

HILLSBOROUGH COUNTY AVIATION AUTHORITY

AMENDMENT NO. 1 TO
AGREEMENT FOR BOND COUNSEL SERVICES
AT TAMPA INTERNATIONAL AIRPORT

Holland & Knight LLP

Board Date: December 7, 2016

HILLSBOROUGH COUNTY AVIATION AUTHORITY
AMENDMENT NO. 1 TO AGREEMENT FOR BOND COUNSEL SERVICES

THIS AMENDMENT NO. 1 to Agreement for Bond Counsel Services, dated March 1, 2012, by and between Hillsborough County Aviation Authority, a public body corporate under the laws of the State of Florida (hereinafter referred to as "Authority"), and Holland & Knight LLP, a Florida limited liability partnership, authorized to do business under the laws of the State of Florida (hereinafter referred to as "Company"), is entered into this _____ day of December, 2016.

WITNESSETH:

WHEREAS, on March 1, 2012, as a result of a competitive procurement, Authority awarded Company an Agreement for Bond Counsel Services (hereinafter referred to as "Agreement") for the provision of bond counsel services; and

WHEREAS, Authority wishes to exercise the two, one-year renewal options and extend the Agreement under the same terms and conditions; and

WHEREAS, Company agrees to continue to provide bond counsel services to Authority.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the parties do agree that the Agreement is amended as follows:

1. The above recitals are true and correct and are incorporated herein.
2. ARTICLE 3, TERM, Section 3.02, Term, is hereby deleted in its entirety and replaced with the following:

The term of the Agreement commences on March 1, 2012 and will end on February 28, 2019 unless terminated earlier as provided herein.

3. ARTICLE 12, INSURANCE, Section 12.03, Conditions of Acceptance, is hereby deleted in its entirety and replaced with the following:

This Agreement incorporates by reference Authority Standard Procedure S250.06, Contractual Insurance Terms and Conditions, which may be amended from time to time and can be downloaded from Authority website at www.TampaAirport.com > Learn about TPA > Airport Business > Procurement > Additional Supplier Resources.

4. ARTICLE 14, NONDISCRIMINATION/AFFIRMATIVE ACTION, is hereby deleted in its entirety and replaced with ARTICLE 14, CIVIL RIGHTS, which reads as follows:

Company, with regard to the work performed by it under this Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. Company will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when this Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21. During the performance of this Agreement, Company, for itself, its assignees, and successors in interest agrees to comply with the following non-discrimination statutes and authorities, including but not limited to:

- a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- b. 49 CFR part 21 (Non-discrimination In Federally-Assisted Programs of The Department of Transportation—Effectuation of Title VI of The Civil Rights Act of 1964);
- c. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- d. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR part 27;
- e. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- f. Airport and Airway Improvement Act of 1982, (49 USC § 471), as amended, generally and section 47123, specifically (prohibits discrimination based on race, creed, color, national origin, or sex) and all regulations promulgated by the Secretary of Transportation thereunder;
- g. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- h. Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;

- i. The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex) and all regulations promulgated by the Secretary of Transportation thereunder;
 - j. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
 - k. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, Seller must take reasonable steps to ensure that LEP persons have meaningful access to Company’s programs (70 Fed. Reg. at 74087 to 74100); and
 - l. Title IX of the Education Amendments of 1972, as amended, which prohibits Company from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).
5. ARTICLE 28, COMPLIANCE WITH PUBLIC RECORDS LAW, is hereby added to the Agreement and states:

IF COMPANY HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO COMPANY’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (813) 870-8721, ADMCENTRALRECORDS@TAMPAAIRPORT.COM, HILLSBOROUGH COUNTY AVIATION AUTHORITY, P.O.BOX 22287, TAMPA FL 33622.

Company agrees in accordance with Florida Statute Section 119.0701, to the extent applicable to it, to comply with public records laws including, as applicable, the following:

- A. Keep and maintain public records required by Authority in order to perform the services contemplated by this Agreement.
- B. Upon request from Authority’s custodian of public records, provide Authority with a copy of the requested public records or allow such records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Fla. Stat. or as otherwise provided by law.

- C. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this Agreement Term and following completion of this Agreement.
 - D. Upon completion of this Agreement, provide Authority's custodian of public records with all records in possession of the Company and destroy any duplicate public records that are exempt or confidential and exempt from public record disclosure requirements. Company shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to Authority, upon request from Authority custodian of public records, in a format that is compatible with the information technology systems of Authority.
3. Except as provided herein, all other terms and conditions of the Agreement remain in full force and effect and are hereby ratified and confirmed. The Agreement and this Amendment No. 1 represent the entire understanding between the parties on the issues contained herein, either written or oral, and may only be amended by written instrument signed by both parties.

[The remainder of this page was intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have set their hands and corporate seals on this _____ day of December, 2016.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

ATTEST:

Victor D. Crist, Secretary

Address: PO Box 22287
Tampa FL

BY:

Robert I. Watkins, Chairman

Address: PO Box 22287
Tampa FL

LEGAL FORM APPROVED:

WITNESS:

Signature

Printed Name

BY:

David Scott Knight, Assistant General Counsel

HILLSBOROUGH COUNTY AVIATION AUTHORITY

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this ____ day of December, 2016, by _____, in the capacity of Chairman of the Board of Directors and _____, in the capacity of Secretary of the Board of Directors, HILLSBOROUGH COUNTY AVIATION AUTHORITY, a public body corporate under the laws of the State of Florida, on its behalf. They are personally known to me and they did not take an oath.

Stamp or Seal of Notary

Signature of Notary

Printed Name

Date Notary Commission Expires (if not on stamp or seal)

HOLLAND & KNIGHT LLP

Signed in the Presence of:

BY:

Witness

Signature

Printed Name

Title

Witness

Printed Name

Printed Name

Printed Address

HOLLAND & KNIGHT LLP

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledge before me this ___ day of _____, 2016, by

_____ in the capacity of _____,
(Individual's Name) (Individual's Title)

at _____, a _____ on its behalf _____
(Company Name) (He is / She is)

_____ known to me and has produced _____
(Personally / Not Personally) (Form of Identification)

Stamp or Seal of Notary

Signature of Notary

Printed Name

Date Notary Commission Expires (if not on stamp or seal)