

SIGNATURE REQUEST

This document is used to provide information for approval by the Chief Executive Officer

(Please print/type clearly) [ALL FIELDS MUST BE FILLED IN]

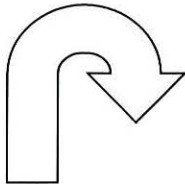
Date of Request:	<u>September 23, 2022</u>
Requesting Department:	<u>Commercial Properties</u>
Requesting Individual:	<u>Byron Hoffman <i>BH</i></u>

Contract type (check applicable):

- Airline Related Document
- Aviation Authority Board Meeting
Board date: 9/21/22
Board item: P
- Change Orders
- Concessions/Procurement Committee
Committee date: _____
- Concessions Related Documents
- Construction or PSC
Committee date: _____
- Procurement w/o committee approval
- Professional Services (requires notification to board)
- Sole Source Amount: _____
- Single Source Amount: _____
- Space Use Agreement
- Other

Reviewed by (check one):

- Legal counsel Firm: _____
Contact Name & Number: _____
- Department head Name: Brad Friel, Director Planning and Development



RETURN TO: Byron Hoffman

SPECIAL INSTRUCTIONS

Please execute this Amendment No. 3 to Fuel Systems Lease Agreement with Orlando Fuel Facilities LLC (2 sets of originals).

Board Services Use Only

- | | |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <input type="checkbox"/> Signed by Chief Executive Officer | <input type="checkbox"/> Returned all originals to requesting individual |
| <input type="checkbox"/> Rejected by Chief Executive Officer | <input type="checkbox"/> Copy for log file <input type="checkbox"/> Filed 1 original |
| <input type="checkbox"/> Board Notification (Y/N) | |
| <input type="checkbox"/> City Council Approval – date _____ | |

**GREATER ORLANDO AVIATION AUTHORITY
AGENDA**

DATE: SEPTEMBER 21, 2022

DAY: WEDNESDAY

TIME: 2:00 P.M.

PLACE: CARL T. LANGFORD BOARD ROOM, ORLANDO INTERNATIONAL AIRPORT, ONE JEFF FUQUA BOULEVARD

For individuals who conduct lobbying activities with Aviation Authority employees or Board members, registration with the Aviation Authority is required each year prior to conducting any lobbying activities. A statement of expenditures incurred in connection with those lobbying instances should also be filed prior to April 1 of each year for the preceding year. Lobbying any Aviation Authority Staff who are members of any committee responsible for ranking Proposals, Letters of Interest, Statements of Qualifications or Bids and thereafter forwarding those recommendations to the Board and/or Board Members is prohibited from the time that a Request for Proposals, Request for Letters of Interests, Request for Qualifications or Request for Bids is released to the time that the Board makes an award. The lobbyist shall file a Notice of Lobbying (Form 4) detailing each instance of lobbying to the Aviation Authority within 7 calendar days of such lobbying. Lobbyists will also provide a notice to the Aviation Authority when meeting with the Mayor of the City of Orlando or the Mayor of Orange County at their offices. The policy, forms, and instructions are available on the Aviation Authority's offices web site. Please contact the Chief Administrative Officer with questions at (407) 825-7105.

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. CONSIDERATION OF AVIATION AUTHORITY MINUTES FOR AUGUST 17, 2022

VI. RECOGNIZING YEARS OF SERVICE

VII. CONSENT AGENDA

(These items are considered routine and will be acted upon by the Aviation Authority in one motion. If discussion is requested on an item, it will be considered separately. Items under this section are less than \$325,000 dollars)

- A. Recommendation to Accept Committee Minutes
- B. Recommendation of the Construction Committee to Approve an Addendum to the Continuing Program and Project Management Services Agreement with AECOM Technical Services, Inc. for Fiscal Year (FY) 2023 Staff Extension Support Services for Project Controls at the Orlando International Airport
- C. Recommendation of the Construction Committee to Approve No-Cost Addenda to the Continuing Roofing Construction Services Agreements to Exercise the Second and Final One-Year Renewal Option
- D. Recommendation of the Construction Committee to Approve a Job Order Construction Services Addendum to the Continuing Low Voltage Construction Services Agreement with Orlando Business Telephone Systems, Inc. for Construction Services for Project L-00072, On-Call Low Voltage Services (FY23-OBTS), at the Orlando International Airport
- E. Recommendation of the Construction Committee to Approve a Job Order Construction Services Addendum to the Continuing Low Voltage Construction Services Agreement with Quality Cable Contractors, Inc. for Construction Services for Project L-00074, On-Call Low Voltage Services (FY23-QCC), at the Orlando International Airport
- F. Recommendation of the Construction Committee to Approve a Job Order Construction Services Addendum to the Continuing Low Voltage Construction Services Agreement with Mountchor Technologies, Inc. for Construction Services for Project L-00075, On-Call Low Voltage Services (FY23-MOUNTCHOR), at the Orlando International Airport
- G. Recommendation of the Construction Finance Oversight Committee to Approve Funding Action(s) to Various Contracts
- H. Recommendation of the Concessions/Procurement Committee to Approve Amendment No. 2, Increase in Value, for Purchasing Contract 10-20, Roadway Landscape Maintenance and Irrigation Services, at the Orlando International Airport, with Helping Hand Lawn Care LLC (Helping Hand)
- I. Recommendation of the Concessions/Procurement Committee to Award a Single Source Procurement (SG-00191) for Financial Consulting and Treasury Management Services with Geraldine Danforth
- J. Recommendation of the Concessions/Procurement Committee to Award Single Source Procurement SG-00192 for Accounting and Finance Consulting Services with Pamela J. L'Heureux CPA, PLLC

