

STAFF REPORT UTILITY MEETING

AGENDA DATE: October 30, 2023

DEPARTMENT: Water Utilities

TITLE:

Amendment No. 1 to Agreement 22FRP70 with the Florida Department of Environmental Protection

SUMMARY:

The First Amendment to the Agreement 22FPR70 between the Florida Department of Environmental Protection and the City provides for updates and revisions to the terms and conditions, and technical provisions of the original Agreement for the Lake Worth Beach Eden Place Sea Level Rise Mitigation project. There is no fiscal impact resulting from this amendment.

BACKGROUND AND JUSTIFICATION:

On July 5, 2022, the City Commission approved Resolution No. 41-2022 approving and authorizing the Vice Mayor to execute the Agreement 22FPR70 between the Florida Department of Environmental Protection (the "Department") and the City for the Lake Worth Beach Eden Place Sea Level Rise Mitigation project. This Agreement set forth the terms and conditions for the use of \$300,000 in funding assistance under the Resilient Florida Grant Program to implement mitigation measures to relieve the chronic flooding in the Eden Place neighborhood. The City is providing a local cost share of \$300,000 for the project.

Amendment No. 1 to the Project Agreement 22FPR70 contains updates, revisions and additions that the Department deemed necessary. These revisions include the following:

- Section 6 is revised to designate Ashley Larson as the Department's Grant Manager;
- Attachment 1, Standard Terms and Conditions is deleted in its entirety and replaced with Attachment 1-A, Revised Terms and Conditions
- Attachment 2, Special Terms and Conditions is deleted in its entirety and replaced with Attachment 2-A, Revised Special Terms and Conditions;
- Attachment 3, Grant Work Plan is deleted in its entirety and replaced with Attachment 3-A, Revised Grant Work Plan;
- Attachment 5, Special Audit Requirements is deleted in its entirety and replaced with Attachment 5-A, Revised Special Audit Requirements;
- Attachment 6, Resilient Florida Program Specific Requirements is deleted in its entirety and replaced with Attachment 6-A, Revised Resilient Florida Specific Requirements;
- Attachment 8, Contract Provisions SLFRF is deleted in its entirety and replaced with Attachment 8-A, Revised Contract Provisions;
- Exhibit A, Progress Report Form is deleted in its entirety and replaced with Exhibit A-1, Progress Report Form; and
- Exhibit J, Common Carrier or Contracted Carrier Attestation Form (PURR 1808) is added to the Agreement. (This form is not applicable to the City.)

All other terms and conditions of the original Agreement remain valid and in effect.

These revisions are essentially technical in nature and follow updates from the Office of the General Counsel.. Amendment No. 1 to the Agreement 22FPR70 has no fiscal impact on the project.

MOTION:

Move to approve/disapprove Amendment No. 1 to Agreement 22FPR70 between the Florida Department of Environmental Protection and the City.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A
Amendment No. 1