

FIRST AMENDMENT (3)
TO AGREEMENT BETWEEN THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
CITY OF CLEARWATER
FOR
CLEARWATER GROUNDWATER REPLENISHMENT PROJECT – PHASE 3 (N665)

This FIRST AMENDMENT effective as of the 27th day of September, 2016 by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation of the State of Florida, whose address is 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter referred to as the "DISTRICT," and the CITY OF CLEARWATER, a municipal corporation of the State of Florida, whose address is 112 South Osceola Avenue, Clearwater, Florida 33756, hereinafter referred to as the "CITY."

WITNESSETH:

WHEREAS, the DISTRICT and the CITY entered into an agreement effective January 27, 2015 (Agreement No. 15C00000115), hereinafter referred to as the "Existing Agreement," for design to 30%, third party review, full design, permitting and construction of a 3 million gallons per day (mdg) water purification plant and associated aquifer recharge injection wellfield at Clearwater's Northeast Water Reclamation Facility; and

WHEREAS, the parties hereto wish to amend the Existing Agreement to increase the total funding for the PROJECT and modify the Project Budget included in Exhibit "A" of the Agreement due to results of the 30% design and third party review cost estimate that the DISTRICT approved on September 27, 2016.

NOW THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the parties hereby mutually agree to amend the Existing Agreement, as follows:

1. Paragraph 3, Funding, is hereby replaced in its entirety with new Paragraph 3, Funding, as follows:
3. FUNDING. The parties anticipate that the total cost of the PROJECT, including the third party review costs, will be Thirty Two Million Seven Hundred Sixteen Thousand Dollars (\$32,716,000). The DISTRICT agrees to fund the costs as appropriated by the DISTRICT in accordance with Subparagraph 3.1 below and anticipates funding PROJECT costs up to Sixteen Million Three Hundred Fifty Eight Thousand Dollars (\$16,358,000) and shall have no obligation to pay any costs beyond this anticipated maximum amount. The CITY agrees to provide all remaining funds necessary for the satisfactory completion of the PROJECT.

2. Exhibit "A," Project Schedule, is hereby replaced in its entirety with the following:

Project Schedule

DESCRIPTION	COMMENCE	COMPLETE
30 Percent Design	January 12, 2016	July 1, 2016
Third Party Review	July 2, 2016	July 16, 2016
Final Design and Permitting	October 3, 2016	August 31, 2017
Construction and Testing	September 15, 2017	December 31, 2021
CEI	September 15, 2017	December 31, 2021
Public Outreach	January 27, 2015	December 31, 2021

3. Exhibit "A," Project Budget, is hereby replaced in its entirety with the following:

Project Budget

DESCRIPTION	DISTRICT	CITY	TOTAL
30 Percent Design	\$425,686.00	\$425,686.00	\$851,372.00
Third Party Review	\$31,891.50	\$31,891.50	\$63,783.00
Final Design and Permitting	\$964,253.00	\$964,253.00	\$1,928,506.00
Construction and Testing	13,824,369.50	13,824,369.50	\$27,648,739.00
CEI	611,800.00	611,800.00	1,223,600.00
Public Outreach	\$500,000.00	500,000.00	1,000,000.00
TOTAL	\$16,358,000.00	\$16,358,000.00	\$32,716,000.00

4. The terms, covenants and conditions set forth in the Existing Agreement that have not been specifically amended herein, will continue in existence, are hereby ratified, approved and confirmed, and will remain binding upon the parties hereto.

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IN WITNESS WHEREOF, the parties hereto, or their lawful representatives, have executed this FIRST AMENDMENT on the day and year set forth next to their signatures below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Amanda Rice, P.E. Date
Assistant Executive Director

CITY OF CLEARWATER

By: _____
George N. Cretelos, Mayor Date

By: _____
William B. Horne II, City Manager Date

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DISTRICT APPROVAL	INITIALS	DATE
LEGAL	<u>MBM</u>	<u>12/13/16</u>
RISK MGMT	<u>N/A</u>	<u>—</u>
CONTRACTS	<u>YMB</u>	<u>12-13-16</u>
BUREAU CHIEF	<u>gcm</u>	<u>12-20-16</u>
DIRECTOR	<u>MWS</u>	<u>12/21/16</u>
GOVERNING BOARD	<u>SPC</u>	<u>9/27/16</u>