

RESOLUTION NO. 19-363

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "PUBLIC TRANSPORTATION AMENDMENT TO THE PUBLIC TRANSPORTATION AGREEMENT" (PTGA) FM 444447-1-94-01 BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST FOR THE MALLORY T-PIER EXTENSION/IMPROVEMENTS PROJECT TO ADD FISCAL YEAR 2020 FUNDING OF \$989,832.00 WITH A \$329,944.00 CITY MATCH (\$1,319,776.00 TOTAL); APPROVING NECESSARY BUDGET ADJUSTMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution 19-129, the City commission approved \$425,000.00 in funding to assist the City with improving and extending the T-Pier. This additional funding will allow for a safer and better passenger experience for cruise ships that dock at Mallory; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached "Public Transportation Amendment to the Public Transportation Agreement" (Financial Project Number 444447-1-94-01, Contract G1767) for Mallory T-Pier

(Seaport Investment Program) funding for FY 2020 between FDOT and the City is hereby approved, to adjust funding to \$989,832.00 grant funding, city match \$329,944.00, resulting in a total project amount of \$1,319,776.00.

Section 2: That project expenses, including matching funds, are budgeted in Infrastructure Surtax/Port Operations/Infrastructure Account No. 101-4302-543-6300/Project Number IS43022003. Additional Grant funding of up to \$139,832.00 will be added to the already-budgeted \$850,000.00 in Infrastructure Surtax/Revenue/Other State Grant account No. 101-0000-334-9000/Project Number IS43022003.

Section 3: That the City Manager is authorized to execute the Amendment to PTGA and related documents, upon advice and consent of the City Attorney.

Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held  
this 3rd day of December, 2019.

Authenticated by the Presiding Officer and Clerk of the  
Commission on 3rd day of December, 2019.

Filed with the Clerk on December 4, 2019.

|                              |            |
|------------------------------|------------|
| Mayor Teri Johnston          | <u>Yes</u> |
| Vice Mayor Sam Kaufman       | <u>Yes</u> |
| Commissioner Gregory Davila  | <u>Yes</u> |
| Commissioner Mary Lou Hoover | <u>Yes</u> |
| Commissioner Clayton Lopez   | <u>Yes</u> |
| Commissioner Billy Wardlow   | <u>Yes</u> |
| Commissioner Jimmy Weekley   | <u>Yes</u> |

  
\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**PUBLIC TRANSPORTATION**  
**AMENDMENT TO THE PUBLIC TRANSPORTATION**  
**AGREEMENT**

Form 725-000-03  
 STRATEGIC  
 DEVELOPMENT  
 OGC 02/19

|  |  |  |
|--|--|--|
| Financial Project Number(s):<br>(item-segment-phase-sequence)<br><u>444447-1-94-01</u> | Fund(s):<br><u>PORT</u>  | FLAIR Category:<br><u>088807</u>       |
|  | Work Activity Code/Function:<br><u>215</u>                                   | Object Code:<br><u>751000</u>          |
|  | Federal Number/Federal Award<br>Identification Number (FAIN) – Transit only: | Org. Code:<br><u>55062020629</u>       |
| Contract Number: <u>G1767</u>  | Federal Award Date:  | Vendor Number:<br><u>F596000346036</u> |
| CFDA Number: <u>N/A</u>  | Agency DUNS Number:<br><u>80-939-7102</u>                                    | Amendment No.:<br><u>One</u>           |
| CFDA Title: <u>N/A</u>   |  |  |
| CSFA Number: <u>55.034</u>   |  |  |
| CSFA Title: <u>Seaport Investment Program</u>  |  |  |

THIS AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT ("Amendment") is made and entered into on December 12, 2019, by and between the State of Florida, Department of Transportation ("Department"), and Port of Key West, City of Key West, Key West, FL, ("Agency"), collectively referred to as the "Parties."

**RECITALS**

WHEREAS, the Department and the Agency on 5/21/2019 (date original Agreement entered) entered into a Public Transportation Grant Agreement ("Agreement").

