

MAY 16, 2024

A Joint Meeting of the [Board of Port Commissioners](#) of the Lee County Port Authority, with the Airports Special Management Committee, was held on this date in the Training and Conference Center at Southwest Florida International Airport (RSW), with the following members present:

LEE COUNTY PORT AUTHORITY

Mike Greenwell, Chairman
Kevin Ruane, Vice-Chairman
Cecil Pendergrass
Ray Sandelli
Brian Hamman

AIRPORTS SPECIAL MANAGEMENT COMMITTEE

Robbie Roepstorff, Chair
Noel Andress, Vice-Chair
John Goodrich
Fran Myers
Randy Krise

LEE COUNTY ATTORNEY:

Richard Wm. Wesch, Port Attorney
Andrea Fraser, Deputy Port Attorney
Robert Holborn, Asst. Port Attorney

REGIONAL MEMBERS:

Collier County Representative R. Scott Cameron-*Absent*
Charlotte County Representative Dana W. Carr-*Absent*

ON FILE IN MINUTES OFFICE:

- MONTHLY PROJECT SUMMARY DEVELOPMENT REPORTS – [March 2024](#) and [April 2024](#)
- PROCUREMENT STATUS REPORT – [May 16, 2024](#)
- TOURIST DEVELOPMENT COUNCIL RECAP – [May 9, 2024](#)

The Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Todd Weston, River of Life Assembly, followed by the Pledge of Allegiance.

STAFF RECOGNITION

Lee County Port Authority Interim Executive Director Steve Hennigan introduced Carlos Najarro, who was recently promoted to Deputy Chief of the Lee County Port Authority Police Department. Deputy Chief Najarro has a bachelor’s degree in administration from Barry University and an associate’s degree from Westwood College of Technology. He is also a United States Air Force veteran. Mr. Hennigan stated that Deputy Chief Najarro joined the Lee County Port Authority Police Department in 2010, was promoted to Sergeant in 2016 and Lieutenant in 2021.

9:30 A.M. AGENDA ITEM

The Chairman called for public comment on the Consent Agenda and there were no speakers.

There were no Consent Agenda items pulled for discussion by the individual Commissioners.

The Chairman called for a motion to approve the balance of the Consent Agenda and Commissioner Hamman so moved, seconded by Commissioner Ruane, called and carried.

CONSENT AGENDA

ADMINISTRATION Brian McGonagle

1. **Request Board approve the minutes for the following meetings of the Board of Port Commissioners: March 7, 2024.**

Term: N/A

Funding Source: N/A

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

2. **Request Board approve a Budget Amendment in the FY 2023/2024 Lee County Port Authority Operating Budget to establish a new fund 41208 to properly account for monies received for fire impact fees as part of the interlocal agreement between Lee County and the Lee County Airports Fire District.**

Term: N/A

Funding Source: Fund 41208 – Fire Impact Fees

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

[RESOLUTION NO. 24-05-13PA](#)

3. **Request Board approve a Budget Amendment in the FY 2023/2024 Lee County Port Authority Operating Budget to increase the budgeted operating expenses and revenues for the Southwest Florida International Airport by adding nine full time positions.**

Term: N/A

Funding Source: Net revenues from the normal operation of RSW

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

RESOLUTION NO. 24-05-14PA

4. Request Board approve an amendment to the Professional Service Agreement (PSA) with Commercial Property of Southwest Florida, LLC for a survey for submittal to the South Florida Management District (SFWMD) for a cost not to exceed \$85,074.00 including contingency.

Term: N/A

Funding Source: Net Revenues from the normal operation of RSW

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

5. Request Board approve an **amendment** to the “Lease of TSA Office Space at Southwest Florida International Airport’s Midfield Terminal” with the United States of America.

Term: Through October 17, 2024

Funding Source: N/A

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

6. Request Board approve use of **Contract** 220105 for Technology Solutions, Products and Services to authorize purchases from Vertosoft LLC. for software support and integrations for a cloud based Computer Aided Dispatch and Records Management System (CAD/RMS).

Term: Date of approval by the Board of Port Commissioners for the duration of the Source Agreement, including renewals or extensions

Funding Source: General Airport operating revenues collected during the normal operations of the Airport, account string VF5132541200.503460 Information Technology

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

7. Request Board enter into an **agreement** with Fruition Growth, LLC for the flylcpa.com public website upgrade, migration & associated services for the Lee County Port Authority.

