

RESOLUTION NO. 22-032

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED (AMENDMENT THREE) "PUBLIC TRANSPORTATION AMENDMENT TO THE PUBLIC TRANSPORTATION AGREEMENT" (PTGA) FM 444447-1-94-01 AND 444447-1-94-02 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 2022 FUNDING OF \$350,000.00 WITH A \$116,667.00 (25%) CITY MATCH (\$466,667.00 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 Resolutions 19-129, 19-363, and 21-119, the City Commission approved Agreements to provide partial funding to assist the City with improving and extending the Mallory Square T-Pier Extension/Improvements, installing a new monopile to allow safe dockage, and other repairs and improvements. This additional funding continues the Mallory T-Pier project; and

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

Section 1: That the attached (Amendment 3) "Public Transportation Amendment to the Public Transportation Agreement" (Financial Project Number 444447-1-94-01 and 444447-1-94-02, Contract G1767) for Mallory T-Pier (Seaport Investment Program) funding for FY 2021 between FDOT and the City is hereby approved, to provide \$350,000.00 in additional grant funding, city match \$116,667.00, resulting in a total project amount of \$466,667.00.

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. The Grant funding of up to \$350,000.00 will be added to the 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.

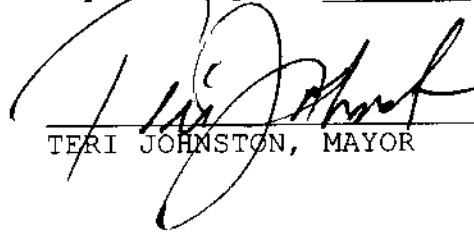
Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held
this 19th day of January, 2022.

Authenticated by the Presiding Officer and Clerk of the
Commission on 20th day of January, 2022.

Filed with the Clerk on January 20, 2022.

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) 809-3700

M E M O R A N D U M

EXECUTIVE SUMMARY

TO: Patti McLauchlin, City Manager
CC: Todd Stoughton, Assistant City Manager
Doug Bradshaw, Port and Marine Services Director
FROM: Carolyn Sheldon, Senior Grants Administrator
DATE: December 16, 2021
RE: Approving the attached Public Transportation Amendment Three to the Public Transportation Agreement FM 444447-1 with the Florida Department of Transportation (FDOT) to add Fiscal Year 2022 funding of \$350,000.00 with a \$116,667.00 City Match (\$466,667.00 total) for the Mallory T-Pier Extension / Improvements project.

ACTION STATEMENT:

This resolution will approve the attached Public Transportation Amendment Three to the Public Transportation Agreement FM 444447-1 with the Florida Department of Transportation (FDOT) to add Fiscal Year 2022 funding of \$350,000.00 with a \$116,667.00 City Match (\$466,667.00 total) for the Mallory T-Pier Extension / Improvements project.

BACKGROUND:

The total project cost is estimated at \$3,400,000.00. Funding is through the Florida Seaport Transportation and Economic Development (FSTED) Program at a 75% / 25% cost share:

Table with 6 columns: Resolution, Document, Description, FDOT Amount, City Share, Total. Rows include resolutions 19-129, 19-363, 21-119, and TBD, plus a TOTAL row.

Key to the Caribbean - Average yearly temperature 77 ° F.

Staff anticipates the remaining project cost to be programmed in Fiscal Year 2023.

PURPOSE AND JUSTIFICATION:

The Port of Key West's existing berthing structure at Mallory T-Pier is in need of an upgrade. The Mallory T-Pier Extension/Improvements project will increase the length of the pier from its existing length of 115' to a length of 215', widen the pier from 16' to 25', and install new mooring monopiles to allow safe dockage. FDOT's funding will assist with the cost of design, permitting, construction and construction engineering and inspection services.

FINANCIAL IMPACT:

With the approval of Amendment Three, grant revenue of \$350,000.00 will be added to Account 1010000 3349000 / IS43022003 (Infrastructure Surtax/Revenue/Other State Grants) to increase revenue to \$2,286,667.00. Expenses are budgeted in Account 1014302 5436300 / IS43022003 (Infrastructure Surtax/Port Operations/Infrastructure).

RECOMMENDATION:

Staff recommends that the City Commission approve the attached Public Transportation Amendment Three to the Public Transportation Agreement FM 444447-1-94-01 with the Florida Department of Transportation (FDOT) to add Fiscal Year 2022 funding of \$350,000.00 with a \$116,667.00 City Match (\$466,667.00 total) for the Mallory T-Pier Extension/Improvements project and authorize the City Manager to execute Amendment Three.

