

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT
Number 1

725-030-07
PUBLIC TRANSPORTATION
06/11
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Financial Project No.: <u>43430519401</u> <small>(item-segment-phase-sequence)</small>	Fund: <u>DPTO</u> Function: <u>637</u> Federal No.: <u>N/A</u> DUNS No.: <u>80-939-7102</u>	FLAIR Category: <u>088719</u> Object Code: <u>750004</u> Org. Code: <u>55052000531</u> Vendor No.: <u>F596000362006</u>
Contract No.: _____	Catalog of Federal Domestic Assistance Number: <u>N/A</u>	Catalog of State Financial Assistance Number: <u>55004</u>

THIS AGREEMENT, made and entered into this _____ day of _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter referred to as the Department, and City of Leesburg
501 West Meadow St., P.O. Box 490630, Leesburg, Florida 34749
hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 27th day of June, 2013 entered into a Joint Participation Agreement; and

WHEREAS, the Agency desires to accomplish certain project items as outlined in the Attachment "A" appended hereto; and

WHEREAS, the Department desires to participate in all eligible items for this project as outlined in Attachment "A" for a total Department Share of \$145,640.00

NOW, THEREFORE THIS INDENTURE WITNESSETH: that for and in consideration of the mutual benefits to flow from each to the other, the parties hereto agree that the above described Joint Participation Agreement is to be amended and supplemented as follows:

1.00 Project Description: The project description is amended
To Focused Environmental Assessment for the Taxiway "A" Extension and Seaplane Ramp

2.00 Project Cost:

Paragraph 3.00 of said Agreement is decreased by \$0.00
bringing the revised total cost of the project to \$182,050.00

Paragraph 4.00 of said Agreement is decreased by \$0.00
bringing the Department's revised total cost of the project to \$145,640.00

3.00 Amended Exhibits:

Exhibit(s) "A", "B" and "D" of said Agreement is amended by Attachment "A".

4.00 Contract Time:

Paragraph 18.00 of said Agreement N/A

5.00 E-Verify

Vendors/Contractors:

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/Contractor during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

Financial Project No. 43430519401

Contract No. _____

Agreement Date N/A

Except as hereby modified, amended or changed, all other terms of said Agreement dated June 27th, 2013 and any subsequent supplements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

AGENCY

FDOT

City of Leesburg
AGENCY NAME

See attached Encumbrance Form for date of Funding Approval by Comptroller

SIGNATORY (PRINTED OR TYPED)

LEGAL REVIEW
DEPARTMENT OF TRANSPORTATION

SIGNATURE

Frank J. O'Dea, P.E.
DEPARTMENT OF TRANSPORTATION

TITLE

Director of Transportation Development
TITLE

Financial Project No. 43430519401
 Contract No. _____
 Agreement Date _____

**ATTACHMENT "A"
 SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT**

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and City of Leesburg
501 West Meadow St., P.O. Box 490630, Leesburg, Florida 34749

dated _____

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

Replaces the Original Project for the Design, Permitting, Bidding and Construction Phase Services for the Extension of Taxiway "A" to Property Line to a Focused Environmental Assessment for the Taxiway "A" Extension and Seaplane Ramp. Replaces Exhibit "A", Project Description and Responsibilities, and Exhibit "D", Single Audit Act Requirements. No other changes.

I.	Project Cost:	As Approved	As Amended	Net Change
		\$182,050.00	\$182,050.00	\$0.00
	Total Project Cost	\$182,050.00	\$182,050.00	\$0.00
II.	Fund Participation:	As Approved	As Amended	Net Change
	Department:	\$145,640.00	\$145,640.00	\$0.00
	Agency:	\$36,410.00	\$36,410.00	\$0.00
	Other:			\$0.00
	Total Project Cost	\$182,050.00	\$182,050.00	\$0.00

Comments:

itself the right to review the qualifications of any consultant or contractor and to approve or disapprove the employment of the same.”

