OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Date: November 3, 2009

Memorandum

MIAMI-DADE COUNTY

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

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

From: George M. Burgess
County Manager

Resolution No. R-1234-09

Subject: Ratification of Acceptance and Execution of Federal Aviation Administration (FAA) Grant in the amount of $3,325,528 for the Extension of Runway 9R/27L – Construction Phase 1-B at Kendall-Tamiami Executive Airport under AIP No. 3-12-0050-009-2009

RECOMMENDATION

It is recommended that the Board adopt the attached resolution ratifying the acceptance and execution by the Mayor's designee of Grant Agreement AIP Number 3-12-0050-009-2009 between Miami-Dade County and the Federal Aviation Administration (FAA) for a discretionary grant in the amount of $3,325,528 to be applied to the eligible costs of the extension of Runway 9 Right/27 Left (9R/27L) – Construction Phase 1-B at Kendall Tamiami Executive Airport (TMB), pursuant to Miami-Dade County's Expedite Ordinance No. 95-64, codified as Section 2-285(6) of the Code of Miami-Dade County, and made applicable to the Aviation Department ("MDAD").

SCOPE

TMB is located within Commission District Eleven; however, the impact of this item is countywide in nature as TMB is a regional asset.

FISCAL IMPACT

This FAA Airport Improvement Program (AIP) grant involved in this Resolution allows Miami-Dade County to receive $3,325,528 in discretionary general aviation funds for Phase 1-B construction portion of the project. The total construction cost for Phase 1 including 1-B is $4,431,278. The FAA had originally offered $4.9 million in grant funds based on the project's then-estimated cost of $10.9 million. However due to an extremely competitive bidding environment, MDAD received a low bid of $4.04 million plus the cost for FAA to relocate the instrument landing system, for a total FAA-eligible total project cost of $4,431,278, for which the FAA will contribute a 95% federal share towards such project costs. Funds for the balance of the Phase 1 project are available in budgeted MDAD accounts.

TRACK RECORD/PROJECT MONITOR

The project will be managed by MDAD Chief of Civil Engineering Ernesto Beltre, P.E. The grant will be managed by MDAD Chief of Grants Norma Mata.

BACKGROUND

On October 7, 2008, the Board adopted Resolution No. R-1000-08 approving FAA Grant No. 3-12-0050-007-2008 in the amount of $483,550 for the design of the extension of runway 9R-27L, including a new runway-to-taxiway entrance and exit connector for the westward extension of the parallel taxiway, along with the relocation of an associated Instrument Landing System (ILS), the ILS Localizer

Antenna, Precision Approach Path Indicator (PAPI), and Medium Intensity Approach Lighting System (MALS) (collectively referred to as Navaids, with the Navaids and the extension of the runway being referred to as the "Project").

On May 5, 2009, the Board adopted Resolution No. R-478-09 approving FAA Grant No. 3-12-0050-008-2009 in the amount of $884,186 in entitlement funds for the Phase 1 construction of the Project.

On August 13, 2009, MDAD submitted its application for federal assistance for Phase 1-B of the project. The FAA has programmed a total General Aviation Airports discretionary grant of $3,325,528 for the construction of the 1,000-foot westward extension of runway 9R/27L along with a 1,000-foot westward extension of the 50-foot-wide parallel taxiway ("TWY 'E'").

The extension of Runway 9R/27L from 5,002 feet to the maximum FAA funded length of 6,000 feet will provide the necessary takeoff length required to operate most types of business and corporate jet aircraft without imposing severe weight penalties or requiring such jets to make intermediate fuel stops when flying non-stop to medium or long-haul destinations. The runway extension project is part of the County's Capital Improvement Program (CIP) for the airport system.

The Florida Department of Transportation (FDOT), under its Five-Year Work Program, has programmed $1,334,600 for Fiscal Year 2011/2012 and $4,123,800 for Fiscal Year 2012/2013, to be applied to the entire three-phase project. Phase 2 involves an additional 798-foot westward extension of the runway and taxiway, and Phase 3 involves an additional 550-foot eastward extension of the runway and taxiway. However, Phases 2 and 3 are not supported by FAA and will only be undertaken with FDOT funds if additional operational needs require the additional extension and availability of 50% local matching funding is assured. MDAD needs to retain the FDOT funding as programmed to maintain developmental flexibility for Phases 2 and 3 should the Aviation Department determine that an operational need for additional extension is justified and identifies the local 50% matching source.

