



CITY OF FORT PIERCE, FLORIDA

City Commission Meeting

Agenda Item # _____

Commission Meeting January 6, 2014

To : The Honorable Mayor and Members of the City Commission
Through : Robert J. Bradshaw, City Manager *RJB*
From : Linda Whalen, Project Administrator, Federal Programs *LW*
Re : **Modification Number One to Subgrant Agreement Number 14HM-2Y-10-66-02-144 between the Division of Emergency Management and the City of Fort Pierce**
Date : December 19, 2013

ISSUE(S): Approval of Modification Number One to Subgrant Agreement Number 14HM-2Y-10-66-02-144.

SUMMARY: This agreement is for expansion of the scope of work to retrofit additional buildings by procuring and installing impact resistant glass on all exterior windows and doors of the buildings. The modification is to extend the period of performance from February 1, 2014 to August 1, 2014.

FISCAL IMPACT: None

RECOMMENDATION: Recommend approval

ALTERNATIVES: None

RESPONSIBLE STAFF: Nick Mimms, Deputy City Manager, Linda Whalen, Project Administrator Federal Programs

COORDINATED WITH: City Attorney's Office

ATTACHMENTS: Cover Letter from FEMA Hazard Mitigation Assistance Branch Chief Jacky Bell
Modification Number One



FEMA

November 22, 2013

Mr. Bryan Koon, Director
Florida Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Attention: Mr. Miles Anderson

Reference: **Fourth Period of Performance Extension Request for Hazard Mitigation Grant Program (HMGP) DR-1561-164-R, (State Project Number 1561-97), City of Fort Pierce, City Hall Administration Building, Wind Retrofit**

Dear Mr. Koon:

This letter is to inform the Florida Division of Emergency Management (FDEM) that the Federal Emergency Management Agency (FEMA) has reviewed the FDEM request dated November 14, 2013 to extend the current Period of Performance for the Hazard Mitigation Grant Program (HMGP) DR-1561-164-R, City of Fort Pierce, City Hall Administration Building, Wind Retrofit Project. The Period of Performance for this project expires on February 1, 2014.

The justification for the 6-month extension request has been reviewed. It is as a result of a product appeal by a local citizen in the process of resolution and product delivery delays. Both are associated with the Scope of Work Expansion approved in June 2013.

The request is approved and the new Period of Performance will now end on August 1, 2014.

Including the referenced fourth POP extension request, this project will be open for a total of 72 months. Therefore, in an effort to ensure the applicant remains on schedule up and through project completion, the applicant must provide detailed work progress updates in all future quarterly reports submitted for this project. Detailed comments must include percentage of work completed, delays and associated reasons, project expectations and other pertinent information that may jeopardize project completion.

Please note further extensions may not be approved, unless extenuating circumstances arise and considerable progress is shown. All requests for extensions must be made no later than 60 days prior to the expiration of the Period of Performance, must include a justification for the extension, and include milestones and timelines for completion of the project.

Any property being mitigated with Federal hazard mitigation assistance funding in a Special Flood Hazard Area (SFHA) must comply with SFHA Guidance memo dated March 20, 2006,

Mr. Koon
November 22, 2013
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signed by David Maurstad. The State must include a statement of assurance with the closeout request verifying that SFHA requirements were met on each structure mitigated within the SFHA.

According to the General Accounting Office GAO 10-80 and GAO 10-82, any and all cost associated with an HMGP project must be incurred after the date of declaration of a disaster under which the project is proposed for funding.

If the FDEM has any questions, please contact David Vandewater at (229) 225-4875.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jacky Bell', with a long horizontal flourish extending to the right.

Jacky Bell, Chief
Hazard Mitigation Assistance Branch
Mitigation Division

Contract Number:	14HM-2Y-10-66-02-144
Project Number:	1561-164

**MODIFICATION TO SUBGRANT AGREEMENT BETWEEN
THE DIVISION OF EMERGENCY MANAGEMENT AND
CITY OF FORT PIERCE**

This Modification Number One made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and the City of Fort Pierce ("the Recipient") to modify Contract Number 14HM-2Y-10-66-02-144, dated August 1, 2013, ("the Agreement").

