



**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** December 2, 2014

**TITLE:** Terminate Contract for Fort Lauderdale Executive Airport Observation  
Area Parking Expansion

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**Recommendation**

It is recommended that the City Commission terminate the contract with B Square Construction Management Group, LLC based on the determination by the Federal Aviation Administration (FAA) citing non-compliance with the Revenue Use Policy and unacceptable use of Executive Airport property for public use parks.

**Background**

On June 17, 2014 (CAM 14-0633), the City Commission awarded a contract for additional vehicle parking spaces at the Executive Airport Observation Area to B Square Construction Management Group, LLC. The project was approved by the Aviation Advisory Board at its April 24, 2014 meeting.

As required for all proposed construction or alteration of Executive Airport property, a standard Aeronautical Study FAA Form 7460-1 was submitted for review to the Federal Aviation Administration. The FAA provided comments and had concerns regarding the use of airport funds for construction and maintenance of the Observation Area. Executive Airport staff prepared and submitted a response to the FAA's comments on August 20, 2014.

Upon further review of the information provided, the FAA does not agree with the use of airport funds for the construction of the parking expansion at the Executive Airport Observation Area. Further, the FAA indicated that use of Executive Airport property for public parks is not acceptable nor in compliance with the Revenue Use Policy and related grant assurances with the City of Fort Lauderdale when receiving Airport Improvement Program (AIP) funds.

Based on the FAA's determination and the City's responsibility to ensure compliance with the Revenue Use Policy and grant assurances, City staff is recommending the termination of the contract with B Square Construction Management Group, LLC in accordance with article 17.2 of the contract – *City May Terminate Work*. This recommendation was reviewed and approved by the Aviation Advisory Board on October 23, 2014.

### **Resource Impact**

There is no fiscal impact to the City.

### **Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Business Development Cylinder of Excellence, specifically advancing:

- Goal 7: Be a well-positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port, and rail connections.
- Objective 4: Deliver best-in-class regional general aviation airport amenities and services to domestic and international stakeholders.
- Initiative 1: Examine the highest and best use of airport property to stimulate economic development and create jobs.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035; We are here*.

### **Attachments**

Exhibit 1- FAA termination letter

Exhibit 2 – FXE response letter

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