

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

Form 725-000-03
 STRATEGIC
 DEVELOPMENT
 OGC 11/19

Financial Project Number(s): <small>(item-segment-phase-sequence)</small>	Fund(s):	PORT; POED	FLAIR Category:
444447-1-94-01	Work Activity Code/Function:	215	Object Code:
444447-1-94-02	Federal Number/Federal Award Identification Number (FAIN) – Transit only:		Org. Code:
Contract Number: G1767	Federal Award Date:		Vendor Number:
CFDA Number: N/A	Agency DUNS Number:	80-939- 7102	Amendment No.: Two
CFDA Title: N/A			
CSFA Number: 55.005; 55.034			
CSFA Title: Seaport Grant Program; Seaport Investment Program			

THIS AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT (“Amendment”) is made and entered into on _____, by and between the State of Florida, Department of Transportation (“Department”), and Port of Key West, City Of Key West, (“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 fiscal year 2021 funds.
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)
 - Other
- (Note: Section 15 and Exhibit G do not apply to federally matched funding)

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)
- *Exhibit H: Audit Requirements for Awards of Federal Financial Assistance

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__ *Additional Exhibit(s):

4. Project Cost.

The estimated total cost of the Project is X increased/ __ decreased by \$695,780 bringing the revised total cost of the project to \$2,582,223.

The Department's participation is X increased/ __ decreased by \$521,835. The Department agrees to participate in the Project cost up to the maximum amount of \$1,936,667, 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

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: _____
Name: Patti McLauchlin
Title: Interim City Manager

By: _____
Name: Daniel Iglesias, P.E.
Title: Director of Transportation Development

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

Legal Review: Alicia Trujillo

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)): Widening and lengthening of the T-pier from its existing width of 15' and length 115' to a maximum width of 25' and length 216' and the installation of one mooring monopile to more safely dock existing cruise ships. Final dimensions will be determined by engineering analysis as well as submerged land leases and limitations established by laws or regulations.

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

C. Project Scope (allowable costs: describe project components, improvement type/service type, approximate timeline, project schedule, project size): This Project includes the environmental work, design work, and construction work required to complete the berth upgrade activities described in the Project Description, including: aids to navigation; apron improvements; bulkhead caps; cap faces repair or installation; cable protection systems; cap soffit repair or installation; cast in place concrete; cathodic protection; concrete beams; construction; construction inspection cost; construction management; construction services; consulting services; contractor stand-by; cost estimates; crack repairs; deck ballast; demobilization; demolition; engineering services; fenders and bollards; form work; geotechnical services; mitigation assessments; mobilization; monopile components and construction; panel soffit repair or installation; permitting; pilings; plan development (e.g., 30 / 60 / 90 / 100 % and as-builts); precast concrete; preconstruction engineering and design; procurement costs; rebar repair or installation; reconstruction of underdeck concrete; sheet piling; stormwater management; structural components; surveying; temporary facilities; and tie-back systems.

D. Deliverable(s):

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): Travel costs are not allowed.

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. Operating grants may be issued for a term not to exceed three years from execution. The original grant agreement will include funding for year one. Funding for years two and three will be added by amendment as long as the grantee has submitted all invoices on schedule and the project deliverables for the year have been met.

T-PIER EXPANSION AREA AND MONOPILE INSTALLATION LOCATION



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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	POED	088807	2019	751000	55.034	Seaport Investment Program	\$425,000
444447-1-94-01	LF	088807	2019	-	-	Local Matching Funds	\$141,667
444447-1-94-01	PORT	088794	2020	751000	55.005	Seaport Grant Program	\$989,832
444447-1-94-01	LF	088794	2020	-	-	Local Matching Funds	\$329,944
444447-1-94-02	PORT	088794	2021	751000	55.005	Seaport Grant Program	\$426,835
444447-1-94-02	LF	088794	2021	-	-	Local Matching Funds	\$142,278
444447-1-94-02	POED	088807	2021	751000	55.034	Seaport Investment Program	\$95,000
444447-1-94-02	LF	088807	2021	-	-	Local Matching Funds	\$31,667
Total Financial Assistance							\$2,582,223

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	\$1,936,667	\$645,556	\$0	\$2,582,223	75.00	25.00	0.00
Capital Equipment/ Preventative Maintenance	\$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
Totals	\$1,936,667	\$645,556	\$0	\$2,582,223			

*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.

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Brittany Williams-Sanders

Department Grant Manager Name

Signature

Date

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EXHIBIT D

AGENCY RESOLUTION

PLEASE SEE ATTACHED

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EXHIBIT G

AUDIT REQUIREMENTS FOR AWARDS OF STATE FINANCIAL ASSISTANCE

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: 55.005

***Award Amount:** \$1,416,667

*The award amount may change with amendments

Specific project information for CSFA Number 55.005 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 55.005 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>

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EXHIBIT G

AUDIT REQUIREMENTS FOR AWARDS OF STATE FINANCIAL ASSISTANCE

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 Investment Program

CSFA Number: 55.034

***Award Amount:** \$520,000

*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>



Florida Department of Transportation

RON DESANTIS GOVERNOR

1000 NW 111 Avenue Miami, FL 33172-5800

KEVIN J. THIBAUT SECRETARY

MEMORANDUM

DATE: February 10, 2021
TO: Mr. Doug Bradshaw, Port and Marine Services Director
FROM: Brittany Williams-Sanders, District Aviation & Seaport Programs Administrator
SUBJECT: EXTENSION OF TIME Public Transportation Grant Agreement
FM No.: 444447-1-94-01 Contract No.: G1767
Port of Key West Mallory T-Pier Expansion and Monopile Installation Initiative

The time allotted for the completion of services on subject agreement dated May 21, 2019 and any supplemental thereto will expire on June 30, 2021.

In accordance with section 7 of the Public Transportation Grant Agreement, you may request a time extension. For your convenience, you may complete, sign, date and return this form to me.

It is requested that the Public Transportation Grant Agreement for the subject project be extended until 06/30/2023 for the following reasons (s): (Use attachment if necessary)

- a) Permitting – with the design complete, Port of Key West is working through the permitting phase. The time to complete this phase is uncertain but 6 – 8 months is anticipated.
b) Construction – additional time is needed to complete the construction phase.

Agency: City of Key West Port Operations

APPROVED: Florida Department of Transportation

By:/s/ [Signature] (Agency Head or Representative)

Daniel Iglesias, P.E. Director of Transportation Development

Name: Doug Bradshaw (Type or Printed)

Date: _____

Title: Port and Marine Services Director

Date: 2-12-21

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION Legal Review: _____