

COPY

**AMENDMENT NO. 2
TO AGREEMENT NO. LP3602B
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
LEE COUNTY**

This Amendment to Agreement No. LP3602B, as previously amended, (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and LEE COUNTY (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for the Sunniland/Nine Mile Run Drainage Improvement Project effective November 28, 2016; and,

WHEREAS, due to delays associated with COVID-19 and the presence of gopher tortoise burrows within the project area, the Grantee has requested a no-cost extension of thirty (30) months to complete the project; and,

WHEREAS, the Department has agreed to the extension; and,

WHEREAS, other changes to the Agreement are necessary.

NOW THEREFORE, the parties agree as follows:

1. Paragraph 2 is hereby revised to change the expiration date of the Agreement to December 31, 2024.
2. Paragraph 3.B is hereby deleted in its entirety and replaced with the following:

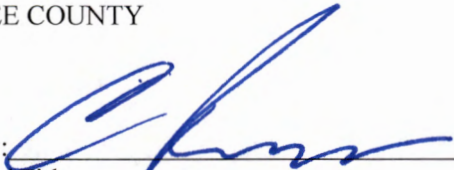
This Agreement may be amended, through a formal amendment or a change order, only by a written agreement between both parties. A formal amendment to this Agreement is required for changes which cause any of the following: (1) an increase or decrease in the Agreement funding amount; (2) a change in Grantee's match requirements; (3) a change in the expiration date of the Agreement; and/or (4) changes to the cumulative amount of funding transfers between approved budget categories, as defined in Attachment 3, Grant Work Plan, that exceeds or is expected to exceed twenty percent (20%) of the total budget as last approved by Department. A change order to this Agreement may be used when: (1) task timelines within the current authorized Agreement period change; (2) the cumulative transfer of funds between approved budget categories, as defined in Attachment 3, Grant Work Plan, are less than twenty percent (20%) of the total budget as last approved by Department; (3) changing the current funding source as stated in the Standard Grant Agreement; and/or (4) fund transfers between budget categories for the purposes of meeting match requirements. This Agreement may be amended to provide for additional services if additional funding is made available by the Legislature.

3. Attachment A, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment A-1, Revised Grant Work Plan, attached hereto and made a part of the Agreement. All references in the Agreement to Attachment A shall hereinafter refer to Attachment A-1, Revised Grant Work Plan.

4. Attachment D, Progress Report Form, is hereby deleted in its entirety and replaced with Attachment D-1, attached hereto and made a part of the Agreement. All references in the Agreement to Attachment D shall hereinafter refer to Attachment D-1.
5. All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency 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.

LEE COUNTY

By: 
 *Title: _____
 Date: 12-7-21

Commissioner Cecil L. Pendergrass, Chairman
 Lee County Board of County Commissioners
 District 2

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
 Secretary or Designee
 Date: _____

 Taufiqul Aziz, DEP Grant Manager

 Chris Williams, DEP QC Reviewer

List of attachments/exhibits included as part of this Amendment:

Specify Type	Letter/Number	Description (include number of pages)
Attachment	A-1	Revised Grant Work Plan (3 pages)
Attachment	D-1	Progress Report Form (1 page)

Approved as to Form for the
Reliance of Lee County Only

By: Joseph Adams
Office of the County Attorney

**ATTACHMENT A-1
REVISED GRANT WORK PLAN**

PROJECT TITLE: Sunniland/Nine Mile Run Drainage Improvement Project

PROJECT LOCATION: The Project will be located in the Buckingham area, which is located in eastern Lee County. The site address is 5820 Buckingham Road, Fort Myers, Florida. Latitude: 26.659854, Longitude: -81.732525. See Figures 1 and 2 for location maps.