- 4) Joint Participation Agreement Paragraph 15.00, “Plans and Specifications”, is hereby deleted in its entirety. Certifications must be provided per Exhibit “C”, Section D., Items 23.a.(2) and 23.b. Notwithstanding the provisions of this paragraph, the airport, upon request by the Department, shall provide signed and sealed plans and specifications to the Department for review.
- 5) Joint Participation Agreement Paragraph 22.00, “Vendors Rights”; Add to end of the 1st Paragraph, “As allowed herein, the parties hereby agree to establish the time for the Department to inspect and approve the goods and services from five (5) working days to up to twenty (20) working days after receipt of an invoice”.
- 6) Method of Compensation:

Payments: The AGENCY shall submit an invoice for payment, no more frequently than monthly, in a format acceptable to the DEPARTMENT. Invoices shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof, and shall be based on the quantifiable, measurable and verifiable deliverables as established in Exhibit “A”, Scope of Services approved by the DEPARTMENT. Deliverables must be received and accepted in writing by the DEPARTMENT’S Project Manager or designee prior to reimbursements. Payment for services shall be made to the AGENCY based upon supporting documentation establishing that the deliverables were received and accepted in writing by the AGENCY. Supporting documentation must also establish that the required minimum level of service was met, and that the criteria for evaluating successful completion were met.

Compensation: For the satisfactory performance of the services and deliverables detailed in the Scope of Services, the AGENCY shall be paid up to a maximum amount of \$145,640 for actual costs incurred. The AGENCY may receive progress payments for the actual costs of deliverables based on the Schedule of Values and on a percentage of services that have been completed, approved and accepted to the satisfaction of the DEPARTMENT when properly supported by detailed invoices and acceptable evidence of payment. The final balance due under this Agreement will be reimbursed upon the completion of all Project services, receipt of final cost documentation and proper submission of a detailed invoice, and when the Project has been inspected, approved and accepted to the satisfaction of the DEPARTMENT in writing. All costs charged to the Project shall be supported by detailed invoices, proof of payments, contracts or vouchers evidencing in proper detail the nature and propriety of the charges.

EXHIBIT A - SCOPE OF SERVICES
FOCUSED ENVIRONMENTAL ASSESSMENT
for the
TAXIWAY A EXTENSION AND SEAPLANE RAMP
AT
LEESBURG INTERNATIONAL AIRPORT

The overall subject property is the Leesburg International Airport (LEE) located in the City of Leesburg, Lake County, Florida. For the purpose of this study, the proposed project is the extension of Taxiway "A" and the construction of the seaplane ramp into Lake Harris. This project is consistent with the approved Airport Layout Plan (ALP) and is located at the far east end of Taxiway A. The purpose of this study is to evaluate potential environmental impacts that would result from the proposed project, and provide National Environmental Policy Act (NEPA) level process and documentation, as described in detail below. The specific limits of the study area will be coordinated with the Federal Aviation Administration (FAA) Orlando Airport District Office (ADO). The level of assessment will be provided as described in the Focused Environmental Assessment as developed by the Orlando ADO.

The Leesburg International Airport is evaluating the design and construction of Taxiway "A" extension to the east past the Runway 31 end to the property line and the construction of a seaplane ramp from the taxiway extension to Lake Harris. The Airport currently has two runways: the primary runway, Runway 13/31, which has a length of 6,300 feet and a full-length parallel taxiway, Taxiway "A" and Runway 3/21, which has a length of 4,957 feet. The Runway 31 end is serviced by Taxiway "A".

JUSTIFICATION

In accordance with Grant Assurances, the Federal Aviation Administration (FAA) requires Leesburg International Airport to complete a Focused Environmental Assessment prior to designing and constructing the taxiway extension and seaplane ramp. Through the course of this Focused EA, AVCON will determine the exact measures required for this project to move forward in a prudent, economical and logical progression to the design and construction.

In our judgment, the environmental impacts and mitigation options must be identified prior to initiating the design phase in order to determine the true design and construction costs. In other words, if the mitigation alternatives are unknown, as they are now, it is nearly impossible to determine the level of effort required and the cost to mitigate the impacts. This proposal includes the tasks necessary to prepare conceptual options for the design, identify the environmental impacts, identify the mitigation alternatives, establish the permitting requirements, and provide costs for each of those alternatives and set the course for the best design solution leading to construction. The information in this report will form the basis for the final design.

FOCUSED ENVIRONMENTAL ASSESSMENT

The Focused Environmental Assessment (FEA) for the proposed development areas at the Airport will be prepared in accordance with the guidance provided in Federal Aviation Administration (FAA) Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions* and 1050.1E – *Environmental Impacts: Policies and Procedures*, and the FAA *Environmental Desk Reference for Airport Actions*, which incorporate the Council on Environmental Quality's (CEQ) regulations for implementing NEPA, as well as U.S. Department of Transportation (DOT) environmental regulations, and many other Federal statutes and regulations designed to protect the Nation's natural and human resources. Accordingly, the FEA will address each of the informational requirements listed in Chapter 7 of FAA Order 5050.4B. The services to be provided to meet those requirements are listed below.