WHEREAS, the Parties have agreed to modify the Agreement on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants in this Amendment, the Agreement is amended as follows:

1. **Amendment Description.** The project is amended to add FY 2020 allocation
2. **Program Area.** For identification purposes only, this Agreement is implemented as part of the Department program area selected below (select all programs that apply):

- Aviation
- Seaports**
- Transit
- Intermodal
- Rail Crossing Closure
- Match to Direct Federal Funding (Aviation or Transit)  
(Note: Section 15 and Exhibit G do not apply to federally matched funding)
- Other

3. **Exhibits.** The following Exhibits are updated, attached, and incorporated into this Agreement:

- Exhibit A: Project Description and Responsibilities
- Exhibit B: Schedule of Financial Assistance
- \*Exhibit B1: Deferred Reimbursement Financial Provisions
- \*Exhibit B2: Advance Payment Financial Provisions
- \*Exhibit C: Terms and Conditions of Construction
- Exhibit D: Agency Resolution
- Exhibit E: Program Specific Terms and Conditions
- Exhibit F: Contract Payment Requirements
- \*Exhibit G: Financial Assistance (Single Audit Act)

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**PUBLIC TRANSPORTATION**  
**AMENDMENT TO THE PUBLIC TRANSPORTATION**  
**AGREEMENT**

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OGC 02/19

\_\_ \*Additional Exhibit(s):

**4. Project Cost.**

The estimated total cost of the Project is X increased/ \_\_ decreased by \$1,319,776 bringing the revised total cost of the project to \$1,886,443.

The Department's participation is X increased/ \_\_ decreased by \$989,832. The Department agrees to participate in the Project cost up to the maximum amount of \$1,414,832, and, additionally the Department's participation in the Project shall not exceed 75.00% of the total eligible cost of the Project.

Except as modified, amended, or changed by this Amendment, all of the terms and conditions of the Agreement and any amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment on the day and year written above.

AGENCY Port of Key West, City of  
Key West, Key West, FL

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: 

Name: Gregory W. Veliz

Title: City Manager


By: 

Name: Harold Desdunes, P.E.

Title: Director of Transportation Development



STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

Legal Review: Alicia Trujillo  




*Florida Department of Transportation*

RON DESANTIS  
GOVERNOR


605 Suwannee Street  
Tallahassee, FL 32399-0450

KEVIN J. THIBAUT, P.E.  
SECRETARY

**MEMORANDUM**

DATE: August 15, 2019

TO: Whom it may concern

FROM: Harold Desdunes, P.E. District Director of Transportation Development 

COPIES: Dat Huynh, Alejandro Casals, Antonette Adams, Daniel Iglesias, Nilia Cartaya

SUBJECT: **DELEGATION OF AUTHORITY**

I hereby delegate authority to attend Selection Committee Meetings, sign correspondences and execute documents requiring my signature anytime during my absence from the office, as follows:

Dat Huynh, District Planning & Environmental Management Administrator  
Daniel Iglesias, District Design Engineer  
Alejandro (Alex) Casals, District Right of Way Administrator  
Antonette Adams, District Program Management Administrator  
Nilia Cartaya, District Modal Development Administrator

This authority is effective immediately and will stay in effect until February 14, 2020 or until modified or rescinded by me or my successor.

HD/hs

**Richardson, Dionne G.**

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**From:** Shaheen, Helen  
**Sent:** Wednesday, November 27, 2019 3:38 PM  
**To:** D6-outlook users; Watts, Will  
**Subject:** Acting D6 Director of Transportation Development

Good afternoon FDOT Team,

Harold Desdunes will be out of the office from Thursday, 11/28/2019, and will return for his last day at FDOT on Tuesday, 01/02/2020. Alex Casals has been appointed Acting D6 Director of Transportation Development until the appointment is rescinded or a new Director is appointed by Secretary Wolfe. If you have any questions please contact me.

Have a Happy Thanksgiving!