WHEREAS, the Division and the Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to the Recipient under the Hazard Mitigation Grant Program of \$4,365,165.00, in Federal Funds; and

WHEREAS, the Division and the Recipient desire to modify the Agreement; and

WHEREAS, the Agreement will expire on February 1, 2014; and

WHEREAS, the Division and the Recipient desire to extend the terms of the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. Paragraph 3 of the Agreement is hereby amended to read as follows:

This Agreement shall begin upon execution by both parties, and shall end August 1, 2014, unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

2. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in 1ST Revised Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference.
3. All provisions of the Agreement being modified and any attachments in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective on the date of execution of this Modification by both parties.
4. 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.
5. Quarterly Reports are due to the Division no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30 and December 31.

IN WITNESS WHEREOF, the parties hereto have executed this Modification as of the dates set out below.

RECIPIENT: CITY OF FORT PIERCE

By: _____

Name and Title: _____

Date: _____

**STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT**

By: _____

Name and Title: Bryan W. Koon, Director

Date: _____

APPROVED AS TO FORM AND CORRECTNESS

BY:  _____
City Attorney

Attachment A (1st Revision)

Budget and Scope of Work

Scope of Work

As a Hazard Mitigation Grant Program Project, the Recipient, City of Fort Pierce will expand the Scope of Work of this proposed wind retrofit project to retrofit the following five (1-5) buildings by procuring and installing impact resistant glass on all exterior windows and doors of the buildings. In addition, 230-kW fixed stand alone generator will be procured and installed at the Police Headquarters building.

A 450-kW fixed stand alone generator will be procured and installed at the City Hall building located at 100 North U.S 1, Fort Pierce, Florida 34954.

The five (5) buildings and their locations are:

1. Police Headquarters; located at 920 South US 1, Ft. Pierce, Florida 34954
2. St. Anastasia School; located at 110 North 10th Street, Ft Pierce, Florida 34954
3. Old City Hall (City Hall Annex); located at 215 Avenue A, Ft Pierce, Florida 34954
4. River Walk Center; located at 600 North Indian River Drive, Ft Pierce, Florida 34954
5. Public Works Compound; located at 52 Savanna Road, Ft Pierce, Florida 34954

As part of the scope of work expansion, all activities will be completed in accordance with the current Florida Building Code. All installations and components that will be used for the wind retrofit project will meet and carry Florida Building Code specifications and wind impact standards of the local codes.

The above structures serve as or support the EOC and other essential government functions during an event and/or have significant historic value. If deemed necessary, wind protection will be provided on any other openings such as skylights, vents, louvers and exhaust fans. Completion of the project will protect the buildings and their contents from potential storm damage.

The Recipient will be responsible for all fuel and other maintenance costs associated with the generators. The generator installations will provide back-up power generation for the structures to assure essential governmental functions including security and communication capacity during and after events.

The Recipient will provide two sets of "As-Built" construction documents for each generator and associated equipment certified by the applicable design professional(s) of record upon project completion.

Glazing in buildings shall be impact resistant or protected with an impact resistant covering meeting the requirements of SSTD 12, ASTM E 1886 and ASTM E 1996, ANSI/DASMA 115 (for garage doors and rolling doors) or Miami-Dade TAS 201, 202 and 203 or AAMA 506 referenced therein as follows:

- a) Glazed openings located within 30 feet (9.1 m) of grade shall meet the requirements of the Large Missile Test.*
- b) Glazed openings located more than 30 feet (9.1 m) above grade shall meet the provisions of the Small Missile Test.*
- c) Louvers protecting intake and exhaust ventilation ducts not assumed to be open that are located within 30 feet (9144 mm) of grade shall meet requirements of the Large Missile Test.*

Impact-resistant coverings shall be tested at 1.5 times the design pressure (positive or negative) expressed in pounds per square feet as determined by the Florida Building Code,

Building Section 1609 for which the specimen is to be tested.

