

RESOLUTION NO. 20-215

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "AMENDMENT NO. 2 TO AGREEMENT NO. LP44031" BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AND THE CITY OF KEY WEST TO EXTEND THE PERIOD OF AGREEMENT TO JUNE 30, 2022; AUTHORIZING ANY NECESSARY BUDGET AMENDMENTS OR ADJUSTMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, in Resolution No. 17-124, the City Commission approved an FDEP Agreement for Federal funding for Key West Stormwater Improvements, in Resolution 18-047, the City Commission approved Change Order No. 1 to the Agreement, and in Resolution 19-040, the City Commission approved Amendment No. 1; and

WHEREAS, Amendment No. 2 authorizes additional time to complete the Grant Work Plan and close out the grant, due to COVID-19 related delays; 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 No. 2 to Agreement No. LP44031," between FDEP and the City is hereby approved, to extend the period of agreement to June 30, 2022.

Section 2: Grant funds are already budgeted for this project, and this Amendment represents a no-cost time extension.

Any necessary budget amendments or adjustments are hereby authorized.

Section 3: That the City Manager is authorized to execute any necessary documents, upon advice and consent of the City Attorney.

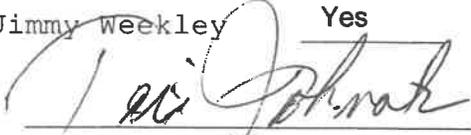
Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 4th day of November, 2020.

Authenticated by the Presiding Officer and Clerk of the Commission on 5th day of November, 2020.

Filed with the Clerk on November 5, 2020.

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

**AMENDMENT NO. 2  
TO AGREEMENT NO. LP44031  
BETWEEN  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND  
CITY OF KEY WEST**

This Amendment to Agreement No. LP44031, as previously amended, (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and the City of Key West (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for City of Key West Stormwater Improvements effective May 17, 2017 and amended on February 12, 2019 and,

WHEREAS, the Grantee has requested a revision in the scope of work, and an extension of the Agreement which is needed due to COVID-19 related delays; and,

WHEREAS, certain provisions of the Agreement need revision.

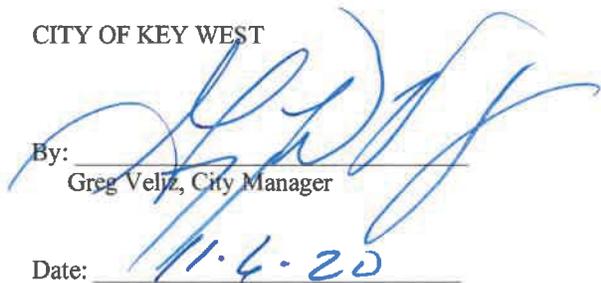
NOW THEREFORE, the parties agree as follows:

1. The Agreement is effective until June 30, 2022. The reimbursement period for this Agreement begins on July 1, 2016 and ends at the expiration of the Agreement. The Department and the Grantee shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.
2. **Attachment A-1, Revised Grant Work Plan**, is hereby deleted and replaced with **Attachment A-2, Revised Grant Work Plan**, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to **Attachment A** shall hereinafter refer to **Attachment A-2, Revised Grant Work Plan**.
3. **Attachment B-1, Revised Payment Request Summary Form**, is hereby deleted and replaced with **Attachment B-2, Revised Payment Request Summary Form**, attached hereto and made a part of the Agreement. All references in the Agreement to **Attachment B**, shall hereinafter refer to **Attachment B-2, Revised Payment Request Summary Form**.
4. **Attachment D-1, Revised Progress Report Form**, is hereby deleted in its entirety and replaced with **Attachment D-2, Revised Progress Report Form**, attached hereto and made a part of the Agreement. All references in the Agreement to **Attachment D**, shall hereinafter refer to **Attachment D-2, Revised Progress Report Form**.
5. All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

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IN WITNESS WHEREOF, the parties have caused this amendment to Agreement No. LP44031 to be duly executed, the day and year last written below.

