

RESOLUTION NO. 2009- 222

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE AMEDNDMENT TO GRANT AGREEMENT 05SJ2 CONTRACT/AGREEMENT AMENDMENT #3 BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ST. JOHNS COUNTY CONTRACT/AGREEMENT AMENDMENT #3; PROVIDING DIRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida Department of Environmental Protection (the "DEPARTMENT"), and St. Johns County (the "COUNTY") **desire to revise the agreement** as listed on Amendment # 3 for 05SJ2; and

WHEREAS, the Amendment # 3 to the Original Agreement is attached and incorporated to this Resolution; and

WHEREAS, the COUNTY has reviewed the terms, provisions, and requirements of the Agreement, and has determined that accepting the terms of the Agreement, will service the interests of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are hereby incorporated into the body of this Resolution, and are adopted as Findings of Fact.

Section 2. The Board of County Commissioners hereby approves the terms, conditions, provisions, and requirements of the attached 05SJ2 Agreement Amendment #3 between the State of Florida Department of Environmental Protection and St. Johns County, Florida, concerning time extension, and authorizing the County Administrator, or designee, to execute the Agreement Amendment, on behalf of the County.

Section 3. The Board of County Commissioners authorizes the County Administrator, or designee, to execute any other paperwork associated with, or necessary to accomplish, the overall goal set forth in the Agreement Amendment.

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 18th day of August, 2009.

**BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA**

ATTEST:

Pam Halterman
Deputy Clerk

BY:

Ron Sanchez
Ron Sanchez, Vice Chair

RENDITION DATE 8/20/09



AMENDMENT No: 3
DEP AGREEMENT No: 05SJ2
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF BEACHES AND COASTAL SYSTEMS
BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM
STATE OF FLORIDA
AMENDMENT TO GRANT AGREEMENT FOR
ST. JOHNS COUNTY SHORE PROTECTION PROJECT

THIS AGREEMENT entered into on the 11th day of February, 2005, amended on the 18th day of December, 2007, and amended on the 1st day of October, 2008, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT") and the ST. JOHNS COUNTY (hereinafter referred to as the "LOCAL SPONSOR"), is hereby amended as follows:

Whereas the 2009 Legislature has reverted funds in grant 05SJ2 in the amount of \$32,803.04, and this amendment reflects removal of those funds;

Whereas the LOCAL SPONSOR submitted a letter from the U.S. Army Corps of Engineers, Jacksonville District, requesting non - federal funds (\$14,739.00) for the design task for the next nourishment. These additional funds are reflected in this amendment;

- Paragraphs 8, 9, and 26 are hereby revised to read as follows:

8. The DEPARTMENT and the LOCAL SPONSOR agree that the estimated costs of the PROJECT are identified in Table 1 below:

TABLE 1

Task #	Eligible Project Tasks	Estimated Project Costs			
		Federal	DEP	Local	Total
2.0	Design and Permitting	\$0	\$131,615	\$202,094	\$333,709
3.0	Construction	\$13,156,162	\$1,082,030	\$1,661,454	\$15,899,646
4.0	Monitoring				
4.1	Monitoring 2006-2007	\$0	\$39,895	\$61,259	\$101,154
4.2	Monitoring 2007-2008	\$0	\$62,867	\$96,531	\$159,398
4.3	Monitoring 2008-2009	\$0	\$42,795	\$65,712	\$108,507
	Monitoring Subtotal	\$0	\$145,557	\$223,503	\$369,060
	TOTAL PROJECT COSTS	\$13,156,162	\$1,359,202	\$2,087,051	\$16,602,415

9. The DEPARTMENT has determined that 78.87 percent of the PROJECT cost is eligible for state cost sharing. Therefore, the DEPARTMENT's financial obligation shall not exceed the sum of \$1,359,202 for this PROJECT or up to 39.44 percent of the non-federal project cost, if applicable, for the specific eligible PROJECT items listed above, whichever is less. To the extent applicable, it is understood and agreed that for portions of the PROJECT which are located within lands owned and managed by the DEPARTMENT's Division of Recreation and Parks, no cost share for construction activities shall be required of the LOCAL SPONSOR, and the PROJECT costs for such portions shall be paid by the DEPARTMENT.

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26. A. In addition to the requirements of the preceding paragraph, the LOCAL SPONSOR shall comply with the applicable provisions contained in **Attachment H-1 (Special Audit Requirements)**, attached hereto and made a part hereof. **Exhibit 1A to Attachment H-1** summarizes the funding sources supporting the Agreement for purposes of assisting the LOCAL SPONSOR in complying with the requirements of **Attachment H-1**. A revised copy of **Exhibit 1A** must be provided to the LOCAL SPONSOR for each amendment that authorizes a funding increase or decrease. If the LOCAL SPONSOR fails to receive a revised copy of **Exhibit 1A**, the LOCAL SPONSOR shall notify the Department's Grant Program Administrator at 850/922-7711, to request a copy of the updated information.
- B. The LOCAL SPONSOR is hereby advised that the Federal and/or Florida Single Audit Act Requirements may further apply to lower tier transactions that may be a result of this Agreement. The LOCAL SPONSOR shall consider the type of financial assistance (federal and/or state) identified in **Attachment H-1, Exhibit 1A** when making its determination. For federal financial assistance, the LOCAL SPONSOR shall utilize the guidance provided under OMB Circular A-133, Subpart B, Section ___.210 for determining whether the relationship represents that of a sub recipient or vendor. For state financial assistance, the LOCAL SPONSOR shall utilize the form entitled "Checklist for Nonstate Organizations Recipient/Subrecipient vs Vendor Determination" (form number DFS-A2-NS) that can be found under the "Links/Forms" section appearing at the following website:

<https://apps.fldfs.com/fsaa>

The LOCAL SPONSOR should confer with its chief financial officer, or audit director or contact the DEPARTMENT for assistance with questions pertaining to the applicability of these requirements.

