

MODIFICATION TO SUBGRANT AGREEMENT BETWEEN
THE DIVISION OF EMERGENCY MANAGEMENT AND
THE CITY OF KEY WEST

This Modification Number Two is made and entered into by and between the State of Florida, Division of Emergency Management, ("the Division"), and the City of Key West ("Recipient") to modify Contract Number 12HM-3B-11-54-02-001, dated August 11, 2011 ("the Agreement").

WHEREAS, the Division and the Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to Recipient under the Hazard Mitigation Grant Program of \$1,084,624.00; and

WHEREAS, the Agreement will expire on August 31, 2012; and

WHEREAS, the Division and the Recipient desire to extend the term of the Agreement and,

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. Paragraph 3 of the Agreement is hereby amended to read as follows:

This Agreement shall begin September 28, 2010 and shall end February 28, 2013 unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

2. The Revised Attachment A, Budget and Scope of Work to the Agreement, is hereby deleted in its entirety, and the 2nd Revised Attachment A, Budget and Scope of Work to this Modification, which is attached hereto and incorporated herein by reference, is substituted in its place and stead.
3. All provisions of the Agreement being modified and any attachments in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective on the date of execution of this Modification by both parties.
4. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the dates set out below.

RECIPIENT: CITY OF KEY WEST

DIVISION OF EMERGENCY MANAGEMENT

By: _____

By: _____

Name and Title: _____

Name and Title: Bryan W. Koon, Director

Date: _____

Date: _____

2nd Revised Attachment A

Budget and Scope of Work

Scope of Work

As a Hazard Mitigation Grant Program project, the Recipient, the City of Key West, will provide protection by constructing a drainage system capable of solving or reducing the flooding problem at the intersection of Patricia and Ashby Street, Key West, Florida 33040. The project entails the construction of an emergency discharge to the Atlantic Ocean, consisting of +/- 2, 100 linear-foot of pipeline that will connect to the existing Patricia and Ashby pump station and terminate at a new outfall structure at the end of Bertha Street. The project will also include a 230-kilowatt generator for the pump station secured to an elevated platform above the 100-year flood elevation. All stormwater will be treated with existing vortex sediment separator prior to discharging to the outfall.

Environmental Review Project Conditions:

1. The Recipient must follow all applicable state, local and federal laws regulations and requirements, and obtain (before starting project work) and comply with all required permits and approvals. If project work is delayed for a year or more after the date of the CATEx, then coordination with and project review by regulatory agencies must be redone.
2. Any change, addition or supplement to the approved Scope of Work that alters the project (including other work not funded by FEMA, but done substantially at the same time) will require re-submission of the application to FEMA for NEPA re-evaluation before starting project work.
3. If any historic or archaeological materials (or evidence thereof) are discovered during project work, the Applicant shall stop work immediately, notify the Federal Emergency Management Agency (FEMA), and take all reasonable measures to avoid or minimize harm to the property.
 - Also refer to Special Condition No. 12 outlined in the SFWMD standard general permit No 44-001314-P.
4. The Applicant will need to submit a Notice of Intent (NOI) for coverage under the Florida Department of Environmental Protection (FDEP) General Permit, prepare and implement a stormwater pollution prevention plan (SWPPP), and submit the Notice of Termination (NOT) after completion of the site activities. The NOI and NOT should be provided at the project close-out.
5. Prior to the initiation of any of the work, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized
6. If a construction contractor places reinforcing materials only 10 feet waterward of the seawall, we do not expect there to be any impacts to that community. Any placement of turbidity curtains should be done so as to avoid the sea grass bed, and curtains should be removed as soon as practicable after the project concludes and turbidity levels have subsided.
7. Any SFWMD or DEP permit issued for the project address stormwater runoff and water quality. The project design should include provisions to catch silt, oils, and greases, and a maintenance plan to ensure continued proper function.
8. Applicant must adhere to Special Condition No.'s 13 and 14 outlined in the SFWM standard general permit No. 44-00314-P in regards to standard manatee construction conditions and the installation of manatee exclusion grating across the outfall opening.
9. For projects that involve diesel fuel storage tanks (if storage capacity is greater than 550 gallons for above ground diesel fuel tanks and 110 gallons underground diesel fuel tanks); the applicant must provide a copy of the Florida Department of Environmental Protection's Storage Tank Facility Registration. The documentation must be provided at project close-out.
 - Additional coordination may also be needed with the Local Floodplain Administrator to address elevation of the fuel tank out of the floodplain. The documentation must be provided at project closeout.

This is FEMA project **1609-111-R**, funded under **1609-DR-FL**.

The Period of Performance of this project ends on **February 28, 2013**.

Schedule of Work

Final Design	3 months
Bid Construction	3 months
Award Construction	1 month
Start Construction	1 month
Complete Construction	6 months
State Contracting:	1 month
State Final Inspection	1 month
State Closeout	1 month
Total Period of Performance:	17 months

Budget

Line Item Budget*

	Project Cost	Federal Share	Local Share
30" PVC DR41 Emergency Discharge, Pavement Restoration, Traffic Control, Generator Platform, Site work:	<u>\$1, 419,862.00</u>	<u>\$ 1,064,897.00</u>	<u>\$354,965.00</u>
Sub-Total:	<u>\$1,419,862.00</u>	<u>\$ 1,064,897.00</u>	<u>\$354,965.00</u>
Administrative Cost:	<u>\$ 0.00</u>	<u>\$ 19,727.00</u>	<u>\$ 0.00</u>
Total:	<u>\$1, 419,862.00</u>	<u>\$ 1,084,624.00</u>	<u>\$354,965.00</u>

**Any line item amount in this Budget may be increased or decreased 10% or less without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.*

Funding Summary

Federal Share:	\$1,064,897.00 (75%)
Local Share:	\$ 354,965.00 (25%)
Total Project Cost:	\$1,419,862.00 (100%)

Recipient Administrative Allowance up to **\$19,727.00**.