponsor's Designated Official Representative
Title _____ 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 the 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.

Thomas P. Abbott Signature of Sponsor's Attorney 11/13/12 Date

ATTACHMENT A: SPECIAL CONDITION

Grant Issued Based on Estimates It is understood and agreed by and between the parties hereto that this Grant Offer is made and accepted based on estimates for Design and Construction of Interior Service Road, and the parties hereby covenant and agree that within 30 days from the date of acceptance of this Grant Offer, the Sponsor shall execute an FAA approved Negotiated Contract for Design of the Interior Service Road and within 240 days from the date of acceptance of this Grant Offer or subsequent date as agreed to by the FAA, the Sponsor shall receive bids for Construction of the Interior Service Road contained within the grant description.