Term: Five years with one five-year renewal option

Funding Source: General Airport Operating Revenue Fund VF5132541200.503460, Information Technology

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

AVIATION Steven Hennigan

8. Request Board approve the **First Amendment** to PRODIGIQ MultiModule Software, Service & Support Agreement, Contract #9115, to replace the existing Safety Management System (SMS) RHODES module with the ProSafeT module to help us comply with the Federal Aviation Administration's (FAA) 14 CFR Part 139 SMS requirements.

Term: Upon Board approval through June 30, 2028, plus any authorize contract extensions

Funding Source: VF5132541200.503460 Information Technology

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

9. Request Board approve a **Service Provider Agreement** (SPA) with GateKeeper Systems, Inc. to provide Ground Transportation Management System (GTMS) services, software, and equipment at Southwest Florida International Airport.

Term: Effective upon Board approval and will continue for an initial term of three years. Authority will have the option to extend the agreement for two additional three-year terms

Funding Source: VF5132541200.503460

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

10. Request Board authorize the Executive Director to execute the Work Authorization with ChrisTel Construction in the amount of \$189,377.37, for Concourse B plumbing repairs per the terms and conditions of CTC #23119E and LCPA contract #9227.

Term: N/A

Funding Source: General Airport Operating Revenue collected during normal operation of SWFIA, Account WJ5422941200.503490, and other Contracted Services

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

11. Request Board authorize the Executive Director to execute the Work Authorization with ChrisTel Construction for \$367,085.29, for roofing repairs as identified in a comprehensive annual evaluation report, per the terms and conditions of CTC #23124E and LCPA contract #9227.

Term: N/A

Funding Source: General Airport Operating Revenue collected during normal operation of SWFIA, Account WJ5422941200.503490, and other Contracted Services

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

12. **Request Board authorize the Executive Director to execute the work authorization with ChrisTel Construction in the amount of \$152,946.55, which includes a 5% owner's contingency of \$6,558.60, for the demolition of the cargo bay building and a former corporate hangar at Page Field per the terms and conditions of CTC#23112C and LCPA contract #9227.**

Term: N/A

Funding Source: Funds available in the Page Field construction fund; Project account string 20863341238.506199

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

13. **Request Board award Service Provider Agreements in accordance with RFB 2444MSC for Landscape Services at RSW to [Leecount LLC, DBA US Lawns of Fort Myers](#), at an annual cost of \$140,933.28; and [Grow Care Outdoor Solutions, LLC](#) at an annual cost of \$154,210.80.**

Term: three-year term commencing upon Board approval and authorizes the Executive Director to approve one additional two year term

Funding Source: General Airport Operating Revenues collected during the normal operation of Southwest Florida International Airport. Funds are available in Account String WJ5400041200.503490, Other Contracted Services, contingent upon approval of the associated fiscal year's operating budgets

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

14. **Request Board approve a three-year collective bargaining agreement effective October 1, 2024, through September 30, 2027, between Lee County Port Authority and Southwest Florida Professional Fire Fighters & Paramedics, Local 1826, District 22, I.A.F.F., Inc.**

Term: Three years commencing October 1, 2024, through September 30, 2027

Funding Source: N/A

Vote: Commissioner Hamman moved approval, seconded by Commissioner Ruane, called and carried.

ADMINISTRATIVE AGENDA

CAPITAL PROGRAMS & STRATEGIC PLANNING – Mark Fisher

15. **Request Board:**

- 1) **Accept \$3.3 million from Atkins in good faith towards structural design costs associated with the Southwest Florida International Airport (RSW) Terminal Expansion Project.**
- 2) **Continue with Atkins on the RSW Concourse E Project and utilize Atkins as the Architect/Engineer of Record (A&E).**
- 3) **Competitively select a new A&E for the RSW Rental Car Relocation/Expansion Project.**
- 4) **Authorize the Port Attorney's Office to amend contracts related to the RSW Terminal Expansion Project.**

