

Agreement Number: 11HM-2V-11-54-02-004

Project Number: 1539-47-R

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

This Modification Number Three 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 11HM-2V-11-54-02-004, dated May 25, 2011 ("the Agreement").

WHEREAS, the Division and the Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to the Recipient under the Hazard Mitigation Grants Program of \$148,094.00; and

WHEREAS, the Agreement will expire on July 15, 2012; and

WHEREAS, the Division and the Recipient desire to reinstate the Agreement, extend the terms of the Agreement and modify the Scope of Work.

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

1. The Agreement is hereby reinstated as though it had never expired.
2. Paragraph 3 of the Agreement is hereby amended to read as follows:

This Agreement shall begin August 12, 2010, and shall end January 15, 2013, unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

3. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in Revised Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference
4. 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.
5. 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.
6. Quarterly reports are due to the Division no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30 and December 31.

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 Koon, Director

Date: _____

Date: _____

Attachment A (3rd Revision)

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 drainage of East Front Street in Key West, Florida 33040. A Phase I study will be conducted to determine modifications needed to improve and upgrade the existing drainage system. The completed construction project will minimize recurring flooding and reduce repetitive flood loss to properties. Phase I will provide funding for engineering design and analysis, surveying and environmental permitting that is necessary to improve flood protection.

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. 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 Benefit Cost 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.

Phase I of this project is approved with the condition that the above list of deliverables will be submitted for review and approval by the State and FEMA before Phase II is considered. No construction work may begin until Phase II is approved

This is FEMA project **1539-047-R**, funded under 1539-DR-FL.

The Period of Performance for this project ends on January 15, 2013.

Schedule of Work

Survey:	6 Months
Engineering and Design:	9 Months
In-house Meetings and Reviews:	3 Months
Bidding:	3 Months
Permitting:	<u>8 Months</u>
Total Period of Performance:	29 Months

Budget

Line Item Budget*

	Project Cost	Federal Share	Local Share
Design of Well and Inlet System:	\$ 85,000.00	\$ 63,750.00	\$21,250.00
Engineer Evaluation Study:	\$101,031.00	\$ 75,773.00	\$25,258.00
Grout Design:	<u>\$ 5,000.00</u>	<u>\$ 3,750.00</u>	<u>\$ 1,250.00</u>
Sub-Total:	\$191,031.00	\$143,273.00	\$47,758.00
<u>Administrative Cost:</u>	<u>\$ 0.00</u>	<u>\$ 4,821.00</u>	<u>\$ 0.00</u>
Total:	\$191,031.00	\$148,094.00	\$47,758.00

** 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:	\$143,273.00 (75%)
Local Share:	<u>\$ 47,758.00</u> (25%)
Total Project Cost:	\$191,031.00 (100%)

Recipient Administrative Allowance up to \$4,821.00.