

Office of School Facilities
Raul F. Perez, Chief Facilities Design & Construction Officer

SUBJECT: AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE AN ELECTRIC VEHICLE CHARGING EQUIPMENT AGREEMENT BETWEEN THE SCHOOL BOARD AND FLORIDA POWER AND LIGHT COMPANY (“FPL”), TO ALLOW FOR THE INSTALLATION BY FPL OF ELECTRIC VEHICLE CHARGING EQUIPMENT WITHIN SIX BOARD-OWNED TRANSPORTATION CENTERS, AND FOR THE CHAIR AND SECRETARY TO EXECUTE GRANT OF EASEMENT AGREEMENTS WITH FPL FOR EACH OF THE SUBJECT PARCELS

COMMITTEE: FACILITIES AND CONSTRUCTION

LINK TO STRATEGIC PLAN: EFFECTIVE & SUSTAINABLE OPERATIONAL PRACTICES

Background

The School Board, at its meeting of October 20, 2021, Agenda Item E-201, authorized the acceptance of a grant, in the amount of \$11,671,200, from the Florida Department of Environmental Protection under the Electric School Bus Grant Program, to purchase up to fifty (50) electric school buses to replace eligible diesel school buses. In anticipation of receiving delivery of the school buses, District staff have been working with representatives of Florida Power & Light (“FPL”) to facilitate installation of the necessary charging equipment infrastructure at each of the six (6) District transportation centers slated to operate the electric school buses. FPL will provide the infrastructure to the District at no cost, subject to the terms and conditions of an Electric Vehicle Charging Equipment Agreement, including the granting by the School Board of easement agreements at each of the six (6) locations.

Proposed Electric Vehicle Charging Equipment Agreement

The Chief Operating Officer, District Operations, recommends entering into an Electric Vehicle Charging Equipment Agreement (“EV Agreement”) with FPL for this purpose. Accordingly, it is recommended that the Board authorize the Superintendent to finalize negotiations and execute an EV Agreement with FPL, under, substantially, the following terms and conditions, and for the Chair and Secretary to execute Grant of Easement Agreements with FPL for the subject parcels:

- FPL will install charging stations (“Equipment”) at the District Transportation Centers located at: (a) 16150 NW 42nd Ave, Miami, FL 33054 (b) 660 SW 3rd

Ave, Florida City, FL 33034 (c) 5901 NW 27th Avenue, Miami, FL 33142 (d) 15501 SW 117th Avenue, Miami, FL 33177 (e) 13775 NW 6 Street, Miami, FL 33182, and (f) 2755 NW 122nd Street, Miami, FL 33167 (collectively, the "Transportation Centers");

- The exact location of the Equipment within the six (6) Transportation Centers shall be as mutually agreed to by the Parties (collectively, the "Demised Premises");
- The term of the Agreement shall be ten (10) years;
- Within ninety (90) days after the expiration of the Term (other than in connection with a termination of the EV Agreement by FPL for an uncured District default), FPL will, at no cost to the Board, transfer ownership of the Equipment to the Board;
- Until such time as ownership of the Equipment is transferred to the School Board, ownership of the Equipment shall remain the property of FPL, and FPL shall be the sole recipient and beneficiary of any and all such federal and/or state tax credits, and other financial incentives arising from the installation and/or operation of the Equipment;
- FPL may terminate the EV Agreement in the case of an uncured default by the Board. In addition, FPL may terminate the EV Agreement at any time and for any reason by giving the District thirty (30) days prior written notice;
- The District may terminate the EV Agreement in the case of an uncured default by FPL. In addition, the District may terminate the EV Agreement in the event FPL fails to allow public access to the EV Agreement subject to disclosure under applicable laws;
- The District shall be responsible for paying all consumption costs for electricity dispensed from the Equipment at the rate paid by the District based on the District's then current FPL tariffed rate; and
- For purposes of the EV Agreement, the Superintendent of Schools or designee shall be the party designated by the Board to grant or deny any and all approvals under the EV Agreement relating to coordinating construction activities by FPL within the Demised Premises, as well as routine operational issues. In addition to the above, the Superintendent of Schools shall also be the party designated by the Board to execute amendments to the EV Agreement within the authority granted him by the School Board in the EV Agreement, and to grant or deny any approvals required under the EV Agreement, including authorizing construction within the Demised Premises, placing FPL in default, and canceling or terminating the EV Agreement as provided therein.

The EV Agreement has been reviewed and approved for legal sufficiency by the School Board Attorney's Office, as well as reviewed by the Office of Risk and Benefits Management and found to be in compliance with risk management requirements. The EV Agreement can be found by accessing the following link:

[Electric Vehicle Charging Equipment Agreement with Florida Power and Light Company](#)

RECOMMENDED:

That The School Board of Miami-Dade County, Florida:

- 1) authorize the Superintendent to finalize negotiations and execute an Electric Vehicle Charging Equipment Agreement ("EV Agreement") with Florida Power and Light Company ("FPL"), to allow for the installation by FPL of electric vehicle charging equipment within six Board-owned Transportation Centers, substantially as set forth in the agenda item;
- 2) authorize the Superintendent to finalize negotiations and execute any other documents or agreements necessary to effectuate the EV Agreement;
- 3) authorize the Superintendent to execute amendments to the EV Agreement within the authority granted him by the School Board in the EV Agreement, and to grant or deny any approvals required under the EV Agreement, including authorizing construction within the Demised Premises, placing FPL in default, and canceling or terminating the EV Agreement as provided therein; and
- 4) authorize the Chair and Secretary to execute Grant of Easement Agreements with FPL for each of the six subject parcels, as described in the agenda item.

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