Term: N/A

Funding Source: N/A

Board Discussion: Senior Deputy Executive Director of Capital Programs and Strategic Planning Mark Fisher presented the item to the Board stating the Board previously selected Atkins Engineering as the lead architect engineering firm to serve as the engineer of record from the start of design through the end of construction for three Southwest Florida International Airport (RSW) projects. The design of Concourse E Terminal Expansion is currently complete and ready for construction. The Rental Car Relocation Expansion Project is ready to start design. Mr. Fisher stated that Staff suggests retaining Atkins Engineering work force and resources on two ongoing projects – the Terminal Expansion Project Phase 1 and the Concourse E Project. Staff has evaluated options of selecting an alternative architect and engineer for the two projects currently underway. Mr. Fisher stated that changing course at this stage would require at a minimum one year for hiring a new architect and engineer. Southwest Florida International Airport has been awarded an \$8 million grant from the Federal Aviation Administration (FAA) for FY 2024 and would not be able to accept this grant if Staff were directed to secure a new architect and engineer firm. Staff recommends the Board approve the agenda item as recommended.

Commissioner Hamman requested clarification on what happened with Atkins Engineering and what the status is. County Attorney Richard Wm. Wesch stated that Staff is working with Atkins and there are some ongoing challenges; however, Staff is comfortable continuing the working relationship. Attorney Wesch stated that item number one indicates Atkins Engineering good faith willingness to work with the Lee County Port Authority on the challenges that exist between the Port Authority, Atkins Engineering and the onsite General Contractor. Attorney Wesch stated there will continue to be some challenges going forward; however, he believes this is a positive first step in resolving those challenges. Commissioner Hamman reviewed each item stating that it was his understanding that the Board would be choosing a new architect and engineer for the Rental Car Relocation Expansion Project.

Attorney Wesch clarified that Atkins Engineering is not barred from participating in the procurement process for the Rental Car Expansion. He stated they are free to compete in the open market with whomever else might be interested in securing work on the rental car facility. However, there are no guarantees as to future awarding. Commissioner Hamman questioned the timeline for the contract amendments for the RSW Terminal Expansion Project. Attorney Wesch stated that Staff anticipates having the contracts amended for approval by the Port Authority at the next regular Board of County Commissioner meeting.

Public Comment: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Sandelli so moved, seconded by Commissioner Hamman, called and carried.

Commissioner Greenwell proposed making a motion for Port Authority Staff to work with Lee County Staff to make sure the project is moving forward. Airport Special Management Committee member Noel Andress inquired about the \$3.3 million from Atkins. Attorney Wesch stated the \$3.3 million is a good faith deposit from Atkins Engineering, is not a final settlement amount and that discussions will continue.

Public Comment: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Pendergrass made a motion for the Lee County Port Authority and Interim Executive Director to allow Lee County Procurement and Lee County Administration to be involved/assist with the construction of the RSW Terminal Expansion Project until the completion of the project, seconded by Commissioner Greenwell, called and carried.

There was extensive discussion among the Board as to what the Lee County Departments scope of duties and responsibilities will be. Commissioner Greenwell stressed the fact that the County would not be taking over the project, only assisting. There were concerns raised about the number of hours spent and the budget. Attorney Wesch stated that his office would keep track of the hours involved and stated if it were to become a budgetary magnitude, he would report back to the Board. Commissioner Hamman questioned if the County working with the Port Authority on the RSW Terminal Expansion Project could put potential liability or legal consequences on Lee County Staff. Attorney Wesch stated that there is nothing that would subject County tax dollars or taxpayers to liability by virtue of the motion. Attorney Wesch stated that Lee County Staff is only to assist the Lee County Port Authority and that this is and will remain a Port Authority project. Commissioner Ruane asked if the item should be memorialize in some form of writing to clarify exactly the intentions of the Board. Attorney Wesch suggest deferring until the scope of the duties and responsibilities are as outlined between the County Manager and the Lee County Port Authority Interim Executive Director.

DEVELOPMENT – Emily Underhill

16. Request Board direction regarding the project delivery method for the RSW Concourse E Project.

Term: Five years through June 29, 2028.