The FEA is to be used only for limited types of projects. The use of this format has been discussed with the Orlando ADO Environmental Program Specialist (EPS) prior to development of this scope of work to conduct the NEPA environmental process for the proposed Airport project. This FEA format is based upon the guidance in FAA Order 5050.4B –The information provided by this FEA will enable the FAA Orlando ADO to evaluate the proposed project's compliance with NEPA and applicable Federal special purpose laws. This format is intended to meet the intent of, and satisfy the FAA's regulatory requirements under NEPA.

I. Focused Environmental Assessment

The AVCON Team shall assess and document the following components as outlined in the Focused Environmental Assessment provided and developed by the FAA Orlando ADO.

1. Project Location
2. Airport Sponsor Information
3. Preparer Information
4. Proposed Project
5. Purpose of and Need
6. Alternatives to the Project (Including No-Action Alternative)
7. Affected Environment
8. Environmental Consequences-Impact Categories
 - (1) Air Quality (See Note 1 below)
 - (2) Coastal Resources
 - (3) Compatible Land Uses
 - (4) Construction Impacts
 - (5) DOT Section 4(f) and Land and Water Conservation Fund (LWCF) Section 6(f) Resources
 - (6) Farmland--Prime, Unique or state-significant Farmland
 - (7) Fish, Wildlife, and Plants
 - (a) Habitat Impact Assessment
 - (b) Plant Community and Wildlife Impact Assessment
 - (c) Federally Listed and Candidate Species Impact Assessment

This task will include informal consultation with the U.S Fish and Wildlife (FWS) and National Marine Fisheries Service (NMFS) as appropriate. Development of a complete Biological Opinion (BO) is not included nor is reasonably anticipated or allowed within a Focused Environmental Assessment.

(d) State Listed and Candidate Species Impact Assessment

This task will include informal consultation with the Florida Fish and Wildlife Conservation Commission (FWC) and the Florida Department of

Environmental Protection (DEP) as appropriate.

(e) Migratory Bird Treaty Act Species Impact Assessment

This task will include informal consultation with the U.S. Fish and Wildlife (FWS) and National Marine Fisheries Service (NMFS) as appropriate.

(f) Avoidance, Minimization, and Mitigation Measures

(8) Floodplain Impact Assessment

(9) Hazardous Materials, Pollution Prevention, and Solid Waste

Use of the Airport's existing Stormwater Preventative Pollution Plan (SWPPP) shall be used in this evaluation. Phase I or greater Environmental Site Assessments are not included in this scope.

(10) Historical, Archaeological, and Cultural Resources National Historic Preservation Act (NHPA) Section 106

Coordination with three Tribal Historic Preservation Officers (THPO) and the State Historic Professionals Officer (SHPO) shall be coordinated through the FAA Orlando ADO EPS. Phase I or greater Cultural Resource Assessments are not included in this scope.

(11) Light Emissions and Visual Impacts

(12) Natural Resources, Energy Supply, and Sustainable Design

(13) Noise Analysis (See Note 1 below)

(14) Secondary (Included) Impacts

(15) Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks

(16) Water Quality

(17) Wetlands

(a) Wetland Identification and Assessment

(b) Impact Assessment- Avoidance

(c) Impact Assessment - Minimization

(d) Compensatory Mitigation

(e) Permits Required

(f) Airport Sponsor Mitigation Statement

(18) Wild and Scenic Rivers

9. Other Considerations

10. Permits Required

11. Mitigation Summary

12. Cumulative Impacts

This evaluation will include the cumulative impact of past (previous 3 years), current, and future (next 5 years) projects occurring within the Leesburg International Airport study area.

13. Report Preparation – AVCON shall incorporate each of the sections above into a comprehensive document in the format generally accepted by the FAA ADO. This section includes:

- (1.) Publication of Preliminary Draft FEA
- (2.) Publication of Draft FEA
- (3.) Prepare electronic copy of Draft FEA
- (4.) Publication of Final FEA
- (5.) Prepare electronic copy of Final FEA
- (6.) Quality Control Review

14. Public meetings - AVCON shall attend 2 public meetings for this project. At the public meetings, AVCON will explain the project and will assist the Airport with answering any questions related to the project. If it is determined by the FAA or FDOT that public involvement above and beyond attending two public meetings is required, AVCON has prepared an optional scope and fee proposal for this additional effort. See Section II below.

