

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

This Modification is made and entered into by and between the State of Florida, Division of Emergency Management, ("the Division"), and the City of Key West ("the Recipient") to modify DEM Contract Number: 09HM-37-11-54-02-030, dated February 18, 2009 ("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 \$241,240.00; and

WHEREAS, the Division and the Recipient desire to extend the term of the Agreement and Modify the Scope of Work, Attachment A.

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 June 28, 2008 and shall end November 30, 2011 unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

2. The Attachment A, Budget and Scope of Work, to the Agreement, is hereby deleted in its entirety, and the Revised Attachment A to the 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 thereto in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective as of the date of the last 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: \_\_\_\_\_

## 2<sup>nd</sup> 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, proposes to improve the existing storm-water system by installing a wet well to collect stormwater and move water to two 90 foot injection wells and piping to an outfall. The stormwater system is currently located at the intersection of George Street and First Street, Key West, Florida 33040 but, must be re-designed due to the outfall crossing a field through the proposed easement at the construction site of the Horace O'Bryant Middle School. The applicant is now required to develop a new route for the outfall pipeline. A Phase I study will be conducted to determine modifications needed to install a storm water pump station and outfall system. Phase I study will consist of an engineering study, design services and permitting. The completed study, design and construction project will prevent current chronic flooding for the area and reduce repetitive flood loss to properties.

The Phase I deliverables should:

- Have an engineer's plan that clearly shows the engineer's estimate of the pre and post-mitigation effects of the proposed project and the relationship of the damages to be mitigated (commensurate with the level of funding requested). This includes, but is not limited to, the existing and proposed hydrology and hydraulics for the level of event being mitigated.
- Demonstrate mitigation effectiveness, in part, by showing the physical location(s) and elevation(s) of the infrastructure/structures that is being damaged and the Federal Emergency Management Agency (FEMA) Special Flood Hazard Areas on the same plan.
- Meet all required environmental laws and policies (see page 16-A, FEMA Letter dated June 24, 2008). All environmental permits and approvals/concurrences must be obtained. A public notice must be published to notify interested parties of the proposed activity. Notices must be published in a manner that anyone that may be affected or interested in this project has access to the posting. The comment period expired and all comments addressed prior to initiating any construction activities.
- Refine the cost estimate. A new BC Analysis will be performed using the revised information.
- Provide a set of Community Approved, State reviewed construction plans (sealed) for review and comment including milestones and timelines for completion of the final phase of the project and bid documents/award.
- Tribal consultation is required due to ground disturbing activities.
- Provide **two** copies of the requested documentation for review and approval by the state and FEMA.

**Phase I of this project is approved with the condition that the above list of deliverables will be submitted, reviewed and approved prior to implementing Phase II. Phase II is defined as the construction phase for the proposed scope of work. No construction work may begin until Phase II is approved by FEMA. Failure to comply with this condition can result in the loss of all funding for this project.**

This is FEMA project **1609-110-R**, funded under 1609-DR-FL.

The Period of Performance for this project ends on November 30, 2011.

**Schedule of Work**

Award RFP:	1 Month
Preliminary and Final Design:	6 Months
Permitting:	<u>6 Months</u>
<b>Total Period of Performance:</b>	13 Months

**Budget**

**Line Item Budget\***

	<b>Project Cost</b>	<b>Federal Share</b>	<b>Local Share</b>
Subcontract for Phase I Design/Engineering Feasibility Study:	<u>\$312,000.00</u>	<u>\$234,000.00</u>	<u>\$78,000.00</u>
<b>Sub-total:</b>	<u>\$312,000.00</u>	<u>\$234,000.00</u>	<u>\$78,000.00</u>
<u>Administrative Cost:</u>	<u>\$ 0.00</u>	<u>\$ 7,240.00</u>	<u>\$ 0.00</u>
<b>Total:</b>	<u>\$312,000.00</u>	<u>\$241,240.00</u>	<u>\$78,000.00</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:	\$234,000.00 (75%)
<u>Local Share:</u>	<u>\$ 78,000.00 (25%)</u>
<b>Total Project Cost:</b>	<b>\$,312000.00 (100%)</b>

Recipient Administrative Allowance up to \$7,240.00.