

**AMENDMENT NO. 1
TO AGREEMENT NO. L2202
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
CITY OF DELRAY BEACH**

This Amendment to Agreement No. L2202 (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and City of Delray Beach, **100 NW 1st Avenue, Delray Beach, FL 33444** (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for the development of MEP Engineering & Permitting, purchase of new commercial kitchen and pool equipment, pool resurfacing, pavilion purchase and installation, parking lot improvements including mill & resurfacing and striping, effective November 08, 2022; and

WHEREAS, the parties wish to amend the Agreement as set forth herein to extend the grant period to June 30, 2024; and the grant project completion date to April 30, 2024.

NOW THEREFORE, the parties agree as follows:

- 1) Paragraph 2.b. of the Special Terms and Conditions is hereby deleted in its entirety and replaced with the following:
b. Extensions. There are extensions available for this Project.
- 2) The Agreement is extended for a six-month period to begin December 31, 2023, and remain in effect until June 30, 2024. 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.
- 3) The Project Completion Date is extended for a six-month period to begin October 31, 2023 and remain in effect until April 30, 2024.
- 4) Attachment 3, Project Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-A, Revised Project Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 3 shall hereinafter refer to Attachment 3-A, Revised Project Work Plan.
- 5) All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistencies may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

City of Delray Beach

By: _____

Shelly Petrolia, Mayor

Date: _____

4/18/2023

Attest: _____

Katerri Johnson, City Clerk

Approve as to Form and Legal Sufficiency: _____

Lynn Gelin, City Attorney

**Florida Department of
Environmental Protection**

By: _____

Mara Gambineri

Secretary or Designee

Date: _____

4/27/2023

Digitally signed by Mara Gambineri
Date: 2023.04.27 14:12:38 -04'00'

ATTACHMENT 3-A
REVISED PROJECT WORK PLAN
LEGISLATIVE LINE ITEM PROJECT

Project Name: **Pompey Park**
Grantee Name: **City of Delray Beach**
Project # **L2202**

SUMMARY: The **City of Delray Beach** (Grantee) received funding in the amount of **\$935,000.00** from the Florida Legislature through Specific Appropriation Line Item 1755A, General Revenue Fund, Fiscal Year (FY) 2022-2023, General Appropriations Act, for the purpose of **design and install a commercial kitchen, resurface and improve the equipment room at the public swimming pool to provide a safer environment for the community, mill & resurface and restripe parking areas and provide the purchase and installation of a pavilion shade structure that will provide a safe outlet for play in a high use, economically challenged community for neighborhood children, seniors, program participants and local organizations.** Authority for this Project is specified in Section 216.011, Florida Statutes (F.S.). Monitoring and auditing guidelines, as related to the Florida Single Audit Act are specified in the Florida Catalog of State Financial Assistance (CSFA). The specific CSFA number for this Project is 37.085.

The Project is located at **1101 NW 2nd Street, Delray, FL 33444.**

All work must be completed in accordance with, and including but not limited to: the Agreement, local, state and federal laws, the approved Project plans, all required permits, and the Florida Building Code. Prior to the Department issuing a "Notice to Commence" to the Grantee, as specified in Attachment 6 of the Agreement, Program Specific Requirements, the Department must receive evidence of and have approved all Deliverables in Task 1. The Department shall designate the Project complete upon receipt and approval of all Deliverables and when Project site is open and available for use by the public for outdoor recreation purposes.

For the purpose of this Agreement, the terms "Project Element" and "Project Task" are used interchangeably to mean an identified facility within the Project.

Budget: Reimbursement for allowable costs for the Project shall not exceed the maximum Grant Award amount outlined below. Grantee shall maintain an accounting system which meets generally accepted accounting principles and shall maintain financial records to properly account for funds. All final Project Costs shall be submitted to the Department with the payment request.

Maximum Grant Award Amount:	\$ 935,000.00
Required Grantee Match Amount:	\$ 0
Total Estimated Project Cost:	\$ 935,000.00
Match Ratio:	100%

Scope of Work/Project Tasks	Budget	Deliverables	Due Date	Financial Consequences
PROJECT TASK 1 1.A. Development of Commencement Documentation Checklist (FRDAP Form DRP-107) ¹ .	No Cost Deliverable	PROJECT DELIVERABLE 1 The Department will issue "Notice to Commence" upon receipt and approval of: 1.A. All applicable Project specific Commencement documentation listed on Commencement	180 calendar days after Execution of Agreement ²	The Department shall terminate the Project Agreement if the required Deliverables are not submitted and approved by the Department.

