

Approved:

Effective: March 2, 2020
Review: December 19, 2019
Office: Strategic Development
Topic No.: 725-000-005-j



Department of Transportation

PUBLIC TRANSPORTATION GRANT AGREEMENT

AUTHORITY:

Sections 20.23(3)(a), 334.048(3), Florida Statutes (F.S.).

REFERENCES:

Chapters 311, 331, 332, 334, 341, and 206.46, 320.20, 334.048(3), 339.12, Florida Statutes (F.S.).

PURPOSE:

It is the policy of the Florida Department of Transportation to establish a Departmentwide process for the development, execution, and revision of a Public Transportation Grant Agreement (PTGA) for a public transportation project with an agency.

SCOPE:

This procedure describes the use of a PTGA for public transportation projects.

DEFINITIONS:

Agency: A governmental entity as defined in **Section 334.03, F.S.** Also, for the purpose of this procedure, the definition of agency will include private sector and not-for-profit entities authorized by the Florida Legislature to enter into PTGAs.

Public Transportation Grant Agreement (PTGA): A PTGA is an agreement between an agency and the Department that establishes a public transportation project and responsibilities related to the project. A PTGA defines the scope, budget, funding source, and any legal provision necessary for the project.

PTGA with Deferred Reimbursement: A PTGA, as described above, which means an agreement wherein the Agency chooses to begin a project in advance of the year in which the project or funding is programmed in the Department's Adopted Work Program. Such agreements may sometimes include funding in the state fiscal year in which the agreement is executed. Costs eligible for reimbursement can only be incurred after the execution date of the agreement. Deferred Reimbursement Financial Provisions require an additional fiscal review and approval process.

Public Transportation Projects: Projects in the following categories and respective Transportation Systems: Transit, 08; Aviation, 09; Rail, 10; Seaports, 11; and, Intermodal, 15.

Amendment to the Public Transportation Grant Agreement: A revision to an existing PTGA to increase or decrease a project's scope or funding amount and may extend the time limits of a project.

1. PUBLIC TRANSPORTATION GRANT AGREEMENT

The language of the PTGA is approved by the Department. No additions, revisions, or exceptions to the PTGA language may be made without prior review by a Department attorney in the appropriate District legal office and the Strategic Development Contract Administrator. If financial provisions are being revised, the revisions must also be approved by the Office of Comptroller.

2. INITIAL PTGA EXECUTION

- 2.1** PTGA development is initiated with a letter, grant application, or request through one of the Department's Capital Improvement Programs from an agency indicating its agreement to participate in a Department recommended project or by requesting the Department's participation in a proposed project by an agency.
- 2.2** The Department will review the request and consider the scope of the project, priority of the project, availability of appropriate state funding, amount of federal participation, current status of the project within the Adopted Work Program, compliance with statutory requirements, consistency with the relevant state appropriation acts, and any other review areas as appropriate.
- 2.3** The Department will coordinate with the appropriate Metropolitan Planning Organization, Regional Planning Council, or local government to ascertain if the project is consistent with approved local government comprehensive plans, Transit Development Plans, Airport Master Plans, Port Master Plans/Airport Layout Plans (ALPS), and the Transportation Improvement Program as they may apply to the project.

- 2.4 The Department will coordinate with the agency in the development of the Project Description and Responsibilities, Schedule of Financial Assistance, and any special considerations required for the project.
- 2.5 After ensuring that the project is in the Adopted Work Program, the Department will process the execution of a PTGA using the Department's **Form No. 725-000-01, Public Transportation Grant Agreement** and include the necessary exhibits from Form No. 725-000-02, **Public Transportation Grant Agreement Exhibits**.

3. **AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT EXECUTION**

- 3.1 An amendment to the Public Transportation Grant Agreement to extend the agreement will be initiated when there is a justified change in the details of the project. Specific sections and/or exhibits of the original PTGA will be referenced and the change clearly indicated.
- 3.2 When amending a PTGA exhibit, attach a copy of the amended exhibit to the Amendment Form. On the Amendment Form, check the exhibit(s) being amended and provide a general description of amendments.
- 3.3 An amendment to the PTGA can be initiated with a request from the agency indicating the need to change the original PTGA or it can be initiated by the Department if a change is needed.
- 3.4 After ensuring that the PTGA has not expired and a fund approval has been received for the Amendment to the Public Transportation Grant Agreement, the Department will process the execution of an amendment using the Department's **Form No. 725-000-03, Amendment to the Public Transportation Grant Agreement**.

4. **PTGA WITH DEFERRED REIMBURSEMENT**

- 4.1 When a project that is in the Department's Adopted Work Program is ready to be initiated, and funding is not in place at the time of initiation, a **PTGA with Deferred Reimbursement** may be prepared.
- 4.2 The **PTGA with Deferred Reimbursement** will contain a provision that the agency may proceed with the project with its own funds and allowable costs are reimbursable subject to availability of funds. The provision shall clearly state that the Department will not reimburse the agency if funds become unavailable. Costs eligible for reimbursement can only be incurred after the execution date of the agreement.

4.3 In order for a project to be eligible for reimbursement, it must comply with all terms of the prequalified **PTGA with Deferred Reimbursement**.

4.4 **PTGA with Deferred Reimbursement** requires the request for deferred reimbursement be made by the District Secretary detailing the priority of the project including how the District will handle if funds are reduced. The request must then be approved by the Department's Assistant Secretary, Finance and Administration.

5. AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT WITH DEFERRED REIMBURSEMENT

An amendment to the Public Transportation Grant Agreement with Deferred Reimbursement is a revision to an executed PTGA (whether the PTGA includes Deferred Reimbursement or not) allowing reimbursable costs to be incurred by the agency using its own funds before state and federal funding is available and encumbered.

6. TIME EXTENSION

The Department may grant a no-cost time extension for the project if the agency provides a written request. The time extension must be executed prior to the expiration of the agreement. The Department will process the execution of a no-cost time extension using the Department's **Form No. 725-000-04, Request for Extension of Public Transportation Grant Agreement**.

7. TERMINATION

If the Department decides to terminate a Public Transportation Grant Agreement, the termination will be processed using the Department's **Form No. 725-000-05, Termination of The Public Transportation Grant Agreement**.

9. FORMS

Form No. 725-000-01, **Public Transportation Grant Agreement**

Form No. 725-000-02, **Public Transportation Grant Agreement Exhibits**

Form No. 725-000-03, **Amendment to the Public Transportation Grant Agreement**

Form No. 725-000-04, **Request for Extension of Public Transportation Grant Agreement**

Form No. 725-000-05, **Termination of The Public Transportation Grant Agreement**