



COUNCIL AGENDA STATEMENT

Meeting Date: April 11, 2023

To: Honorable Mayor and Councilmembers

From: Carlos A. Solis, P.E., Director of Public Works & Engineering

Through: George Garrett, City Manager

Agenda Item: **Resolution 2023-38**, Approving Amendment No. 1 of Grant Agreements Nos. 2853 Between The City And The Monroe County Tourist Development Council For a Restroom Facility At The Quay Property; And Providing For An Effective Date

BACKGROUND & JUSTIFICATION:

The Monroe County Tourist Development Council awarded the City a grant for the FY2023 for the construction of a restroom facility at the Quay property . The City has bid the project twice, with only one contractor responding each time at a cost we determine to be unreasonable. We have since decided to take a different approach to build this facility, using a Construction Manager at Risk, and we are in the process of requesting proposals for this service in an effort to build the facility at a reasonable cost. We are not confident that the project would be completed before the grant expired, and requested and received an extension from the TDC. This amendment formalizes the time extension of the grant.

ATTACHMENTS

Grant Contract

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan – Chapter 8	<u> X </u>	_____
2. Other: MCTDC grant requirement	<u> X </u>	_____

FISCAL NOTE:

The FY23 Adopted Capital Infrastructure Budget includes grant revenues of \$245,000 and appropriations \$350,000 for the project expenditures.

RECOMMENDATION: Approval of Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2023-38**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA APPROVING AMENDMENT NO. 1 OF GRANT AGREEMENTS NOS. 2853 BETWEEN THE CITY AND THE MONROE COUNTY TOURIST DEVELOPMENT COUNCIL FOR A RESTROOM FACILITY AT THE QUAY PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 9, 2022, Council approved the Tourist Development Council Inter-Local Grant Agreement No. 2853 (Quay Restroom Project); and

WHEREAS, the Monroe County Tourist Development Council awarded a grant in the amount of \$245,000 to construct a restroom facility at the Quay with a project completion date of September 30, 2023; and

WHEREAS, the City has bid the project twice, both times receiving one bid and above budget. The staff has determined a different approach, use of a Construction Manager at Risk in an effort to build the facility in a more efficient manner; and

WHEREAS, the procurement of the Construction Manager at Risk, added time to the process, and as a result, staff feels that the project may not be complete by the expiration date of the grant; and

WHEREAS, the City requested and received an extension from the Monroe County Tourist Development Council to March of 2024 and this amendment formalizes the time extension of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The Amendment 1 between the City and Monroe County attached hereto as Exhibit "A," is hereby approved. The City Manager is authorized to execute any future amendments to the Grant Award Agreement and expend budgeted funds on behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 11th DAY OF APRIL, 2023.

THE CITY OF MARATHON, FLORIDA

Louis Gonzalez, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

Steve Williams, City Attorney

AMENDMENT (1st AMENDMENT) TO AGREEMENT

THIS AMENDMENT to Agreement dated this ____ day of _____ 2023, is entered into by and between the Board of County Commissioners for Monroe County, on behalf of the Tourist Development Council, and **The City of Marathon** a Government agency organized and operating under the laws of the state of Florida (Grantee).

WHEREAS, there was an Agreement entered into on October 19, 2022 between the parties, awarding \$245,000 to Grantee for the **City of Marathon Quay Restroom II Project (Public Facilities Category) (“Agreement”)**; and

WHEREAS, it has become necessary to revise the termination date of the project to March 31, 2024 due to delays, and

NOW, THEREFORE, in consideration of the mutual covenants contained herein the parties agree to the amend Agreement as follows:

1. Paragraph 1 of the agreement shall be revised to read as follows: This Agreement is for the period of **October 19, 2022 to March 31, 2024**. This Agreement shall remain in effect for the stated period unless one party gives to the other written notification of termination pursuant to and in compliance with paragraphs 7, 12 or 13 of the original Agreement dated October 19, 2022.
2. Reimbursement request for the project may not be submitted until October 1, 2023.
3. Any references to termination date and submission of invoices shall be revised to read March 31, 2024.
4. The remaining provisions of the Agreement dated October 19, 2022 shall remain in full force and effect.

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IN WITNESS WHEREOF, the parties have set their hands and seal on the day and year first above written.

(SEAL)
Attest: Kevin Madok, Clerk

Board of County Commissioners
of Monroe County

As Deputy Clerk

Mayor/Chairman

The City of Marathon

Attest:

By. _____
City Clerk

By _____
Mayor

Print Name

Print Name

Date: _____

Date: _____