Funding Source: FDOT grant 441981 1 94 01/02; Community Project Funding; PFC; Anticipated FAA funds pending approval: RSW Construction Acct. 20862541234.56510.30

Board Discussion: Deputy Executive Director of Development Emily Underhill presented the item to the Board. On June 29, 2023, the Board approved a [contract](#) with Suffolk to serve as the Construction Manager for the RSW Concourse E project after a competitive selection process. This contract includes Suffolk acting as Construction Manager/General Contractor (CM/GC) and Agency CM (under a Design-Bid-Build delivery method). Both project delivery methods are used commonly in airport construction and both have advantages and disadvantages. The Lee County Port Authority has successfully utilized both delivery methods on numerous airport projects. The two delivery methods are described as follows:

CM/GC

- The Board has selected both the Construction Manager and General Contractor (Suffolk) for the project based on resume/qualifications
- Suffolk (as General Contractor) has participated in the design
- Suffolk will competitively bid out all construction work and cannot self-perform any construction work
- Suffolk will hold all construction subcontracts and must award construction subcontracts to low bidders (i.e., electrical, drywall, roofing, terrazzo, etc.)
- Suffolk will manage the construction work while holding all construction subcontracts

Agency CM (Design-Bid-Build delivery method)

- The Board has selected the Construction Manager (Suffolk) for the project based on resume/qualifications; The General Contractor will be selected based on the lowest bid price
- LCPA will competitively bid out all construction work to major prime General Contractors
- LCPA will hold the prime General Contractor contract awarded to the lowest bidder

• Suffolk will manage the construction work without holding any construction subcontracts, acting as LCPA's Construction Manager Agent as an extension of Staff. Currently, LCPA is advertising for prime General Contractor bids for construction for three of the four bid packages related to the RSW Concourse E Project: Landside/Roads, Passenger Boarding Bridges and Airside/Taxiways. These three bids are approximately one-third of the total project costs and are being advertised using the Agency CM delivery method to accommodate future LCPA federal grant funding requests. The forth bid is for the "terminal and concourse building construction" portion of the Concourse E project, which includes the main terminal expansion, a fourteen gate Concourse E, and associated chiller plant upgrades. Staff requests Board direction regarding the two options presented below:

Option 1) Request Board approve a contract amendment with Suffolk to provide CM/GC bidding for the RSW Concourse E Project construction in the amount of \$559,409.48. LCPA Staff has negotiated a preconstruction services task that will focus on preparing bid solicitation documents and sub trade work packages, outlining necessary phasing and logistics requirements, managing the bidding process, as well as analysis of all bids to ultimately award of subcontracts to the lowest responsive and responsible bidders.

Option 2) Request Board endorse Agency CM (Design-Bid-Build) delivery method for the RSW Concourse E Project construction. Should the Board prefer not to utilize a CM/GC delivery method, LCPA Staff will bid the RSW Concourse E Project using a traditional Design-Bid-Build delivery method whereby Suffolk will manage the construction work without holding any construction subcontracts. The terminal and concourse building construction contract will be bid and contracted directly by LCPA and Suffolk will act as LCPA's Construction Manager Agent, as an extension of Staff, managing all construction work. Suffolk fees to assist LCPA with bidding this work are estimated to be less than \$200,000, even though additional later costs for separate CM and GC contracts will be likely.

Staff requests Board direction related to the project delivery method for the RSW Concourse E Project fourth bid package (terminal and concourse building construction). LCPA Staff and Suffolk are prepared to implement either option with success.

Public Comment: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Sandelli moved Option Number One, seconded by Commissioner Pendergrass, called and carried.

COMMISSIONER ITEMS/COMMITTEE APPOINTMENTS

There were no Commissioner Items or Committee Appointments.

AIRPORT SPECIAL MANAGEMENT COMMITTEE COMMENTS

Airport Special Management Committee Chair Robbie Roepstorff had no additional items for discussion.

INTERIM EXECUTIVE DIRECTOR ITEMS

Lee County Port Authority Interim Executive Director Steve Hennigan reviewed his Interim Executive Director [Remarks](#) for the Joint Board Meeting of May 16, 2024.

PORT ATTORNEY ITEMS

Port Attorney Richard Wm. Wesch had no additional items for discussion.

PUBLIC COMMENT ON OTHER MATTERS

The Chairman called for public comment and no citizens came forward to speak.

ADJOURN:

The Chairman adjourned the meeting at 10:11 a.m.

ATTEST:

KEVIN C. KARNES, CLERK

By _____
Deputy Clerk

Chairman, Lee County Port Authority