PROJECT BACKGROUND: The Sunniland property (see Figure 1) was formerly a state facility that is now under the ownership and management of Florida Gulf Coast University. The 2,000-acre drainage area for the Nine Mile Run watershed is generally bounded on the north by Orange River, on the east by the top bank of Sunniland Canal, on the south by Buckingham Road, and on the west by a portion of Pangola Lane. The area is predominately undeveloped or low density rural residential. The canals for the Sunniland/Nine Mile Run were excavated as relatively deep, uniform channels, which is drastically different from the shallow depressional flow way system of its prior undisturbed condition. The canals have become overgrown with vegetation and the water control structures are in disrepair. Nine Mile Run is a tributary to the Caloosahatchee River, which has a TMDL for total nitrogen and is currently subject to a State of Florida Basin Management Action Plan (BMAP).

The Sunniland/Nine Mile Run Drainage Improvement Project footprint is located within the Caloosahatchee Estuary BMAP (see Figure 2). The Caloosahatchee Estuary (Tidal Segment, WBID 3240C) is listed as an impaired water by the Florida Department of Environmental Protection for fecal coliform, nutrients, and dissolved oxygen.

PROJECT DESCRIPTION: The Grantee intends to replace the failing water control structures and install infrastructure for future reconnection of flow ways from a drainage ditch system to the Hickory Swamp and Buckingham Trails preserves. The repairs will enhance storage in the drainage ditch system, increasing residence time of the water which flows from agricultural areas adjacent to the property. Increased residence time will allow for attenuation, groundwater recharge, nutrient uptake by plants, and mitigate flooding issues on adjacent properties. This project helps achieve the goals of the Caloosahatchee River Watershed Protection Plan, the Caloosahatchee Estuary Basin Management Action Plan, and the Conservation 2020 Land Stewardship Management Plan.

TASKS and DELIVERABLES:

Task 1: Construction

Deliverables: The Grantee will construct the Sunniland/Nine Mile Run Drainage Improvement Project in accordance with the final design(s) and required permits, which will be submitted to the Department's Grant Manager upon request. The Project will include the construction and/or reconstruction of water control structures and install infrastructure for future reconnection of flow ways from the drainage ditch system to the Hickory Swamp and Buckingham Trails.

Documentation: The Grantee will submit 1) a copy of the final design; 2) a signed acceptance of the completed work to date, as provided in the Grantee's Certification of Payment Request; and 3) a signed Engineer's Certification of Payment Request.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than quarterly.

PROJECT TIMELINE & BUDGET DETAIL:

The tasks must be completed by, and all documentation received by, the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

Task No.	Task Title	Budget Category	Grant Amount	Task Start Date	Task End Date
1	Construction	Contractual Services	\$300,000	07/01/2016	03/31/2024
Total:			\$300,000		

Note that, Section 8.h. of the Standard Terms and Conditions, authorization for continuation and completion of work and any associated payments may be rescinded, with proper notice, at the discretion of the Department if the Legislature reduces or eliminates appropriations. Extending the contract end date carries the risk that funds for this project may become unavailable in the future. This should be a consideration for the Grantee with this and future requests for extension.

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Figure 1



Figure 2



**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Attachment D-1
Progress Report Form**

DEP Agreement No.:	LP3602B
Project Title:	
Grantee Name:	
Grantee's Grant Manager:	
Reporting Period:	Choose an item. Choose an item.

Provide the following information for all tasks identified in the Grant Work Plan:

Summarize the work completed within each task for the reporting period. Provide an update on the estimated completion date for each task and an explanation for any anticipated delays or problems encountered. Add or remove task sections and use as many pages as necessary to cover all tasks. Use the format provided below.

Task #: Task Title

- **Progress for this reporting period:** Add Text
- **Identify any delays or problems encountered:** Add Text

Task #: Task Title

- **Progress for this reporting period:** Add Text
- **Identify any delays or problems encountered:** Add Text

Indicate the completion status for the following tasks (if included in the Grant Work Plan):

- Design (Plans/Submittal): 30% , 60% , 90% , 100%
- Permitting (Completed): Yes , No
- Construction (Estimated): _____ %

This report is submitted in accordance with the reporting requirements of the above DEP Agreement number and accurately reflects the activities associated with the project.

Signature of Grantee's Grant Manager

Date