

RESOLUTION NO. 12-079

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE EXECUTION OF THE ATTACHED MODIFICATION NUMBER TWO TO "FEDERALLY FUNDED SUBGRANT AGREEMENT" CONTRACT NUMBER 11HM-2V-11-54-02-004 (STATE FEMA PROJECT NO: HMGP 1539-47-R; STATE PROJECT NO: 1539-116) WITH THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT (FDEM) FOR PHASE I FEMA FUNDING FOR EAST FRONT STREET FLOOD MITIGATION PROJECT, TO REINSTATE AND EXTEND THE PERIOD OF PERFORMANCE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission in Resolution No. 11-123 entered into a grant agreement for the design of drainage improvements for East Front Street Flood Mitigation Project; and

WHEREAS, the City Commission in Resolution No. 11-228 approved modification Number One to the grant agreement; and

WHEREAS, additional time is necessary to complete the project, and so the City seeks to extend the period of performance through July 15, 2012.

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

Section 1: That the attached Modification Number Two to the "Federally Funded Subgrant Agreement" from the State of Florida Division of Emergency Management for Phase 1 of the East Front Street Flood Mitigation Drainage Project is hereby approved.

Section 2: That authorization is hereby granted for the City Manager to execute the attached documents upon advice and consent of the City Attorney.

Section 3: 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 6th day of March, 2012.

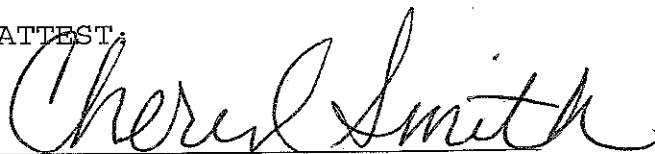
Authenticated by the presiding officer and Clerk of the Commission on March 7, 2012.

Filed with the Clerk March 7, 2012.

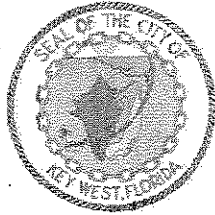


CRAIG CATES, MAYOR

ATTEST



CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager
E. David Fernandez, Asst. City Manager – Operations

FROM: Jay Gewin, Utilities Manager

DATE: February 21, 2012

RE: **Approval and Authorization to execute Modification Number Two to Contract No. 11HM-2V-11-54-02-004 with the Florida Division of Emergency Management to reinstate and extend the period of performance of the East Front Street Flood Mitigation Drainage Area Project Phase I Agreement to July 15, 2012**

ACTION STATEMENT:

This resolution will approve Modification Number Two to reinstate and extend the period of performance of the East Front Street Flood Mitigation Drainage Project Phase I Agreement for the design of drainage improvements in the East Front Street basin (Contract number 11HM-2V-11-54-02-004) to July 15, 2012.

BACKGROUND:

The City entered into a grant agreement with the State of Florida Division of Emergency Management/FEMA on May 25, 2011 (Resolution 11-123) for the design of drainage improvements in the East Front Street area.

The Phase I period of agreement began on August 12, 2010 and was extended to April 15, 2012 with the approval of Modification Number One (Resolution 11-228) at the August 2, 2011 City Commission Meeting. The agreement amount is \$148,094 (including \$4,821 in administrative costs) with a City match of \$47,758.

PURPOSE AND JUSTIFICATION

City Staff is requesting approval of Modification Number Two so that the agreement can be extended to July 15, 2012.

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

M E M O R A N D U M

The time extension will allow the City ample time to complete the design of the East Front Street Drainage Project. The design will be completed by Perez Engineering and Development, Inc. through Task Order No. 12-02 for \$191,000.00 which was approved by the City Commission on January 18, 2012 (Resolution 12-036).

OPTIONS / ADVANTAGES / DISADVANTAGES:

1. The City Commission can approve and authorize the execution of Modification Number Two. This will allow additional time to complete the design of the East Front Street Drainage Project.
2. The City Commission can reject Modification Number Two. With this option, the Phase I period of agreement will not be extended. Without the extension there will not be sufficient time to complete the design. Ultimately, the funding would not be available if design is not completed by April 15, 2012 (the current deadline for Phase I deliverables).

FINANCIAL IMPACT:

With Modification Number Two approved, the period of performance will be extended to July 15, 2012 with no additional financial impact to the funding already approved with Resolution 11-123 (approval of Contract Number 11HM-2V-11-54-02-004).

RECOMMENDATION:

Staff recommends that the City Commission select option 1, approving Modification Number Two to extend the Phase I period of agreement to July 15, 2012.

JG/cds

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 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 ("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 Recipient under the Hazard Mitigation Grants Program of \$148,094.00; and

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

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

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 August 12, 2010, and shall end July 15, 2012, unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

2. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in the Revised Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference.
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 to 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.
5. 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 administration 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: J.K. Scholl

By: [Signature]

Name and Title: J. K. SCHOLL
CITY MANAGER

Name and Title: Bryan W. Koon, Director

Date: 07 March 2012

Date: 3/19/2012

Attachment A (Revised)

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 July 15, 2012.

Schedule of Work

Survey:	6 Months
Engineering and Design:	6 Months
In-house Meetings and Reviews:	3 Months
Bidding:	3 Months
Permitting:	<u>5 Months</u>
Total Period of Performance:	23 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%)
<u>Local Share:</u>	<u>\$ 47,758.00 (25%)</u>
Total Project Cost:	\$191,031.00 (100%)

Recipient Administrative Allowance up to \$4,821.00.