**Helen Shaheen**

Assistant to the District Six Secretary  
Florida Department of Transportation  
1000 NW 111<sup>th</sup> Avenue, Suite 6235  
Miami, FL 33172  
Office: (305) 470-5197  
Email: [Helen.Shaheen@dot.state.fl.us](mailto:Helen.Shaheen@dot.state.fl.us)



**EXHIBIT A**

**Project Description and Responsibilities**

**A. Project Description** (description of Agency's project to provide context, description of project components funded via this Agreement (if not the entire project)): Port of Key West Mallory T-Pier Expansion and Monopile Installation.

**B. Project Location** (limits, city, county, map): Port of Key West, City of Key West

**C. Project Scope** (allowable costs: describe project components, improvement type/service type, approximate timeline, project schedule, project size):

**D. Deliverable(s)**: As stated in the Project Scope.

The project scope identifies the ultimate project deliverables. Deliverables for requisition, payment and invoice purposes will be the incremental progress made toward completion of project scope elements. Supporting documentation will be quantifiable, measurable, and verifiable, to allow for a determination of the amount of incremental progress that has been made, and provide evidence that the payment requested is commensurate with the accomplished incremental progress and costs incurred by the Agency.

**E. Unallowable Costs** (including but not limited to): N/A

**F. Transit Operating Grant Requirements (Transit Only):**

Transit Operating Grants billed as an operational subsidy will require an expenditure detail report from the Agency that matches the invoice period. The expenditure detail, along with the progress report, will be the required deliverables for Transit Operating Grants.



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**PUBLIC TRANSPORTATION  
 GRANT AGREEMENT EXHIBITS**

Form 725-000-02  
 STRATEGIC  
 DEVELOPMENT  
 OGC 09/19

**EXHIBIT B**

**Schedule of Financial Assistance**

FUNDS AWARDED TO THE AGENCY AND REQUIRED MATCHING FUNDS PURSUANT TO THIS AGREEMENT  
 CONSIST OF THE FOLLOWING:

**A. Fund Type and Fiscal Year:**

| Financial Management Number       | Fund Type | FLAIR Category | State Fiscal Year | Object Code | CSFA/CFDA Number | CSFA/CFDA Title or Funding Source Description | Funding Amount     |
|-----------------------------------|-----------|----------------|-------------------|-------------|------------------|---|--------------------|
| 444447-1-94-01                    | LF        | 088807         | 2019              | 751000      | 55.034           | Seaport Investment Program                    | \$141,667          |
| 444447-1-94-01                    | PORT      | 088807         | 2019              | 751000      | 55.034           | Seaport Investment Program                    | \$425,000          |
| 444447-1-94-01                    | PORT      | 088807         | 2020              | 751000      | 55.034           | Seaport Investment Program                    | \$989,832          |
| 444447-1-94-01                    | LF        | 088807         | 2020              | 751000      | 55.034           | Seaport Investment Program                    | \$329,944          |
| <b>Total Financial Assistance</b> |           |                |                   |             |                  |   | <b>\$1,886,443</b> |

**B. Estimate of Project Costs by Grant Phase:**

| Phases*                            | State            | Local            | Federal    | Totals             | State % | Local % | Federal % |
|------------------------------------|------------------|------------------|------------|--------------------|---------|---------|-----------|
| Land Acquisition                   | \$0              | \$0              | \$0        | \$0                | 0.00    | 0.00    | 0.00      |
| Planning                           | \$0              | \$0              | \$0        | \$0                | 0.00    | 0.00    | 0.00      |
| Environmental/Design/Construction  | \$989,832        | \$329,944        | \$0        | \$1,319,776        | 75.00   | 25.00   | 0.00      |
| Capital Equipment                  | \$0              | \$0              | \$0        | \$0                | 0.00    | 0.00    | 0.00      |
| Match to Direct Federal Funding    | \$0              | \$0              | \$0        | \$0                | 0.00    | 0.00    | 0.00      |
| Mobility Management (Transit Only) | \$0              | \$0              | \$0        | \$0                | 0.00    | 0.00    | 0.00      |
| <b>Totals</b>                      | <b>\$989,832</b> | <b>\$329,944</b> | <b>\$0</b> | <b>\$1,319,776</b> |         |         |           |

\*Shifting items between these grant phases requires execution of an Amendment to the Public Transportation Grant Agreement.