1.B. A Cost Analysis Form, with detailed budget (and In-House Cost Schedule(s), if applicable) (DEP 55-229).		Documentation Checklist (FRDAP FORM DRP-107) 1.B. A Cost Analysis Form, with detailed budget (and In-House Cost Schedule(s), if applicable). Project planning expenses, such as application preparation, architectural and engineering fees, permitting fees, Project inspection, and other similar fees are eligible for reimbursement. However, reimbursement, if requested, shall not exceed fifteen (15%) of total Project cost, and shall be invoiced upon Project completion, in accordance with the Payment Request Schedule. The Grantee may not proceed with development of the Project until Notice to Commence has been issued.		
Project Task 2 Task 2.A. Development of MEP Engineering & Permitting, purchase of new commercial kitchen and pool equipment, pool resurfacing, pavilion purchase and installation, parking lot improvements including mill & resurfacing and striping.	Task 2 \$ 935,000.00	PROJECT DELIVERABLE 2 The Grantee may request reimbursement upon Department receipt and approval of: 2.A. Development of required Project Elements. 2.B. All applicable Project specific Completion documentation listed on Completion Documentation Checklist (FRDAP Form DRP-111) ¹ . 2.C. Final Legislative Line Item Status Report. The Grantee may request reimbursement for allowable budgeted expenses and costs pursuant to the Agreement that are directly related to the successful development of the Project site. Reimbursement shall not exceed the Grant	Due April 30, 2024, which shall also be the Project Completion Date.	No reimbursement will be made for Deliverable(s) deemed unsatisfactory by the Department. Payment(s) will not be made for unsatisfactory or incomplete work. In addition, a Task may be terminated for Grantee's failure to perform.

Project Task Performance Standard: The Department's Grant Manager will review the Deliverables to verify compliance with the requirements for funding under the Agreement and approved plans. Upon review and written acceptance by the Department's Grant Manager of all Deliverables under each Project Task, the Grantee may proceed with the payment request submittal.

Payment Request Schedule: Following Department approval of all Deliverables, the Grantee may submit a **single payment request** on Payment Request Summary Form (FRDAP Form DRP-115) ¹, along with all required documentation as outlined in the Financial Reporting Procedures (FRDAP Form DRP-110) ¹, as applicable, to support

payment. A payment request submitted as part of the reimbursement process must correspond with the Cost Analysis and supporting documents provided under Project Tasks.

Endnotes:

1. Documentation is available at <https://floridadep.gov/lands/land-and-recreation-grants/content/frdap-assistance> and/or from the Land and Recreational Grants Section, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS# 585, Tallahassee, Florida, 32399-3000.
2. Project Agreement is subject to termination if Commencement documentations under Task 1 are not received and approved by the Department within 180 calendar days of the Project Agreement execution.

CITY OF DELRAY BEACH

Delray Beach

Florida



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100 NW 1st AVENUE DELRAY BEACH, FLORIDA 33444 561/243-7000

March 22, 2023

Ms. Erin Roaza, FCCM
Planner IV
Florida Department of Environmental Protection
Division of State Lands
Land and Recreation Grants Section
3900 Commonwealth Blvd., MS 585
Tallahassee, FL 32399-3000

RE: Time Extension Request to Grant Number: Pompey Park LLI Project No. L2202

Ms. Roaza,

The City of Delray Beach (City) is moving forward with completing the project elements for the upgrades to Pompey Park and Pool. Due to unforeseen rising costs for engineering, construction, and supplies, this exceeded our thresholds to make purchases without formal solicitations and Commission approval. The need to advertise and solicit for services have attributed to the delays of meeting our October 31, 2023 deadline.

We are currently in the process of advertising for the following:

Kitchen Design Services

Pool Resurfacing

The City will be awarding the above by July, for an April 30, 2024 completion.

To do so, here is a timeline of the project elements and completion dates:

4/3/23	Pool Resurfacing - Advertised
4/3/23	Parking Lot Resurfacing Begins
4/4/23	Commission Approval - Design Firm
5/1/23	Parking Lot Resurfacing - Complete
5/8/23	Kitchen Design - Complete
5/22/23	Solicit - General Contractor - Construction of Kitchen
7/6/23	Approve and Award - Pool Resurfacing Vendor
9/1/23	Approve and Award - General Contractor
9/4/23	Pool Resurfacing - Begins

SERVICE * PERFORMANCE * INTEGRITY * RESPONSIBLE * INNOVATIVE * TEAMWORK

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10/1/23	Permits – Kitchen Construction
10/31/23	Pool Resurfacing – Complete
12/1/23	Solicit - Commercial Kitchen Equipment
2/6/24	Approve and Award – Kitchen Equipment
4/8/24	Kitchen Construction Complete
4/15/24	Kitchen Equipment – Purchased and installed
4/30/24	FRDAP Sign - Purchased and installed

Please accept this request to extend the grant completion date from October 31, 2023 to April 30, 2024.

If you have any questions or concerns regarding this request, please contact me.

Sincerely,

Samuel Metott

Director Parks and Recreation



CITY OF DELRAY BEACH
CITY ATTORNEY'S OFFICE
200 NW 1ST Avenue, Delray Beach, FL 33444
561-243-7090



LEGAL REVIEW FORM

This form is to be used solely for the legal review of documents not including procurement agreements. Procurement Agreements are reviewed under a separate cover. This form shall only be completed by a member of the City Attorney's Office.

Date of Review: 3/30/23

Document Name: Amendment 1 to Agreement No. L2202 with FDEP

Document Type: Amendment

Submitted by: Lynda Wieland

☒ This document is approved as to form and legal sufficiency.

☐ These documents are approved as to form and legal sufficiency; however, the undersigned made the following change(s):

☐ This document is not approved as to form and legal sufficiency for the following reason(s):

_____.

s/Kelly W. Brandon, Esq.
Attorney

Copy to:

___City Attorney's Office (with a copy of the approved document)