## **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	t a Government ager	ncy 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.

above written. **Board of County Commissioners** (SEAL) Attest: Kevin Madok, Clerk 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: \_\_\_\_\_

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

## **EXHIBIT A**

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. Segment #:1 Description: Materials, equipment and labor required to: Install rubber surface material in grassy area TDC portion: \$64,484 Total Cost: \$64,484 (In order for this segment to be reimbursed, acknowledgement of TDC In-Kind: No in-kind will be used funding must be in place and proof in the form of pictures provided with towards reimbursement of this submission for reimbursement of this segment. This acknowledgement project. shall not be covered as part of the TDC reimbursement – see contract paragraph 2)

NAME OF ENTITY: City of Key West

## **EXHIBIT A**

NAME OF ENTITY: City of Key West

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

NUMBER OF SEGMENTS TO PROJECT: 2

<u>Note</u>: 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.

		,
Segment #: <u>2</u>		
<u>Description</u> : Materials, equipment and labor		
required to:		
Mobilize		
Perform demolition, tilling and re-grading of		
slopes		
<ul> <li>Perform balancing of earth and lasergrading</li> </ul>		
of sub-grade		
Install nailerboards secured to existing curbing		
and sidewalks		
Install drainage		
<ul> <li>Install shock pad under turf</li> </ul>		
Install turf including infill		
	<u>Total Cost: \$577,346</u>	<u>TDC portion: \$577,346</u>
(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	<u>In-Kind</u> : No in-kind will be used towards reimbursement of this	
submission for reimbursement of this segment. This acknowledgement shall not be covered as part of the TDC reimbursement – see contract	project.	
paragraph 2)	F-37	