**BUDGET/COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:**

I certify that the cost for each line item budget category (grant phase) has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, Florida Statutes. Documentation is on file evidencing the methodology used and the conclusions reached.

Port of Key West, City of Key West

Department Grant Manager Name

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**PUBLIC TRANSPORTATION**  
**GRANT AGREEMENT EXHIBITS**

Form 725-000-02  
STRATEGIC  
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Signature *Casper Sheldon* Date *12/6/19*

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**PUBLIC TRANSPORTATION  
GRANT AGREEMENT EXHIBITS**

Form 725-000-02  
STRATEGIC  
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OGC 09/19

**EXHIBIT D**

**AGENCY RESOLUTION**

***PLEASE SEE ATTACHED***

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**PUBLIC TRANSPORTATION  
GRANT AGREEMENT EXHIBITS**

Form 725-000-02  
STRATEGIC  
DEVELOPMENT  
OGC 09/19

**EXHIBIT G**

**STATE FINANCIAL ASSISTANCE (FLORIDA SINGLE AUDIT ACT)**

**THE STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:**

**SUBJECT TO SECTION 215.97, FLORIDA STATUTES:~**

**Awarding Agency:** Florida Department of Transportation

**State Project Title:** Seaport Grant Program

**CSFA Number:** 55.034

**\*Award Amount:** \$989,832

\*The award amount may change with amendments

Specific project information for CSFA Number 55.034 is provided at: <https://apps.fldfs.com/fsaa/searchCatalog.aspx>

**COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT:**

State Project Compliance Requirements for CSFA Number 55.034 are provided at:  
<https://apps.fldfs.com/fsaa/searchCompliance.aspx>

The State Projects Compliance Supplement is provided at: <https://apps.fldfs.com/fsaa/compliance.aspx>

To: Stephen.Anderson@dot.state.fl.us

**FLORIDA DEPARTMENT OF TRANSPORTATION  
FUNDS APPROVAL**

**G1767**

**8/6/2019**

**CONTRACT INFORMATION**

|  |   |
|--|---|
| <b>Contract:</b>                         | G1767   |
| <b>Contract Type:</b>                    | GD - GRANT DISBURSEMENT (GRANT)                               |
| <b>Method of Procurement:</b>            | G - GOVERNMENTAL AGENCY (287.057,F.S.)                        |
| <b>Vendor Name:</b>                      | CITY OF KEY WEST  |
| <b>Vendor ID:</b>                        | F596000346036   |
| <b>Beginning Date of This Agreement:</b> | 05/21/2019  |
| <b>Ending Date of This Agreement:</b>    | 06/30/2021  |
| <b>Contract Total/Budgetary Ceiling:</b> | ct = \$1,207,029.00   |
| <b>Description:</b>                      | PORT OF KEY WEST - T-PIER EXTENSION AND MANOPOLE INSTALLATION |

**FUNDS APPROVAL INFORMATION**

**FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER ON 8/6/2019**

|                                |              |
|--------------------------------|--------------|
| <b>Action:</b>                 | Supplemental |
| <b>Reviewed or Approved:</b>   | APPROVED     |
| <b>Organization Code:</b>      | 55062020629  |
| <b>Expansion Option:</b>       | A6           |
| <b>Object Code:</b>            | 751000       |
| <b>Amount:</b>                 | \$782,029.00 |
| <b>Financial Project:</b>      | 44444719401  |
| <b>Work Activity (FCT):</b>    | 215          |
| <b>CFDA:</b>                   |              |
| <b>Fiscal Year:</b>            | 2020         |
| <b>Budget Entity:</b>          | 55100100     |
| <b>Category/Category Year:</b> | 088794/20    |
| <b>Amendment ID:</b>           | S001         |
| <b>Sequence:</b>               | 00           |
| <b>User Assigned ID:</b>       | 1            |
| <b>Enc Line (6s)/Status:</b>   | 0003/04      |

