

Resolution 2009 - 361

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, APPROVING THE TERMS AND CONDITIONS OF MODIFICATION #2 TO THE SPECIAL NEEDS GRANT AGREEMENT NUMBER 07HM-32-04-65-03-003, BETWEEN ST. JOHNS COUNTY AND THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, AUTHORIZING THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT MODIFICATION ON BEHALF OF THE COUNTY, AND RECOGNIZING AND AUTHORIZING THE EXPENDITURE OF THE ADDITIONAL \$60,189.47 AS UNANTICIPATED REVENUE.**

**WHEREAS**, St. Johns County, Florida through County Resolution 2006-363 approved a Special Needs Grant Agreement in the amount of \$552,485.00 on October 17, 2006; and

**WHEREAS**, the County budget was prepared prior to knowing of the additional funds being provided to this grant; and

**WHEREAS**, the State of Florida has made available additional grant dollars for the generator project at Pacetti Bay Middle School for a Special Needs Evacuation Shelter; and

**WHEREAS**, the County has determined that accepting the terms of the Agreement Modification, and entering into said Agreement Modification will serve 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 approves the terms and conditions of the attached and incorporated Modification #2 to the Special Needs Agreement between St. Johns County, Florida, and the State of Florida, Division of Emergency Management, and authorizes the County Administrator, or designee, to execute the Agreement Modification on behalf of the County.

Section 3. The County's Emergency Management budget shall be adjusted to account for the unanticipated revenues from the State of Florida in the amount of \$60,189.47.

Section 4. The Board approves the expenditure of the \$60,189.47, in order to facilitate the purposes, set forth in the Agreement Modification #2.

Section 5. To the extent that there are typographical and/or administrative errors and/or omissions that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, State of Florida, this 15<sup>th</sup> day of December, 2009.

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

**Attest:** Pam Halterman, Deputy Clerk

**By:** 

**Cheryl Strickland, Clerk**

**Ron Sanchez, Chair**

**RENDITION DATE** 12/16/09



Agreement Number: 07HM-32-04-65-03-003

Project Number: 1609-003

## MODIFICATION #2 TO SPECIAL NEEDS GRANT AGREEMENT

This Modification Number Two is made and entered into by and between the State of Florida, Division of Emergency Management (hereinafter "DEM") and the St. Johns County, (hereinafter "Recipient") to reinstate and extend and to modify the agreement between them dated April 9, 2007 and numbered DCA Contract No. 07HM-32-04-65-03-003; (hereinafter "Agreement") for the purpose of distributing state funds for hazard mitigation activities resulting from Hurricane Charley, FEMA-DR-1609-003.

WHEREAS, the Agreement expired on March 30, 2008 and

WHEREAS, the parties desire to reinstate and extend the agreement to March 31, 2010 in order for the Recipient to complete the Scope of Work as set forth in Attachment A of the Agreement.

WHEREAS, the Division and the Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to Recipient under the Special Needs Generator Program in the sum of \$552,485.00 that was appropriated for this subgrant, with \$138,121.00 in state funds and \$414,364.00 in federal funds; and

WHEREAS, the Division and the Recipient desire to provide additional state funding under the Agreement;

NOW, THEREFORE, the parties agree to reinstate, extend and amend the Agreement as follows:

- A. Paragraph (3) of the Agreement is hereby deleted in its entirety, and the following paragraph substituted in its place and stead for all intents purposes:

This Agreement shall begin April 9, 2007 and shall end March 31, 2010, unless terminated earlier in accordance with the provisions of paragraph (9) of this Agreement

- B. The original Budget is hereby deleted and replaced for all purposes by the Revised Budget (Revised Attachment B), which is attached hereto and incorporated herein by reference.
- C. The funding of \$552,485.00 under the Agreement is increased by the sum of \$60,189.47 in additional State dollars, for total funding of \$198,310.47 in State dollars and \$0.00 in Federal dollars for total cumulative funding of \$612,674.47.
- D. Exhibit - 1 is hereby deleted in its entirety and the Revised Exhibit 1 is substituted in its place for all purposes. A copy of the Revised Exhibit - 1 is attached hereto and incorporated by reference.
- E. All provisions of the Agreement being modified and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform with the Modification, effective as of the date of the last execution of this Modification by both parties.
- F. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Modification to be executed by their duly authorized undersigned officials on the dates set forth below.