NOTE: Any person who desires to appeal any decision made at these meetings will need record of the proceedings and for that purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.

GREATER ORLANDO AVIATION AUTHORITY
AGENDA FOR ITS SEPTEMBER 21, 2022 MEETING
PAGE 2

VII. CONSENT AGENDA (cont'd)

- K. Recommendation to Approve Limited Extensions to Align with the Terminals A and B Concessions Master Plan Proposal at Orlando International Airport
- L. Recommendation of the Construction Committee to Approve an Amendment to Addendum No. 16 to the Construction Management at Risk (CM@R) Entity Services for South Terminal C, Phase 1, Agreement with Turner-Kiewit Joint Venture, for Project Bid Package (BP) No. S00156, South Terminal C, Phase 1 – Central Energy Plant (CEP) and Emergency Power Generation (EPG) Building (GMP No. 14-S) at the Orlando International Airport
- M. Recommendation to Approve the Amendment Number 2 to the Amended and Restated Global Agreement and the First Amendment to the 12KV Line Installation Agreement by and between the Greater Orlando Aviation Authority ("Aviation Authority") and the Orlando Utilities Commission ("OUC")
- N. Recommendation to Approve the Lease Agreement at Colonial Promenade Shopping Center, Orlando Executive Airport, with American Freight, LLC
- O. Recommendation to Approve the a Consent to Assignment and Assumption of the Lease Agreement for Shoppes at Baldwin Park at Orlando Executive Airport
- P. Recommendation to Approve Amendment No. 3 to Fuel System Lease Agreement at Orlando International Airport, with Orlando Fuel Facilities, LLC
- Q. Recommendation to the Confirm the Reappointments of five Existing Members to the Orlando Executive Airport Advisory Commission
- R. Recommendation to Increase Shift Premium Pay for Non-Bargaining Unit Designated Classifications and Approve the Corresponding Update to Policy 206.03; Shift Premium
- S. Recommendation to Amend the Chief Executive Officer's Employment Agreement

VIII. PROCUREMENTS

(Notification for release of documents for different services at the Aviation Authority in excess of \$500,000)

- A. Statements of Qualifications, Design/Build/Operate/Maintain (DBOM) Services for Bid Package (BP) No. 00477, Airsides 2 and 4 Automated People Mover (APM) Improvements, at Terminals A and B at the Orlando International Airport
- B. Upcoming Construction Projects can be found at [September 2022-Construction Update \(orlandoairports.net\)](http://orlandoairports.net)

IX. CHIEF EXECUTIVE OFFICER'S REPORT

X. NEW BUSINESS

(Pursuant to Florida Statute 332.0075, contracts in excess of \$325,000 are listed under this section as separate line items)