The local municipal or county building department will inspect and certify all installations according to the manufactures' specifications.

The Police Station structure being mitigated is located in a Special Flood Hazard Area (SFHA). The Title Holder must adhere to the following restrictions:

- The Title Holder must insure all structures that will not be demolished or relocated out of the SFHA to an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to particular property, whichever is less, through the National Flood Insurance Program (NFIP), as authorized by 42 U.S.C. §4011 et seq., as long as the Title Holder title to the property as required by 42 U.S.C. §4012a.
- The Title Holder must maintain all structures on the property in accordance with Flood Plain Management criteria set forth in Title 44 of the Code of Federal Regulations (CFR) Part 60.3 and City/County Ordinance as long as the Title Holder holds title to the property.
- The Title Holder must notify subsequent purchasers that SFHA conditions are attached to the property. This will be accomplished by the Title Holder ensuring that the City/County will legally record with the county or appropriate jurisdiction's land records a notice that includes the name of the current Title Holder (including book/page reference to record of current title, if readily available), a legal description of the property, and a declaration that Federal Law requires flood insurance coverage during the life of the property.

Any property being mitigated with Federal Hazard Mitigation assistance funding in a Special Flood Hazard Area (SFHA) must comply with SFHA Guidance.

Project Conditions:

The following requirements must be met at project closeout. Failure to do so may jeopardize funding.

- 1) The Recipient must provide a statement of assurance during project closeout, verifying that SFHA requirements were met on the properties listed above.
- 2) The Recipient must notify the Division as soon as significant developments become known, such as delays or adverse conditions that might raise costs or earlier completion. Any extensions of the Period of Performance (POP) must be submitted to FEMA 60 days prior to the expiration date.
- 3) The Recipient must avoid duplication of benefits between the HMGP and any other form of assistance, as required by Section 312 of the Stafford Act, and further clarified in 44 CFR 206.91.
- 4) Quarterly progress reports for HMGP projects are required. Recipient must regularly submit quarterly reports every quarter. Note that 44 CFR 206.438(c) indicates that the State must provide a quarterly progress report to FEMA indicating the status and completion date for each project funded.

Environmental Conditions:

1. The Recipient must follow all applicable state, local and federal laws regulations and requirements, and obtain (before starting project work) and comply with all required permits and approvals. Failure to obtain all appropriate federal, state, and local environmental permits and clearances may jeopardize federal funding. If project work is delayed for a year or more after the date of the Categorical Exclusion (CATEX), then coordination with and project review by regulatory agencies must be redone.
2. Any change, addition or supplement to the approved Scope of Work that alters the project (including other work not funded by FEMA, but done substantially at the same time), regardless

of the budget implications, will require re-submission of the application to FEMA through the Florida Division of Emergency Management for National Environmental Policy Act (NEPA) re-evaluation before starting project work.

- EO 11988:
 - At project closeout; the Recipient must provide verification of compliance with local floodplain administrator regulations for construction in the floodplain.
 - TSCA:
 - If any "asbestos containing material" lead based paint, or other hazardous materials are found during remediation or repair activities, the applicant must comply with all federal state and local abatement and disposal requirements' under the Toxic Substance Control Act (TSCA).
 - RCRA:
 - Unusable equipment, debris and material shall be disposed of in an approved manner location. In the event significant items (or evidence thereof) are discovered during implementation of the project, subgrantee shall handle, manage, and dispose of petroleum products, hazardous materials and toxic waste in accordance to the requirements and to the satisfaction of the governing local, state and federal agencies. Failure to comply with these Resource Conservation & Recovery Act (RCRA) conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.
3. Construction vehicles and equipment used for this project shall be maintained in good working order to minimize pollutant emissions.
 4. If ground disturbing activities occur during construction, subgrantee will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.
 5. Because the St. Anastasia School is listed on the National Register of Historic Places, any retrofits to this buildings (specifically window and door replacements) should be developed in accordance with the approaches set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings in order to avoid a potential adverse affect on the building's historic significance.
 6. If the windows and exterior doors cannot be retained (only if historic) the replacements must match the original windows/ doors in design, style and materials.
 7. If using the same materials is not feasible, then a compatible substitute material may be considered, as long as the original design details are reproduced. As explicitly stated in Standard 6, when a historic feature is missing or is too deteriorated to repair, "the new feature shall match to old in design, color, texture and other visual qualities and, where possible, material."