CITY OF KEY WEST

By:   
 \_\_\_\_\_  
 Greg Veliz, City Manager

Date: 11.4.20

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: Trina Vielhauer Digitally signed by Trina Vielhauer  
Date: 2020.11.18 10:52:06 -05'00'  
 \_\_\_\_\_  
 Trina Vielhauer, Division Director

Date: \_\_\_\_\_

Susan Leitholf Digitally signed by Susan Leitholf  
Date: 2020.11.16 17:05:45 -05'00'  
 \_\_\_\_\_  
 Sue Leitholf, DEP Grant Manager

Sandra Waters Digitally signed by Sandra Waters  
Date: 2020.11.17 06:44:17 -05'00'  
 \_\_\_\_\_  
 Sandra Waters, DEP QC Reviewer

List of attachments/exhibits included as part of this Amendment:

Specify Type	Letter/ Number	Description (include number of pages)
<u>Attachment</u>	<u>A-2</u>	<u>Revised Grant Work Plan (2 Pages)</u>
<u>Attachment</u>	<u>B-2</u>	<u>Revised Payment Request Summary Form (1 Page)</u>
<u>Attachment</u>	<u>D-2</u>	<u>Revised Progress Report Form (1 Page)</u>

**ATTACHMENT A-2  
REVISED GRANT WORK PLAN**

**PROJECT TITLE:** City of Key West Stormwater Improvements

**PROJECT LOCATION:** The Project will be located at the intersection of Dennis and Venetia Street within the City of Key West in Monroe County. Lat/Long (24.5545, -81.7785). See Figure 1 for a site plan.

**PROJECT BACKGROUND:** The City of Key West (Grantee) will construct a stormwater pump station to alleviate localized flooding in the low-lying neighborhood along Dennis Street, Venetia Street, and Blanch Street. This pump station, currently under design, will receive stormwater runoff from adjacent street drain inlets and will reduce ponding issues in the streets. A vortex separator with a high-flow diversion structure will be installed upstream of the pump station to separate debris from the stormwater runoff prior to entering the pump station wet well. A backup power generator will be provided to maintain pumping capabilities in the event of a power failure.

The proposed discharge location is via outfall to the Salt Ponds, through an outfall structure located on the Key West High School property.

**PROJECT DESCRIPTION:** The Grantee will construct the stormwater pump station, vortex separator with diversion structure, install a backup power generator, and connect the force main to existing outfall or a new outfall structure.

The Grantee does not anticipate that the funding under this agreement will result in a fully completed project, so this agreement will cover a portion of the work.

**TASKS:**

**Task 1: Construction**

**Deliverables:** The Grantee will construct the stormwater pump station, vortex separator with diversion structure, install a backup power generator, and connect the force main to existing outfall or a new outfall structure in accordance with the construction contract documents.

**Documentation:** The Grantee will submit: 1) a signed acceptance of the completed work to date, as provided in the Grantee’s Certification of Payment Request; and 2) a signed Engineer’s Certification of Payment Request.

**Performance Standard:** The Department’s Grant Manager will review the documentation to verify that the deliverables are completed as described above. Upon review and written acceptance by the Department’s Grant Manager, the Grantee may proceed with payment request submittal.