- A. Recommendation of the Construction Committee to Approve an Amendment to Addendum No. 9 to the Program and Project Management Services Agreement for South Terminal C, Phase 1, Program, with Geotech Consultants International, Inc. dba GCI, Inc. for Fiscal Year (FY) 2022 Construction Phase Owners Authorized Representative (OAR) Program and Project Management Services for W-S00111, South Terminal C, Phase 1 – Program and Project Management Services, at the Orlando International Airport
- B. Recommendation of the Construction Committee to Approve an Addendum to the Continuing Program and Project Management Services Agreement with AECOM Technical Services, Inc. for Fiscal Year (FY) 2023 Tenant/Concessions Projects Owner's Authorized Representative (OAR)/Project Manager (PM) Oversight Services
- C. Recommendation of the Construction Committee to Approve an Addendum to the Continuing Program and Project Management Services Agreement with Geotech Consultants International, Inc. dba GCI, Inc. for Fiscal Year (FY) 2023 Staff Extension Support Services to the Engineering and Construction Department
- D. Recommendation of the Construction Committee to Approve an Addendum to the Continuing Program and Project Management Services Agreement with PSA Constructors, Inc. dba PSA Management, Inc. for Fiscal Year (FY) 2023 Staff Extension Support Services related to Security Infrastructure/Technology Oversight and Special Systems Integration
- E. Recommendation of the Construction Committee to Approve an Addendum to the Computer Aided Drafting (CAD), Geographic Information System (GIS), Building Information Modeling (BIM) and Related Services Agreement with EPIC Engineering and Consulting Group, LLC for Fiscal Year (FY) 2023 CAD, GIS, BIM and Related Services
- F. Recommendation of the Ground Transportation Committee to Amend the Ground Transportation Rules and Regulations
- G. Recommendation of the Construction Committee to Approve the Procurement of the Aviation Authority's Rolling Builders Risk Insurance Program for Major Construction Projects and Authorize Payment of the Initial Premium for Project Bid Package (BP) Nos. S00195, S00196 and S00198, at the Orlando International Airport
- H. Recommendation of the Construction Committee to Approve the Procurement of Owner's Protective Professional Indemnity (OPPI) Insurance and Authorize Payment of the Initial Premium Amount for Project Bid Package (BP) Nos. S00195, S00196 and S00198, at the Orlando International Airport
- I. Recommendation of the Construction Committee to Approve an Addendum to the Continuing Transportation Planning Services Agreement with HNTB Corporation, for Fiscal Year (FY) 2023 Staff Extension Services for Transportation Planning and Related Tasks.
- J. Recommendation of the Construction Committee to Approve an Addendum to the General Consulting Services Agreement with Ricondo & Associates, Inc. for Fiscal Year (FY) 2023 On-Site Planning Support Services



GREATER ORLANDO AVIATION AUTHORITY

Orlando International Airport
One Jeff Fuqua Boulevard
Orlando, Florida 32827-4392

MEMORANDUM

TO: Members of the Aviation Authority

FROM: Brad Friel, Director Planning and Development

DATE: September 21, 2022

ITEM DESCRIPTION

Recommendation to Approve Amendment No. 3 to Fuel System Lease Agreement at Orlando International Airport, with Orlando Fuel Facilities, LLC

BACKGROUND

The Greater Orlando Aviation Authority (Aviation Authority) and Orlando Fuel Facilities, LLC are parties to a Fuel System Lease Agreement (Lease), dated March 1, 2009, as amended (the "Agreement") for the operation and maintenance of the Fuel System, as defined in the Agreement, at Orlando International Airport. The Agreement expires in 2038.

ISSUES

The Aviation Authority is completing construction of Terminal C which includes the Temporary Terminal C GSE Fuel Island to accommodate GSE equipment fueling at Terminal C. The Temporary Terminal C GSE Fuel Island is not currently identified in the Lease and requires this Board's approval to be added. This amendment also makes a one-time adjustment to increase the Non-Contracting user fee from \$0.0348 to \$0.125 per gallon. This rate has not been adjusted since 2011 and requires the Aviation Authority's approval, pursuant to the Lease. After this adjustment, the rate will be the greater of (i) \$0.125 or (ii) 150% of the member rate.

ALTERNATIVES

No alternatives are being considered at this time.

FISCAL IMPACT

An estimated \$9,959.00 in additional annual rent paid to the Aviation Authority. Also, the Aviation Authority will also receive 7/15^{ths} of the \$0.125 per gallon, or \$0.0584 per gallon of the Non-Contracting Users fees collected by the Fuel System Operator.

RECOMMENDED ACTION

It is respectfully requested that the Aviation Authority Board resolve to (1) approve Amendment No. 2 to Fuel System Lease Agreement at Orlando International Airport, with Orlando Fuel Facilities, LLC; and (2) authorize an Aviation Authority Officer or Chief Executive Officer to execute the necessary documents following satisfactory review by legal counsel.

CONSENT AGENDA ITEM – P –

ORLANDO INTERNATIONAL
AIRPORT

AMENDMENT NO. 3 TO
FUEL SYSTEM LEASE
AGREEMENT



GOAA DATE 9/21/2022
ITEM NO. 3.F
DOCUMENTARY # 101480

This Amendment No. 3 to the Fuel System Lease Agreement (this “Amendment No. 3”) is made and entered into as of this 28 day of September, 2022, by and between the **Greater Orlando Aviation Authority**, a public body corporate existing under the laws of the State of Florida (the “Authority”), and **Orlando Fuel Facilities LLC**, a limited liability company organized and existing under the laws of the State of Delaware and authorized to do business in the State of Florida (“Lessee”).