Note 1: AVCON discussed the scope of the FEA with the FAA on July 11, 2014. In this discussion the FAA indicated the air quality and noise components from the Environment Assessment for the Runway 13-31 extension would remain applicable and these sections would not need to be updated for this project. This scope of work does not include an air quality study or noise modeling. In these sections, AVCON will reference applicable sections of the Runway 13-31 Environmental Assessment. If it is determined that additional documentation is required to complete the FEA, this proposal shall be revisited.

II. Public Involvement- OPTIONAL

With the Public Notice of the Availability of a Draft Environmental Assessment, the public will be given a 15-day notice to request a Public Hearing. Should a Public Hearing be requested, the AVCON Team shall prepare all materials for one (1) Public Hearing. This will be coordinated with the Airport Sponsor and publicly noticed. The AVCON Team shall present the draft FEA for the meeting. The Airport Sponsor will be responsible for public record documentation. A summary of the meeting will be provided as an appendix to the FEA.

III. Deliverables:

- A. Draft FEA to the Airport Sponsor and a revised draft FEA that incorporates any Airport Sponsor comments.
- B. Draft FEA to FDOT and the FAA Orlando ADO and appropriate components to the Florida State Clearing House
- C. Final draft FEA to FDOT and the FAA Orlando ADO EPS for transmittal and approval to the FAA.

III Fees

Total Fee for Focused Environmental Assessment is \$30,087.30.

IV Schedule

The first draft of the Focused Environmental Assessment shall be completed within 90 days from the notice to proceed. The final document shall be complete within 30 days of receipt of comments.

EXHIBIT "D"

SINGLE AUDIT ACT REQUIREMENTS

This exhibit forms an integral part of that certain Joint Participation Agreement between the State of Florida, Department of Transportation and the City of Leesburg
501 West Meadow Street, Leesburg, Florida 34749

- CFSA NUMBER:** 55.004
- STATE PROJECT TITLE:** Aviation Development Grants
- STATE AGENCY:** Florida Department of Transportation
- AMOUNT:** \$145,640
- PROGRAM OBJECTIVES:** The Aviation Grant Program is designed to provide a safe, cost effective, and efficient statewide aviation system. Grant funds assist airports build and maintain runways and taxiways, eliminate airport hazards, protect air space, and build terminals and other facilities. In addition, grants are intended to further develop and improve aerospace transportation facilities.
- PROGRAM PROCEDURES:** Florida law allows the Department to fund any capital project on airport property and any services that lead to capital projects, such as planning and design services. The only off-airport projects allowed are purchase of mitigation land, noise mitigation, purchase of aviation easements, and access projects for intercontinental airports. Airport capital equipment is eligible, except equipment closely related to day-to-day operations. Operational costs such as maintenance services, equipment, and supplies are not eligible for aviation grants.
(Florida Aviation Project Handbook at <http://www.dot.state.fl.us/aviation/flpub.shtm>)
- To be eligible for Department grants, each airport project must be consistent with the airport role defined in the Florida Aviation System Plan, and capital projects must be part of the Department's approved airport master plan/layout. The Department's aviation grant programs include:
- Airport Planning;
 - Airport Improvement;
 - Land Acquisition;
 - Airport Economic Development.
- (Florida Aviation Project Handbook at <http://www.dot.state.fl.us/aviation/flpub.shtm>)
- The Department Aviation Office has developed the "Guidebook for Airport Master Planning" (this document and others can be obtained through the Internet at <http://www.dot.state.fl.us/aviation/planning.shtm>). This guidebook is the standard by which all master planning documents will be produced.
- Aerospace transportation facility projects must be consistent with the Space Florida Master Plan or the local government spaceport master plan.

**COMPLIANCE
REQUIREMENT:**

In developing audit procedures to test compliance with the requirements for a state project, the auditor should first look to Part Two, Matrix of Compliance Requirements, to identify which of the 10 types of compliance requirements described in Part Three of the Compliance Supplement are applicable and then look to Parts Three and Four for the details of the requirements.

ACTIVITIES ALLOWED:

Airport Planning

Airport Planning Grants are to study options for airport development and operations. The Department funds airport master plans, airport layout plans (ALP), noise and environmental studies, economical impact, services development, and airport promotion. Examples of projects are:

- Master plans and ALPs;
- Master drainage plans;
- Environmental assessments (EA);
- Development of regional impact (DRI);
- Operations and emergency response plans;
- Federal Aviation Regulations (FAR) Part 150 noise studies;
- Environmental impact studies (EIS);
- Wildlife hazard studies;
- Feasibility and site selection studies;
- Business plans;
- Airport management studies and training;
- Air services studies and related promotional materials.

