

**AMENDMENT NO. 1
TO AGREEMENT NO. L2203
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
VILLAGE OF ESTERO**

This Amendment to Agreement No. L2203 (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and Village of Estero, 9401 Corkscrew Palms Circle, Estero, FL 33928 (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for the construction of a trail system, pedestrian bridge and parking lot/trail head along the Estero River effective June 07, 2023; and

WHEREAS, the parties wish to amend the Agreement as set forth herein to extend the grant period to December 31, 2024, and the grant project completion date to October 31, 2024.

NOW THEREFORE, the parties agree as follows:

- 1) The Agreement is extended for a one (1) year period to begin December 31, 2023, and remain in effect until December 31, 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.
- 2) The Project Completion Date is extended for a one (1) year period to begin October 31, 2023, and remain in effect until October 31, 2024.
- 3) 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 Grant Work Plan.
- 4) 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.

Village of Estero

By: 

Date: August 21, 2023

**Florida Department of
Environmental Protection**

By: _____
Secretary or Designee

Date: _____

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

<u>Specify Type</u>	<u>Letter/Number</u>	<u>Description</u>
Attachment	3-A	Revised Project Work Plan

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

Project Name: **Estero on the River Trails**
Grantee Name: **Village of Estero**
Project # **L2203**

SUMMARY: Village of Estero (Grantee) received funding in the amount of **\$750,000.00** 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 **construction of a trail system, pedestrian bridge and parking lot/trail head along the Estero River**. 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 **Estero, Florida (Lee County)**.

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:	\$ 750,000.00
Required Grantee Match Amount:	\$ 2,850,000.00
Total Estimated Project Cost:	\$ 3,600,000.00
Match Ratio:	79%

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 . 1.B. A Cost Analysis Form, with detailed budget (and In-House Cost Schedule(s), if applicable) (DEP 55-229).	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 Documentation Checklist (FRDAP FORM DRP-107)	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.

		<p>1.B. A Cost Analysis Form, with detailed budget (and In-House Cost Schedule(s), if applicable).</p> <p>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.</p> <p>The Grantee may not proceed with development of the Project until Notice to Commence has been issued.</p>		
<p>Project Task 2</p> <p>Task 2.A. Development of Project Elements, which include: Construction of a trail system, pedestrian bridge and parking lot/trail head along the Estero River.</p>	<p>Task 2</p> <p>\$ 750,000.00</p>	<p>PROJECT DELIVERABLE 2</p> <p>The Grantee may request reimbursement upon Department receipt and approval of:</p> <p>2.A. Development of required Project Elements.</p> <p>2.B. All applicable Project specific Completion documentation listed on Completion Documentation Checklist (FRDAP Form DRP-111) ¹.</p> <p>2.C. Final Legislative Line Item Status Report.</p> <p>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</p>	<p>Due Oct 31, 2024, which shall also be the Project Completion Date.</p>	<p>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.</p>

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.