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):	POED, PORT	FLAIR Category: 088807, 088794
<u>444447-1-94-01</u>	Work Activity Code/Function:	<u>215</u>	Object Code: <u>751000</u>
<u>444447-1-94-02</u>	Federal Number/Federal Award		Org. Code: <u>55062020629</u>
	Identification Number (FAIN) – Transit only:		Vendor Number: <u>F596000346036</u>
Contract Number: <u>G1767</u>	Federal Award Date:		Amendment No.: <u>03</u>
CFDA Number: <u>N/A</u>	Agency DUNS Number:	<u>80-939-7102</u>	
CFDA Title: <u>N/A</u>			
CSFA Number: <u>55.034, 55.005</u>			
CSFA Title: <u>Seaport Investment Program, Seaport Grant Program</u>			

THIS AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT ("Amendment") is made and entered into on 2/1/2022 | 1:18 PM EST, 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 increase the Department's financial participation, the Agency's participation, and the total project cost.
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)
 - *Exhibit H: Audit Requirements for Awards of Federal Financial Assistance

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

Form 725-800-03
STRATEGIC
DEVELOPMENT
OGC 11/18

__ *Additional Exhibit(s):

4. Project Cost.

The estimated total cost of the Project is X increased/ __ decreased by \$466,667 bringing the revised total cost of the project to \$3,048,890.

The Department's participation is X increased/ __ decreased by \$350,000. The Department agrees to participate in the Project cost up to the maximum amount of \$2,288,667, and, additionally the Department's participation in the Project shall not exceed 75.00% of the total eligible cost of the Project.

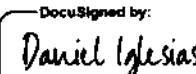
Except as modified, amended, or changed by this Amendment, all of the terms and conditions of the Agreement and any amendments thereto shall remain in full force and effect.

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

By: 
Name: Patti McLeuchlin
Title: City Manager

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

DocuSigned by:

By: 8A233315C85748A
Name: Daniel Iglesias, P.E.
Title: Director of Transportation Development

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

Legal Review: Alicia Trujillo
DocuSigned by:

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

Form 725-000-02
 STRATEGIC
 DEVELOPMENT
 OGC 02/20

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 Invest 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 Invest Program	\$95,000
444447-1-94-02	LF	088807	2021	-	-	Local Matching Funds	\$31,667
444447-1-94-02	PORT	088794	2022	751000	55.005	Seaport Grant Program	\$350,000
444447-1-94-02	LF	088794	2022	-	-	Local Matching Funds	\$116,667
Total Financial Assistance							\$3,048,890

B. Estimate of Project Costs by Grant Phase:

Phases*	State	Local	Federal	Totals	State %	Local %	Federal %
Land Acquisition	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Planning	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Environmental/Design/Construction	\$2,286,667.00	\$762,223.00	\$0.00	\$3,048,890.00	75.00	25.00	0.00
Capital Equipment/ Preventative Maintenance	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Match to Direct Federal Funding	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Mobility Management (Transit Only)	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Totals	\$2,286,667.00	\$762,223.00	\$0.00	\$3,048,890.00			

*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.

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

Form 726-000-02
STRATEGIC
DEVELOPMENT
09C 02/20

Port of Key West

Department Grant Manager Name

Cathy Shields
Signature

2/1/22
Date

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

Form 725-000-02
STRATEGIC
DEVELOPMENT
OGC 02/20

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 02/20

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:** \$1,766,667

*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>

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

Form 725-000-02
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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:

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To: Brittany.Williams-Sanders@dot.state.fl.us

**FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL**

G1767

12/8/2021

CONTRACT INFORMATION

Contract:	G1767
Contract Type:	GD - GRANT DISBURSEMENT (GRANT)
Method of Procurement:	G - GOVERNMENTAL AGENCY (287.057.F.S.)
Vendor Name:	CITY OF KEY WEST
Vendor ID:	F596000346036
Beginning Date of This Agreement:	05/21/2019
Ending Date of This Agreement:	06/30/2023
Contract Total/Budgetary Ceiling:	ct = \$2,286,667.00
Description:	PORT OF KEY WEST - T-PIER EXTENSION AND MANOPOLE INSTALLATION

FUNDS APPROVAL INFORMATION

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER ON 12/8/2021

Action:	Supplemental
Reviewed or Approved:	APPROVED
Organization Code:	55062020629
Expansion Option:	A6
Object Code:	751000
Amount:	\$350,000.00
Financial Project:	44444719402
Work Activity (FCT):	215
CFDA:	
Fiscal Year:	2022
Budget Entity:	55100100
Category/Category Year:	088794/22
Amendment ID:	S004
Sequence:	00
User Assigned ID:	S004
Enc Line (6s)/Status:	0008/04

Total Amount: \$350,000.00

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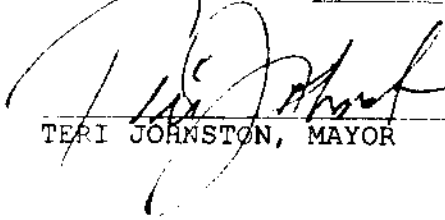
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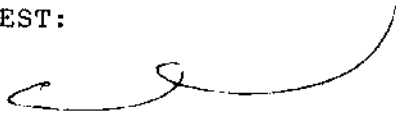
Filed with the Clerk on January 20, 2022.

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