

## **AMENDMENT (2nd AMENDMENT) TO AGREEMENT**

**THIS AMENDMENT** to Agreement dated this \_\_\_\_ day of \_\_\_\_\_ 2025, is entered into by and between the Board of County Commissioners for Monroe County, on behalf of the Tourist Development Council, and **The City of Key West** a Government agency organized and operating under the laws of the state of Florida (Grantee).

**WHEREAS**, there was an Agreement entered into on October 18, 2023 between the parties, awarding \$641,830 to Grantee for the **City of Key Coffee Butler Amphitheatre Enhancements Phase III Project ("Agreement")**; and

**WHEREAS**, there was an Amendment to Agreement entered into on January 15, 2024 to extend the completion date of the project to December 31, 2025 to allow for completion of the construction project; and

**WHEREAS**, it has become necessary to revise the termination date of the project to December 31, 2026 to allow for completion of the construction of the project, and

**WHEREAS**, it has become necessary to review Exhibit A, Scope of Services, to break the project into segments to allow for payment of the portion of the project that has been completed; and

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein the parties agree to the amend Agreement as follows:

1. Paragraph 1 of the agreement shall be revised to read as follows: This Agreement is for the period of **October 18, 2023 to December 31, 2026**. This Agreement shall remain in effect for the stated period unless one party gives to the other written notification of termination pursuant to and in compliance with paragraphs 7, 12 or 13 of the original Agreement dated October 18, 2023.

2. Any references to termination date and submission of invoices shall be revised to read December 31, 2026.

3. Reimbursement for Segment 2 this project may not be submitted until after October 1, 2026.

4. Exhibit A of this Agreement shall be revised as attached hereto.

5. The remaining provisions of the Agreement dated October 18, 2023 and amended on January 15, 2024 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and seal on the day and year first above written.

(SEAL)  
Attest: Kevin Madok, Clerk

Board of County Commissioners  
of Monroe County

\_\_\_\_\_  
As Deputy Clerk

\_\_\_\_\_  
Mayor/Chairman

**The City of Key West**

**Attest:**

By. \_\_\_\_\_  
**City Clerk**

By \_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Print Name**

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

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

**NAME OF ENTITY:** City of Key West

**NAME OF PROJECT:** Key West Coffee Butler Amphitheatre Enhancements Phase III

**NUMBER OF SEGMENTS TO PROJECT:** 1

***Note: County signoff and submission for reimbursement only allowed after completion of each segment as documented in this exhibit. Grantee must apply for reimbursement utilizing the 'Application for Payment' form included within the Payment/Reimbursement Kit.***

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| <p>Segment #: <u>1</u></p> <p><u>Description:</u> Materials, equipment and labor required to:</p> <ul style="list-style-type: none"> <li>• Install rubber surface material in grassy area</li> </ul> <p>(In order for this segment to be reimbursed, acknowledgement of TDC funding must be in place and proof in the form of pictures provided with submission for reimbursement of this segment. This acknowledgement shall not be covered as part of the TDC reimbursement – see contract paragraph 2)</p> | <p><u>Total Cost: \$64,484</u></p> <p><b><u>In-Kind:</u></b> No in-kind will be used towards reimbursement of this project.</p> | <p><u>TDC portion: \$64,484</u></p> |
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**NAME OF ENTITY:** City of Key West

**NAME OF PROJECT:** Key West Coffee Butler Amphitheatre Enhancements Phase III

**NUMBER OF SEGMENTS TO PROJECT:** 2

***Note: County signoff and submission for reimbursement only allowed after completion of each segment as documented in this exhibit. Grantee must apply for reimbursement utilizing the 'Application for Payment' form included within the Payment/Reimbursement Kit.***

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| <p>Segment #: <u>2</u><br/> <u>Description:</u>     Materials, equipment and labor required to:</p> <ul style="list-style-type: none"> <li>• Mobilize</li> <li>• Perform demolition, tilling and re-grading of slopes</li> <li>• Perform balancing of earth and lasergrading of sub-grade</li> <li>• Install nailerboards secured to existing curbing and sidewalks</li> <li>• Install drainage</li> <li>• Install shock pad under turf</li> <li>• Install turf including infill</li> </ul> <p><b>(In order for this segment to be reimbursed, acknowledgement of TDC funding must be in place and proof in the form of pictures provided with submission for reimbursement of this segment. This acknowledgement shall not be covered as part of the TDC reimbursement – see contract paragraph 2)</b></p> | <p><u>Total Cost: \$577,346</u></p> <p><b><u>In-Kind:</u></b> No in-kind will be used towards reimbursement of this project.</p> | <p><u>TDC portion: \$577,346</u></p> |
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