- Exhibit 1 to Attachment H-1 is hereby deleted in its entirety and replaced with Exhibit 1A, attached hereto and made a part hereof.

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IN WITNESS WHEREOF, the parties have caused these presents to be duly executed, the day and year last written below.

ST. JOHNS COUNTY

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Title: *Commission Chair

By: _____
Secretary or designee

Date: _____

Date: _____

FEID No. 59-6000825

Department of Environmental Protection
Grant Program Administrator

APPROVED as to form and legality:

Grantee's Attorney

Department of Environmental Protection
Attorney

*If someone other than the Commission Chair signs this Agreement, a resolution, statement or other documentation authorizing that person to sign the Agreement on behalf of the County/City must accompany the agreement.

List of Attachments/Exhibits included as part of this Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	H-1	Exhibit 1A (page 5 of 5)

EXHIBIT - 1A

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:					
Federal Program Number	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:					
Federal Program Number	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
State Program Number	Funding Source	State Fiscal Year	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original Agreement	General Revenue, GAA Line Item # 1676	2004-2005	37.065	Hurricane Recovery Plan	\$1,264,400.00	149930
Amendment No. 1	General Revenue, GAA Line Item # 1796	2006-2007	37.003	Beach Management Funding Assistance Program	\$62,867.00	140126
Amendment No. 2	Ecosystem Management and Restoration Trust Fund, GAA Line Item # 1834	2007-2008	37.003	Beach Management Funding Assistance Program	\$50,000.00	140126
Amendment No. 3	General Revenue, GAA Line Item # 1676	2004-2005	37.065	Hurricane Recovery Plan	<\$32,803.04>	149930
Amendment No. 3	General Revenue, GAA Line Item # 1796	2006-2007	37.003	Beach Management Funding Assistance Program	\$14,739.00	140126
Total Award					\$1,359,202.96	

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [<http://12.46.245.173/cfda/cfda.html>] and/or the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/searchCatalog.aspx>]. The services/purposes for which the funds are to be used are included in the Contract scope of services/work. Any match required by the recipient is clearly indicated in the Contract.

FDEP - Bureau of Beaches and Coastal Systems

Financial Summary by Task/Sub-Task

ST. JOHNS COUNTY SHORE PROTECTION PROJECT

Project No.: 05S12 Expiration Date: 04/30/2011 Status: Active Manager: Guy Weeks
 Contract No.: 05S12 County: SJ

Contract Task Summary

Contracted/Amended Project Totals										Running Totals from Billings			
Task SubTask	Federal	State	Final Adjustment	Adjusted State	Local	Total	CSS%	State Paid	State Retained	State Remaining			
2 Design And Permitting	\$0.00	\$116,875.00		\$116,875.00	\$179,461.00	\$296,336.00	39.440	\$62,200.31	\$0.00	\$54,674.69			
0 Original	\$0.00	\$116,875.00		\$116,875.00	\$179,461.00	\$296,336.00	39.440	\$62,200.31	\$0.00	\$54,674.69			
3 Construction	\$13,156,162.00	\$1,082,030.00		\$1,082,030.00	\$1,661,454.00	\$15,899,646.00	6.805	\$1,082,029.61	\$0.00	\$0.39			
0 Original	\$13,156,162.00	\$1,082,030.00		\$1,082,030.00	\$1,661,454.00	\$15,899,646.00	6.805	\$1,082,029.61	\$0.00	\$0.39			
4 Monitoring	\$0.00	\$178,362.00		\$178,362.00	\$273,874.00	\$452,236.00	39.440	\$87,367.04	\$0.00	\$90,994.96			
1 Monitoring 2006-2007	\$0.00	\$39,895.00		\$39,895.00	\$61,259.00	\$101,154.00	39.440	\$39,895.36	\$0.00	-\$0.36			
2 Monitoring 2007-2008	\$0.00	\$62,867.00		\$62,867.00	\$96,531.00	\$159,398.00	39.440	\$44,657.15	\$0.00	\$18,209.85			
3 Monitoring 2008-2009	\$0.00	\$75,600.00		\$75,600.00	\$116,084.00	\$191,664.00	39.440	\$2,814.53	\$0.00	\$72,785.47			
Task Total:	\$13,156,162.00	\$1,377,267.00		\$1,377,267.00	\$2,114,789.00	\$16,648,218.00		\$1,231,596.96	\$0.00	\$145,670.04			
Report Total:	\$13,156,162.00	\$1,377,267.00		\$1,377,267.00	\$2,114,789.00	\$16,648,218.00		\$1,231,596.96	\$0.00	\$145,670.04			