(Florida Aviation Project Handbook at
<http://www.dot.state.fl.us/aviation/flpub.shtm>)

Airport Improvement

These grants are to provide capital facilities and equipment for airports. Examples of projects are:

- Air-side capital improvement projects (runways, taxiways, aprons, T-hangers, fuel farms, maintenance hangers, lighting, control towers, instrument approach aids, automatic weather observation stations);
- Land-side capital improvement projects (terminal buildings, parking lots and structures, road and other access projects);
- Preservation projects (overlays, crack sealing, marking, painting buildings, roofing buildings, and other approved projects);
- Safety equipment (e.g. Aircraft Rescue and Fire Fighting [ARFF] equipment and lighted Xs);
- Safety projects (tree clearing, land contouring on overrun areas, and removing, lowering, moving, and marking, lighting hazards);
- Information technology equipment (used to inventory and plan airport facility needs);
- Drainage improvements.

(Florida Aviation Project Handbook at
<http://www.dot.state.fl.us/aviation/flpub.shtm>)

Land Acquisition

This grant program protects Florida's citizens from airport noise and protects airport clear zones and runway approach areas from encroachment. Administrative Costs, appraisals, legal fees, surveys, closing costs and preliminary engineering fees are eligible costs. In the

event the negotiation for a fair market value is unsuccessful, the court will be petitioned for "an Order of Taking" under the eminent domain laws of Florida. Examples of projects are:

- Land acquisition (for land in an approved master plan or ALP);
- Mitigation land (on or off airport);
- Aviation easements;
- Right of way;
- Approach clear zones.

(Florida Aviation Project Handbook at <http://www.dot.state.fl.us/aviation/flpub.shtm>)

Airport Economic Development

This grant program is to encourage airport revenue. Examples of projects are:

- Any airport improvement and land purchase that will enhance economic impact;
- Building for lease;
- Industrial park infrastructure and buildings;
- General aviation terminals that will be 100 percent leased out;
- Industrial park marketing programs.

(Florida Aviation Project Handbook at <http://www.dot.state.fl.us/aviation/flpub.shtm>)

Aviation Land Acquisition Loan Program

The Department provides interest free loans for 75 percent of the cost of airport land purchases for both commercial service and general aviation airports.

This is a general description of project types. A detail list of project types approved for these grant programs can be found in the Aviation Grant Program manual which can be accessed through the internet at www.dot.state.fl.us/Aviation/Public.htm.

Aerospace Transportation Facilities

Department provides grants for spaceport master plans, layout plans, development studies, capacity projects, and launch support facilities that enable the primary flow of passengers and cargo to space corridors (e.g. facilities located at launch sites/ ranges needed to support launch activities). Projects at horizontal launch facilities also includes aprons, taxiways, runways, drainage, and approach lights.

ALLOWABLE COSTS: See Part Three.

CASH MANAGEMENT: See Part Three.

ELIGIBILITY: Not Applicable.

**EQUIPMENT/REAL
PROPERTY MANAGEMENT:** Not Applicable.

MATCHING:

Commercial Service Airports

When no federal funding is available, the Department provides up to 50 percent of the project costs. When federal funding is available, the Department can provide up to 50 percent of the non-federal share.

(Florida Aviation Project Handbook at <http://www.dot.state.fl.us/aviation/flpub.shtm> and Section 332.007(6) Florida Statutes)

General Aviation Airports

When no federal funding is available, the Department provides up to 80 percent of project costs. When federal funding is available, the Department can provide up to 80 percent of the non-federal share.

(Florida Aviation Project Handbook at <http://www.dot.state.fl.us/aviation/flpub.shtm> and Section 332.007(6) Florida Statutes)

Economic Development

The Department provides up to 50 percent of airport economic development funds to build on-airport revenue-producing capital improvements. This program is for local match only.

(Florida Aviation Project Handbook at <http://www.dot.state.fl.us/aviation/flpub.shtm> and Section 332.007(6) Florida Statutes)

Airport Loans

The Department provides a 75 percent loan program to fund the Aviation Land Acquisition Loan Program.

(Florida Aviation Project Handbook at <http://www.dot.state.fl.us/aviation/flpub.shtm> and Section 332.007(6) Florida Statutes)

PERIOD OF AVAILABILITY: Not Applicable.

REPORTING: Not Applicable.

SUBRECIPIENT MONITORING: Not Applicable.

SPECIAL TESTS PROVISIONS: Not Applicable.