



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#24-0344**

---

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

**FROM:** Susan Grant, Acting City Manager

**DATE:** May 21, 2024

**TITLE:** Resolution Approving the Termination of Federal Aviation Administration  
Grant No. 3-12-0024-039-2023 for Design of Runway 9-27 Pavement  
Rehabilitation - \$511,874 - **(Commission District 1)**

---

**Recommendation**

Staff recommends the City Commission adopt a resolution approving the termination of Federal Aviation Administration Grant No. 3-12-0024-039-2023 for the design of Runway 9-27 Pavement Rehabilitation project in the amount of \$511,874.

**Background**

On August 22, 2023, the City Commission approved the resolution accepting the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant for the design of Runway 9-27 (CAM 23-0801). On October 2, 2023, the City Commission approved the contract for the design of Runway 9-27 Pavement Rehabilitation Consultant Services. After following the state law Consultant Competitive Negotiation Act (CCNA) process, the contract was awarded to Kimley Horn and Associates, Inc. (CAM 23-0883).

The City Attorney's office informed staff that the solicitation for the CCNA contract, did not include the required FAA provisions in the solicitation for the engineer consultant contract. [Title 2 CFR part 200](#), specifically Sections 200.317-200.326 include the required procurement standards. This regulation provides for uniform standards a sponsor must apply to their procurement actions in order to maintain eligibility under the AIP. This includes procurements for construction development, equipment acquisition, and selection of professional services (e.g. engineering and planning consultants). Additionally, according to FAA Order 5100.38D, this process should have been followed to be eligible for the funds. Therefore, the design grant would not be available for this project unless the City rebid the solicitation and reselected the consultant. Due to the strict grant program deadline, the City had insufficient time to restart the CCNA process.

Therefore, the FAA AIP grant for the Runway 9-27 design will be terminated in accordance with the process outlined in Section 5-62 of FAA Order 5100.38D which states as follows in the pertinent part:

5-62. Termination for Convenience. The Airports District Office (ADO) has the option of terminating a grant for convenience if there is no beneficial reason to continue the project.

This can be initiated by either the ADO or the sponsor. Termination for convenience requires: a) A written agreement that details the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. b) The termination agreement must state that the sponsor may not incur new obligations for the terminated portion of the grant after the effective date and must cancel as many obligations relating to the termination as possible. c) The ADO can reimburse the sponsor for allowable project costs that were incurred prior to the effective cancellation date if, in the opinion of the ADO, incurring the costs was unavoidable and could not be canceled.

After being informed of the solicitation issue, the termination is being initiated by the FAA.

The April 2, 2024 Budget Amendment (CAM 24-0037) reflected airport fund balance as an alternate source for the design funds. The Airport will be pursuing a grant from the FAA and Department of Transportation for construction funds (estimated currently at \$8 Million).

### **Resource Impact**

There is no fiscal impact at this time. The grant will be de-appropriated when the termination agreement is presented to the City Commission for approval at a later date.

### **Strategic Connections**

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Infrastructure and Resilience Focus Area
- Goal 4: Facilitate an efficient, multimodal transportation network
- The Business Growth and Support Focus Area
- Goal 6: Build a diverse and attractive economy

This item advances the *Fast-Forward Fort Lauderdale Vision Plan 2035: We are Prosperous*.

This item supports the Advance Fort Lauderdale 2040 Comprehensive Plan specifically advancing:

- The Business Development Focus Area
- The Economic Development Area
- Goal 3: Recognize and include in economic development planning the role of Port Everglades and the Fort Lauderdale-Hollywood International Airport and Fort Lauderdale Executive Airports.

### **Attachments**

Exhibit 1 – Commission Agenda Memo 23-0801

Exhibit 2 – FAA Grant Agreement No. 3-12-0024-039-2023

Exhibit 3 – Resolution

---

Prepared by: Rufus A. James, Airport Director - City Manager's Office

Charter Officer: Susan Grant, Acting City Manager