**Total Amount: \$782,029.00**

To: Ta'rika.Green@dot.state.fl.us

**FLORIDA DEPARTMENT OF TRANSPORTATION  
FUNDS APPROVAL**

**G1767**

**10/2/2019**

**CONTRACT INFORMATION**

|  |   |
|--|---|
| <b>Contract:</b>                         | G1767   |
| <b>Contract Type:</b>                    | GD - GRANT DISBURSEMENT (GRANT)                               |
| <b>Method of Procurement:</b>            | G - GOVERNMENTAL AGENCY (287.057,F.S.)                        |
| <b>Vendor Name:</b>                      | CITY OF KEY WEST  |
| <b>Vendor ID:</b>                        | F596000346036   |
| <b>Beginning Date of This Agreement:</b> | 05/21/2019  |
| <b>Ending Date of This Agreement:</b>    | 06/30/2021  |
| <b>Contract Total/Budgetary Ceiling:</b> | ct = \$1,414,832.00   |
| <b>Description:</b>                      | PORT OF KEY WEST - T-PIER EXTENSION AND MANOPOLE INSTALLATION |

**FUNDS APPROVAL INFORMATION**

**FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER ON 10/2/2019**

|                                |              |
|--------------------------------|--------------|
| <b>Action:</b>                 | Supplemental |
| <b>Reviewed or Approved:</b>   | APPROVED     |
| <b>Organization Code:</b>      | 55062020629  |
| <b>Expansion Option:</b>       | A6           |
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| <b>Amount:</b>                 | \$207,803.00 |
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| <b>CFDA:</b>                   |              |
| <b>Fiscal Year:</b>            | 2020         |
| <b>Budget Entity:</b>          | 55100100     |
| <b>Category/Category Year:</b> | 088794/20    |
| <b>Amendment ID:</b>           | S001         |
| <b>Sequence:</b>               | 01           |
| <b>User Assigned ID:</b>       | 1            |
| <b>Enc Line (6s)/Status:</b>   | 0004/04      |

**Total Amount: \$207,803.00**

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Passed and adopted by the City Commission at a meeting held  
this 3rd day of December, 2019.

Authenticated by the Presiding Officer and Clerk of the  
Commission on 3rd day of December, 2019.

Filed with the Clerk on December 4, 2019.

|                              |            |
|------------------------------|------------|
| Mayor Teri Johnston          | <u>Yes</u> |
| Vice Mayor Sam Kaufman       | <u>Yes</u> |
| Commissioner Gregory Davila  | <u>Yes</u> |
| Commissioner Mary Lou Hoover | <u>Yes</u> |
| Commissioner Clayton Lopez   | <u>Yes</u> |
| Commissioner Billy Wardlow   | <u>Yes</u> |
| Commissioner Jimmy Weekley   | <u>Yes</u> |

  
TERI JOHNSTON, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK



## THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 892-3700

### TRANSMITTAL LETTER

|  |  |
|--|--|
| <b>TO:</b><br>Dionne Richardson<br>Modal Development Manager<br>FDOT – District 6  | <b>DATE:</b><br>12/06/2019   |
| <b>FROM:</b><br>Carolyn Sheldon <i>CPS</i><br><br>(305) 809-3741<br><a href="mailto:csheldon@cityofkeywest-fl.gov">csheldon@cityofkeywest-fl.gov</a>   | <b>SUBJECT:</b><br>G1767 Port of Key West –<br>Mallory T-Pier Extension /<br>Improvements Amendment<br>One to PTGA |
| <b>NOTES:</b><br><br>Hi Dionne. Please find enclosed four copies of the above referenced Amendment One to PTGA that were sent to the City for signature along with Resolution 19-363 passed and adopted by the Key West City Commission approving the amendment.<br><br>Please mail or email a fully executed copy to:<br>Carolyn Sheldon<br>Senior Grants Administrator<br>City of Key West<br>PO Box 1409<br>Key West, FL 33041-1409<br><br>Thanks for your assistance!! |  |