

RESOLUTION NO. 2015-63

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO GRANTS; APPROVING THE FIRST AMENDMENT TO THE RECREATIONAL TRAILS GRANT AGREEMENT NO. T1324, TO ALLOW FOR THE CONSTRUCTION OF A NEW RESTROOM FACILITY AT CORAL REEF PARK; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, following Council approval, a grant application was submitted to the Florida Department of Environmental Protection (FDEP), through its Recreational Trails Program, to implement needed improvements to the Coral Reef Park Trail; and,

WHEREAS, the grant was approved for \$181,500 with a grant match of \$121,000 for a grant scope of work that included the renovation of existing restroom facilities to enhance trail amenities for users; and,

WHEREAS, the restrooms scheduled for renovation are inside the recreation room, which is scheduled to be replaced in the near future, and therefore, it would be a waste of the funds to repair restrooms that will be demolished; and,

WHEREAS, FDEP is allowing the Village to amend the grant scope to provide for a new restroom facility for the benefit of the trail users, and has issued a First Amendment to the DEP Agreement to allow for the change in the scope, with no change in funding requirements; and,

WHEREAS, the Village desires to accept the First Amendment to the DEP Agreement, and the revised scope of work.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Village Council hereby approves the First Amendment to DEP Agreement No. T1324, attached hereto as Exhibit A.

Section 2. The Village Manager is authorized to sign the grant amendment and proceed with the revised scope of work.

Section 3. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 13th day of July, 2015.

Attest:



Meighan J. Alexander
Village Clerk



Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:



Dexter W. Lehtinen
Office of the Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Katryn Cunningham	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Larissa Siegel Lara	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Eugene Flinn	<u>YES</u>

T13024
(RTP Contract Number)

T1324
(DEP Contract Number)

**FIRST AMENDMENT TO
DEP AGREEMENT NO. T1324
VILLAGE OF PALMETTO BAY – CORAL REEF PARK TRAIL
Non-Motorized Diverse Use**

THIS FIRST AMENDMENT TO DEP AGREEMENT NO. T1324 (“First Amendment”) affects the Coral Reef Park Trail Project and is made and entered into between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (the “DEPARTMENT”) and the VILLAGE OF PALMETTO BAY (the “GRANTEE”).

RECITALS:

WHEREAS, on or about November 26, 2014, the Department and Grantee entered into a Florida Recreational Trails Program Project Agreement No. T13024 (the “Agreement”) for the recreational trail project known as the Coral Reef Park Trail (“Project”).

WHEREAS, the Agreement collectively includes Attachments A, B, C, and D, and such Agreement and its Attachments are incorporated herein by reference.

WHEREAS, Grantee has requested revisions to the Agreement, Project Elements, and the Recreational Trails Program Grant Work Plan (hereinafter “Attachment A”).

WHEREAS, the Department and the Grantee have confirmed that such revisions are within the parameters of the Agreement.

WHEREAS, Paragraph 4 of the Agreement also requires that revisions to Attachment A be reduced to writing in an amendment to the Agreement.

WHEREAS, the Department is willing to revise the Agreement, all as more particularly set forth in this First Amendment.

NOW THEREFORE, in consideration of the foregoing Recitals, the Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties mutually agree as follows:

1. Recitals. The Recitals set forth hereinabove are true and correct and are incorporated herein by reference.

2. Amendments to the Agreement. The Agreement is hereby revised and/or modified as follows:

a.) Attachment A is hereby deleted in its entirety, and the Attachment A annexed to this First Amendment, entitled “Recreational Trails Program Project Work

Plan” (Revised 5/22/15), is hereby substituted in lieu thereof. From and after the date of this First Amendment, the phrase “Attachment A” shall mean the Attachment A annexed to this First Amendment.

b.) Paragraph 4 is hereby modified as follows (deletions are shown as stricken and additions are underlined):

The following shall be considered the Project Elements, which may be modified by the Department upon a showing of good cause and that the spirit and intent of the Project is maintained: ~~West Restroom Trailside Renovation;~~ Construction of a new Restroom renovation of +/-2,000 Linear Feet, 6 to 8-foot wide asphalt trail, installation of tree dams and sod replacement along the discontinuous areas for improvements throughout the project boundary, an informational kiosk, and related support facilities.

3. Ratification. Except as modified by this First Amendment and its Attachment A, the Agreement is hereby ratified and confirmed and remains in full force and effect. In the event of a conflict between the Agreement and this First Amendment, this First Amendment shall control.