RECIPIENT: ST. JOHNS COUNTY

BY: \_\_\_\_\_

Name and Title: Michael D. Wanchick, County Administrator

Date: \_\_\_\_\_

Federal Employer I.D. 596000825

STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT

BY: \_\_\_\_\_

Ruben D. Almaguer, Interim Director

Date: \_\_\_\_\_

**Table SW-1**

**HB 5001 Special Needs Shelter Generator Installation Construction Cost Estimate Details**  
**Site Name: St. Johns County/Middle School "FF"**

**Date:**

<b>Item #</b>	<b>Estimate Details</b>	<b>Amount \$</b>
	<b>Subcontract Costs</b>	
1	Mobilization, Bonds & Insurance	\$120,485.00
	General Construction	\$35,650
2	Site Work (clear & grub, erosion control, grading, #57 stone, restoration, bollards, temporary fence)	
3	Concrete & Masonry (excavation, dewatering, backfill, walls & slabs)	
4	Doors and Hardware	
5	Painting	
6	General Conditions (toilet, dumpster, supervisor, water, temp power, travel, testing, expenses)	
7	Installation of Security Fence	
	Electrical Construction	\$175,000.00
8	Equipment (switchgear, panelboards, switchboards, breakers, transformers, etc.), except ATS in row 9	\$18,350.00
9	Equipment (Automatic Transfer Switch(es))	
10	Underground (excavation, dewatering, conduit, backfill)	
11	Aboveground Conduit (material & installation)	
12	Wire, Cabling & Grounding (material, pull & terminate)	
13	Install State Provided Equipment (generator, housing & fuel tank), except offloading & placement in row 14	\$253,189.47
14	Offloading and Placement of State Provided Equipment (Crane, etc.)	\$2,000.00
15	Fixtures & Trim	
16	Testing & Fuel	\$8,000.00
17	Training & Close-out	
	<b>Construction Management Costs</b>	
18	Construction Management (staff time, travel, materials and other expenses)	
19	Construction Manager Insurance	
20	Performance & Payment Bonds	
21	Five-Year Service & Maintenance for State Provided Generator	
22	Contingency	
23	Construction Manager Overhead & Profit	
24	<b>Total Costs (sum of above):</b>	<b>\$612,647.47</b>

**Revised Attachment B  
Budget**

<b>EXPENDITURE CATEGORIES</b>	<b>Cash Match A</b>	<b>In-kind Services Match B</b>	<b>Total Grantee Cost A+B=C</b>	<b>State Funds D</b>	<b>Total Project Cost C+D=E</b>
1. SALARY AND BENEFITS					
2. OTHER PERSONAL / CONTRACTUAL SERVICES					
3. ADMINISTRATIVE EXPENSES				<b>\$0</b>	
4. EXPENSES					
5. OPERATING CAPITAL OUTLAY					
6. FIXED CAPITAL OUTLAY					
<b>TOTAL EXPENDITURES</b>			<b>\$414,364.00</b>	<b>\$198,310.47</b>	<b>\$612,674.47</b>
<b>PERCENTAGES</b>	<b>A%</b>	<b>B%</b>	<b>C%</b>	<b>D%</b>	<b>E%</b>

Note that per HB 5001, in part, "funds may not be used for administrative purposes."

**NARRATIVE EXPLANATION AND JUSTIFICATION OF LINE ITEMS:**

**Note: Use as many specific line item entries as are needed to thoroughly explain anticipated costs.**

REVISED EXHIBIT – 1

FEDERAL RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

*NOTE: If the resources awarded to the recipient represent more than one Federal program, provide the same information shown below for each Federal program and show total Federal resources awarded.*

Federal Program: *Federal Emergency Management Agency, Hazard Mitigation Grant*  
Catalog of Federal Domestic Assistance Number: 97.039  
Amount of Federal Funding: \$414,364.00

COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

*NOTE: If the resources awarded to the recipient represent more than one Federal program, list applicable compliance requirements for each Federal program in the same manner as shown below.*

Federal Program:

*List applicable compliance requirements as follows:*

1. Recipient is to use funding to perform the following eligible activities; include mitigation projects that will result in protection of public or private property from natural hazards. Eligible projects include, but are not limited to:
  - Acquisition of hazard prone properties
  - Retrofitting of existing buildings and facilities
  - Elevation of flood prone structures
  - Infrastructure protection measures
  - Storm water management improvements
  - Minor structural flood control projects
  - Relocation of structures from hazard prone areas
  - Retrofitting of existing buildings and facilities for shelters
  - Vegetative management/soil stabilization
  - Mitigation Planning Project
  - Other projects that reduce future disaster losses
2. Recipient is subject to all administrative and financial requirements as set forth in this Agreement, or will be in violation of the terms of the Agreement.

STATE RESOURCES AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:

State Project (*list State awarding agency, Catalog of State Financial Assistance title and number*)

State Awarding Agency: Division of Emergency Management  
Catalog of State Financial Assistance Title: Emergency Management Programs  
Catalog of State Financial Assistance Number: 52.039  
State Financial Assistance: \$198,310.47

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:

***NOTE: Instead of listing the specific compliance requirements as shown above, the State awarding agency may elect to use language that requires the recipient to comply with the requirements of applicable provisions of specific laws, rules, regulations, etc. For example, for Federal Program 1, the language may state that the recipient must comply with a specific law(s), rule(s), or regulation(s) that pertains to how the awarded resources must be used or how eligibility determinations are to be made. The State awarding agency, if practical, may want to attach a copy of the specific law, rule, or regulation referred to.***

**NOTE: Section .400(d) of OMB Circular A-133, as revised, and Section 215.97(5)(a), Florida Statutes, require that the information about Federal Programs and State Projects included in Exhibit 1 be provided to the recipient.**