It is recommended that the Board ratify the actions of the Mayor's designee in accepting and executing the second FAA Grant Agreement in the amount of $3,325,528 to be applied to Phase 1-B, which, when added to the earlier FAA Grant Agreement in the amount of $884,186, will provide total FAA funding for Phase 1 of the project in the total amount of $4,209,714 toward the Phase 1 cost of $4,431,278. The project cost balance totaling $221,564.00 will be funded by a combination MDAD budgeted funds and FDOT grant funds.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: November 3, 2009

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

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

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
Veto _____
Override _____

Agenda Item No. 8(A)(1)(D)
11-3-09

RESOLUTION NO. **R-1234-09**

RESOLUTION RELATING TO KENDALL-TAMIAMI EXECUTIVE AIRPORT; RATIFYING EXECUTION BY THE MAYOR'S DESIGNEE OF GRANT AGREEMENT AIP NO. 3-12-0050-009-2009 IN THE AMOUNT OF $3,325,528 FOR CONSTRUCTION OF PHASE 1-B OF THE EXTENSION PROJECT FOR RUNWAY 9 RIGHT-27 LEFT

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 Grant Agreement AIP No. 3-12-0050-009-2009 in the amount of $3,325,528 for Construction Phase 1-B of the Extension Project for Runway 9 Right-27 Left at Kendall-Tamiami Executive Airport.

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

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas P. Abbott

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U.S. Department
of Transportation
**Federal Aviation
Administration**

Orlando Airports District Office
5950 Hazeltine National Dr., Suite 400
Orlando, FL 32822-5003

Phone: (407) 812-6331

Fax: (407) 812-6978

August 17, 2009

RECEIVED
AUG 19 2009
MANAGER
AVIATION PLANNING

RECEIVED
AUG 19 2009
GRANT FUNDS

Mr. Sunil Harman
Division Director
Aviation Planning, Land-Use and Grants
Miami-Dade Aviation Department
P.O. Box 025504
Miami, Florida 33102-5504

Dear Mr. Harman:

RE: Kendall Tamiami Executive Airport; Miami, Florida
AIP Number 3-12-0050-009-2009
Grant Offer

We are enclosing the original and one copy of a Grant Offer for AIP Project No. 3-12-0050-009-2009 for Kendall Tamiami Executive Airport, in response to your Application for Federal Assistance dated August 13, 2009. Your acceptance of this Offer will constitute a Grant Agreement by which the government will participate in the allowable costs of the project amounting to $3,325,528 (Federal share).

Once the authorized official has executed the Agreement and the official's signature has been notarized and sealed/stamped, the attorney for the Miami Dade County Board of County Commissioners must certify that the Sponsor's acceptance complies with local and state law and constitutes a legal and binding obligation on the part of the Sponsor. Please note that the Agreement is not legal unless the attorney signs it AFTER the Sponsor.

If the terms of this Offer are satisfactory, please execute the document as soon as possible, but not later than **August 28, 2009**. To assist us in administrative reporting requirements you are requested to notify this office by faxing the signature page of the grant or by telephoning us immediately upon executing the grant. **Only the original executed grant needs to be returned to this office.** The remaining copy is for your file.

Please note that this grant offer may be funded all or in part with funds from the Small Airport Fund.

Please allow approximately 30 days after returning final executed grant to this office before attempting any drawdowns from the letter-of-credit account.

Sincerely,

Juan C. Brown
Acting Manager

2 Enclosures
cc: Dionne Henry, FDOT/6

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Mata, Norma (Aviation)

From: Krystal.Ritchey@faa.gov
Sent: Thursday, August 20, 2009 8:38 AM
To: Mata, Norma (Aviation)
Subject: Re: TMB Runway Extension Phase 2 Grant Agreement
Attachments: pic13030.gif

Please scratch through the number 2 in the "Phase 2" description and replace it with "1-B" so that it reads Phase 1-B. I will correct the description we have in our system to match.

Krystal Ritchey, P.E.
Program Manager
FAA, ORL-ADO
407-812-6331, ext. 136, FAX: -6978

"Mata, Norma \(Aviation\)" <NMATA@miami-airport.com>
08/19/2009 03:52 PM

To Krystal Ritchey/ASO/FAA@FAA
cc
Subject TMB Runway Extension Phase 2 Grant Agreement

Hello Krystal,

GRANT AGREEMENT

U. S. Department
of Transportation
Federal Aviation
Administration

Date of Offer: August 17, 2009

Project Number: **3-12-0050-009-2009**
Recipient: **Miami-Dade County Board of County Commissioners** (Herein called Sponsor)
Airport: Kendall Tamiami 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-five percent (95%) of the allowable costs incurred in accomplishing the project consisting of the following:

"Extend Runway 09R/27L – Construction Phase 2" 1-B

as more particularly described in the Project Application dated August 13, 2009.

The maximum obligation of the United States payable under this Offer shall be $3,325,528 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

Acting 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 27 day of Aug., 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

8/27/09
Date