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IN WITNESS WHEREOF, the parties have caused this First Amendment to be duly executed as of the day and year last written below.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

VILLAGE OF PALMETTO BAY

By: _____

Director (or Designee)

Office of Operations

Date: _____

By:  _____

Printed Name: Edward Silva

Title: Village Manager

Date: 7/14/15

Address:

9705 East Hibiscus Street

Palmetto Bay, Florida 33157

DEP Grant Manager

Approved as to form and legality:

DEP Attorney

 _____

GRANTEE'S ATTORNEY (if required)

*For agreements with governmental boards/commissions: If someone other than the Chairman signs this agreement, a resolution, statement, or other document authorizing that person to sign on behalf of the Grantee must accompany this agreement.

LIST OF ATTACHMENTS/EXHIBITS INCLUDED AS PART OF THIS FIRST AMENDMENT:

<u>Specify Type</u>	<u>Letter/Number</u>	<u>Description</u>
Attachment	A	Recreational Trails Program Project Grant Work Plan Palmetto Bay – Coral Reef Park Trail RTP Project # T13024 (Revised 5/21/15) (3 pages)

ATTACHMENT A
RECREATIONAL TRAILS PROGRAM PROJECT GRANT WORK PLAN
Village of Palmetto Bay – Coral Reef Park Trail Maintenance – Nonmotorized/Diverse Use
RTP Project #13024

Project Tasks, Deliverables, Associated Costs & Completion Dates

Project Task and Deliverable Descriptions	Amount of Costs to be Paid with RTP Funds	Amount of Costs to be Grantee Match (per ratio noted in Application)	Total Estimated Cost for Each Listed Deliverable (RTP + Match)	Completion Date for Each Deliverable	Indicate if to be bid or in-house or combination
<p>#1 Task Description: 100% construction of a restroom and renovation of +/-2,000 Linear Feet (LF) of six-to-eight-foot wide asphalt trail along discontinuous areas within the project boundary; installation of tree dams and sod repair along the discontinuous trail improvements areas; installation of an informational kiosk and related support facilities.</p>	\$181,500	\$121,000	\$302,500	11/26/2016	Bid
<p>#1 Task Deliverables: 100% construction of a restroom and renovation of +/-2,000 Linear Feet (LF) of six-to-eight-foot wide asphalt trail, installation of tree dams, sod repair along the discontinuous trail improvements areas, and installation of a kiosk.</p>					
TOTALS	\$181,500	\$121,000	\$302,500		

Performance Standard: Approval of deliverables is based upon review for compliance with the requirements for funding under the Recreational Trail grant program; approved plans and application approved for funding.

Financial Consequences: Failure to meet the performance standard will result in the rejection of the invoice for reimbursement and claim for match.

Instructions and Explanation of Grant Work Plan

Task Description: Include description of task to be completed under this Agreement.

Task Deliverable: Identify what will be completed at the time of the request for reimbursement. If it is part of a construction task, identify what part of the construction will be completed at this point. May be the percentage of completion, amount/number, length, width, surface, etc. Identify what will be submitted as proof of completion (dated photographs, certification of completion, copies of permits, copies of approved plans, etc. One task can have multiple deliverables. Each deliverable must have a detailed budget and completion date.

Note: If task will be contracted and/or subcontracted, a copy of the fully executed contract between the RTP project sponsor and the contractor must be identified as a deliverable under the Task Description and submitted to Robin Birdsong, or her designee.

Number of Deliverables: Grantee should note as many deliverables as needed to properly complete project, and accommodate required cash flow.

RTP Funds and Grantee Match: Totals must equal amounts indicated in Project Agreement. RTP funds proportionately in every deliverable. Example - 80% RTP, 20% Grantee Match; must show 80% RTP funds in every deliverable.

Amount of Costs to be paid with RTP Funds: Provide description of the costs as follows: **Salaries:** identify the position title/hourly rate/# of hours to complete the deliverable; **Fringe benefits:** identify the % used to calculate the fringe benefits; **Contractual Services:** identify what service will be paid for under the contract for services; **Equipment:** the purchase of equipment is not allowed under this Agreement, the rental of equipment is the only costs allowed that are associated with equipment; **Supplies and Materials:** identify what supplies/materials will be purchased; **Other costs:** identify what other costs are being requested (such as printing costs, other costs that do not fit into the other established cost categories (salaries, fringe benefits, equipment, supplies, indirect, contractual services). The same level of detail must be identified for the match being claimed under this Agreement.

Schedule of Values: A schedule of values, developed per the construction industry standard, must be submitted with the Commencement Documentation. All invoices submitted as part of the reimbursement process must correspond with Attachment A and the Schedule of Values.

Reimbursements: No reimbursement will be made until deliverable item is completed, and documentation is submitted and approved by the Department Grant Manager. Deliverables must be tied to a physical product, i.e. copy of permit, signed/sealed boundary map, construction documents, quarterly status report (with photos), viewed on site by Robin Birdsong or her designee.

Change in Costs of Deliverables: Any revisions to Attachment A must be formally requested by the Grantee and if agreed upon by the Department, the modifications will be reduced to writing in an amendment to this Project Agreement.

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