Background

A. Authority and Lessee are parties to a Fuel System Lease Agreement made and entered into with an effective date of March 1, 2009, as amended by that certain Amendment No. 1 to Fuel System Lease Agreement made and entered into with an effective date of September 1, 2013, and that certain Amendment No. 2 to Fuel System Lease Agreement made and entered into with an effective date of December 21, 2021 (the “Agreement”); and

B. Pursuant to that certain Amended and Restated Operation and Use Agreement, dated August 30, 2015, by and between the Authority and the City of Orlando (“City”), the Authority controls, operates and maintains the airport in Orange County, Florida, known as Orlando International Airport (“Airport”); and

C. Authority and Lessee desire to further amend the Agreement in the manner set forth below.

Agreement

NOW, THEREFORE, in consideration of the mutual promises and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, hereby agree as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

2. **Definitions.** Capitalized terms herein shall have the definition ascribed to them in the Agreement, unless otherwise defined herein.

3. **Temporary Terminal C GSE Fuel Island.** Exhibit “A” is here by amended to add the area entitled Interim GSE Fueling Location as shown on Exhibit “1,” attached hereto and incorporated herein, to the Demised Premises (the “Temporary GSE Fuel Island”).

4. **Section 6.4.1.** Section 6.4.1 of the Agreement is hereby deleted in its entirety and replaced with the following:

“6.4.1. **Hydrant Fuel System Fee.** Lessee shall charge Non-Contracting Users a fee for use of the Fuel System, up to a maximum fee equal to the greater of (a) \$0.125 per gallon or (b) one hundred fifty percent (150%) of the highest Member rate, in accordance with the paragraph titled “Computation for Purposes of Determining Non-Contracting User Fee” in attached Exhibit D. The Members shall pay Lessee the Member rates for using the Fuel System, and the basis for computing the Member rates is set forth in the Lessee Agreements and is summarized on the attached Exhibit D. Lessee shall remit to the Authority seven-fifteenths (7/15ths) of the fees collected pursuant to this Section 6.4.1 from Non-Contracting Users, which amounts shall be collected by Lessee as agent for the Authority and shall be in addition to any Fuel System Rent or Ground Rent owed by Lessee hereunder. Lessee shall retain the remainder of the fees collected pursuant to this Section 6.4.1 solely for the purposes of paying for Lessee's rent, operations, and maintenance expenses for the Fuel System. Lessee may not change the fees charged pursuant to this Section 6.4.1 without the prior written consent of the Authority, which consent may not be unreasonably withheld, conditioned or delayed. The Authority may increase the fee charged to Non-Contracting Users pursuant to this Section 6.4.1 in the Authority's reasonable discretion.”

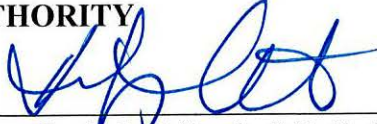
5. **Binding Agreement.** This Amendment shall be binding on and inure to the benefit of the parties hereto and their respective successors and assigns.

6. **Ratification.** Except as expressly amended by Amendment No. 1, Amendment No. 2 and this Amendment No. 3, the Agreement shall continue in full force and effect in accordance with its terms.

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IN WITNESS WHEREOF, the parties hereto have entered into this Amendment No. 3 as of the date first set forth above.

**GREATER ORLANDO AVIATION
AUTHORITY**

By: 
Name: Kevin J. Thibault, P.E. F. ASCE
Title: Chief Executive Officer
Date: 9/28/2022

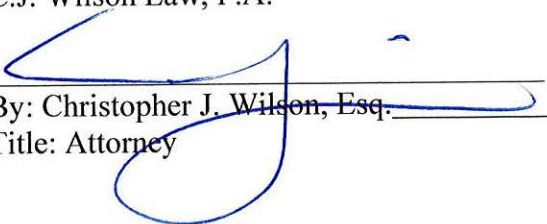
ATTEST:


By: Anna Famer
Title: Asst. Secretary

**APPROVED AS TO FORM AND
LEGALITY**

this 22 day of September, 2022, for the use and reliance of the Greater Orlando Aviation Authority only.

C.J. Wilson Law, P.A.


By: Christopher J. Wilson, Esq.
Title: Attorney

[Intentionally Blank -- Signature Page to Follow]

ORLANDO FUEL FACILITIES, LLC

By: Thomas J. McCartin
Name: : Thomas J. McCartin
Title: : Chairman
Date: 8/31/2022