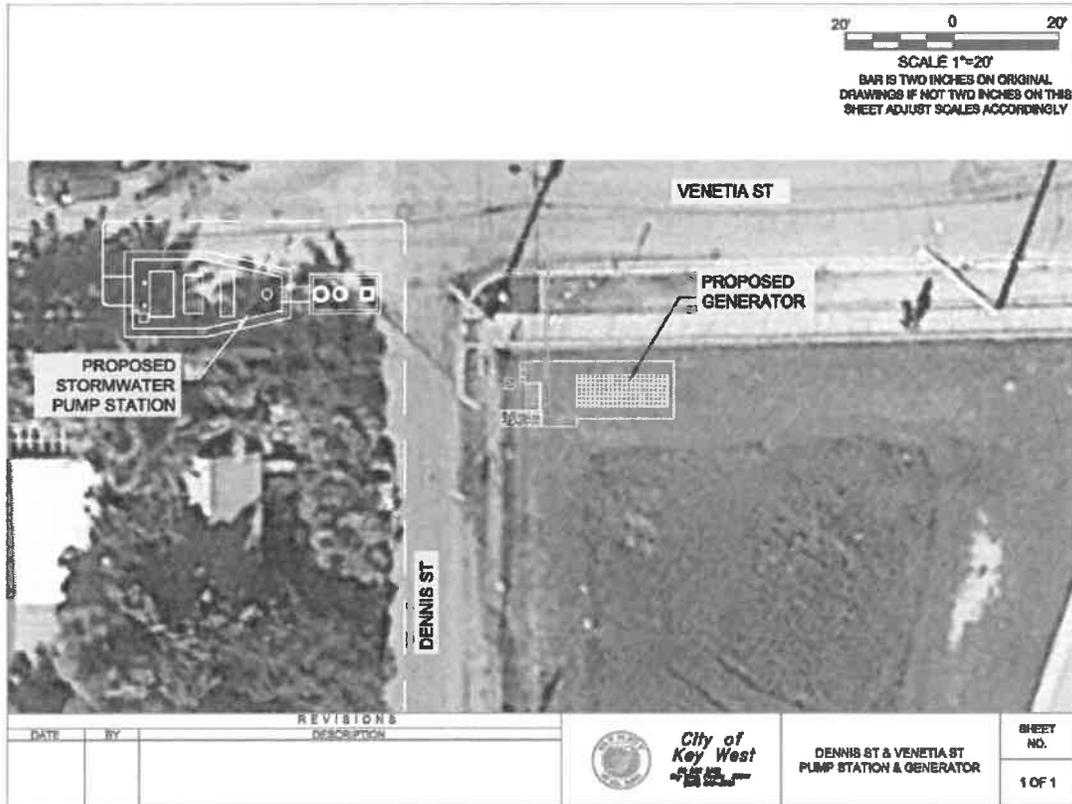
**Payment Request Schedule:** The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

**PROJECT TIMELINE & BUDGET DETAIL:** The tasks must be completed by, and all documentation received by, the corresponding task end date.

<b>Task No.</b>	<b>Task Title</b>	<b>Budget Category</b>	<b>Budget Amount</b>	<b>Task Start Date</b>	<b>Task End Date</b>
1	Construction	Contractual Services	\$929,000	07/01/16	12/31/2021
<b>Total:</b>			<b>\$929,000</b>		

Note that, per paragraph 4 of the agreement, authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the Department if the Legislature reduces or eliminates appropriations. Extending the contract end date carries the risk that funds for this project may become unavailable in the future. This should be a consideration for the Grantee with this and future requests for extension.

Figure 1. Site Plan



**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Attachment B-2  
Revised Payment Request Summary Form**

**The Payment Request Summary Form** for this grant can be found on our website at this link:

<https://floridadep.gov/wra/wra/documents/payment-request-summary-form>

Please use the most current form found on the website, linked above, for each payment request.

**STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Attachment D-2  
Revised Progress Report Form**

<b>DEP Agreement No.:</b>	<b>LP44031</b>
<b>Project Title:</b>	City of Key West Stormwater Improvements
<b>Grantee Name:</b>	City of Key West
<b>Grantee's Grant Manager:</b>	Carolyn Sheldon
<b>Reporting Period:</b>	

**Provide the following information for all tasks identified in the Grant Work Plan:**

Summarize the work completed within each task for the reporting period. Provide an update on the estimated completion date for each task and an explanation for any anticipated delays or problems encountered. Use the format provided below.

**Task 1: Construction**

- Progress for this reporting period:
- Identify any delays or problems encountered:

**Indicate the completion status for the following tasks:**

- Construction (Estimated): \_\_\_\_%

This report is submitted in accordance with the reporting requirements of the above DEP Agreement number and accurately reflects the activities associated with the project.

4

\_\_\_\_\_  
Signature of Grantee's Grant Manager

\_\_\_\_\_  
Date