This is FEMA project number **1561-164-R**, funded under 1561-DR-FL.

The Period of Performance for this project ends on **August 1, 2014**

Schedule of Work

State Contracting:	1 Month
Bidding Process:	1 Month
Installations:	9 Months
State Final Inspection:	1 Month
Potential Weather Delays:	1 Month
State Closeout Process:	1 Month
Total Period of Performance:	14 Months

The materials and work funded pursuant to this Subgrant Agreement are intended to decrease the vulnerability of the building to property losses and are specifically not intended to provide for the safety of inhabitants before, during or after a natural or man-made disaster

The funding provided by the Division of Emergency Management under this subgrant shall compensate for the materials and labor for the installation of storm shutters and/or other hardening activities as a retrofit measure for the Recipient's building to reduce and/or mitigate the damage that might otherwise occur from severe weather or other hazards. The funding of this project by the Department does not confer or imply any warranty of use or suitability for the work performed pursuant to this agreement. The State of Florida disclaims all warranties with regard to this mitigation project, express or implied, including but not limited to, any implied warranties and/or conditions of satisfactory quality and fitness for a particular purpose, merchantability, or merchantable quality.

This project has not been evaluated by the criteria contained in the standards of the Department of Homeland Security, Federal Emergency Management Agency (FEMA) guidance manual FEMA 361- Design and Construction for Community Shelter, and thus does not provide "near absolute protection." It is understood and agreed by the Department and the Recipient that the building may have vulnerabilities due to age, design and location which may result in damage to the building from wind events even after the installation of the mitigation measures funded under this Subgrant Agreement. It is further understood and agreed by the Department and the Recipient that the level of wind protection provided by the mitigation action, although meeting State standards and codes and enhancing the structural integrity of the building, does not ensure the safety of survival of building occupants.

Budget

Line Item Budget*

	<u>Project Cost</u>	<u>Federal Share</u>	<u>Local Share**</u>
Police Department; Generator, Material & Labor:	\$ 719,040.00	\$ 719,040.00	\$0.00
St. Anastasia; Material & Labor:	\$1,149,917.00	\$1,149,917.00	\$0.00
Old City Hall; Material & Labor:	\$ 817,718.00	\$ 817,718.00	\$0.00
River Walk Center; Material & Labor:	\$ 376,309.00	\$ 376,309.00	\$0.00
Public Works Compound; Material & Labor:	\$ 637,372.00	\$ 637,372.00	\$0.00
City Hall; Generator, Material & Labor:	\$ 630,660.00	\$ 630,660.00	\$0.00
Sub-Total:	\$4,331,016.00	\$4,331,016.00	\$0.00
<u>Administrative Allowance:</u>	<u>\$ 0.00</u>	<u>\$ 34,149.00</u>	<u>\$0.00</u>
<u>Total:</u>	<u>\$4,331,016.00</u>	<u>\$4,365,165.00</u>	<u>\$0.00</u>

* Any line item amount in the Budget may be increased or decreased 10% or less without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.

** The non-federal share will be met using disaster overmatch credit. The effect is that 100% of the approved project cost is covered by federal HMGP funds. The 'match credit' provides the match for the non-federal share for this project.

Funding Summary

Federal Share:	\$4,331,016.00	(100%)
Local Share:	\$ 0.00	(0%)
Total Project Cost:	\$4,331,016.00	(100%)

Recipient Administrative Allowance up to \$34,149.00