



Interoffice Memorandum

April 17, 2020

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

FROM: Eric Ushkowitz, Economic Development Administrator
Office of Economic, Trade & Tourism Development

A handwritten signature in black ink, appearing to read "EU", is written over the name Eric Ushkowitz.

SUBJECT: **May 5, 2020 – Consent Agenda Item**
Approval and Execution of Amendment One to the Florida Job Growth Infrastructure Grant Agreement between the State of Florida Department of Economic Opportunity and Orange County

Orange County Government has received a grant through the State of Florida Department of Economic Opportunity (DEO) for the proposed Kirkman Road Extension between Carrier Drive on the north and Universal Boulevard on the south. DEO is administering the Florida Job Growth Grant Fund program and an agreement was approved by the BCC on June 18, 2019. The grant amount is for up to \$16,000,000 (\$16 million). Due to the COVID-19 state of emergency, this proposed amendment would extend the date to commence construction on the project from June 1, 2020 to September 30, 2020.

The amendment has been reviewed by the appropriate staff and the County Attorney's Office.

EU/mf

ACTION REQUESTED: Approval and execution of Florida Job Growth Infrastructure Grant Agreement State of Florida Department of Economic Opportunity Amendment One DEO Agreement No.: G0053 to extend the construction commencement date from June 1, 2020 to September 30, 2020

APPROVED BY ORANGE
COUNTY BOARD OF COUNTY
COMMISSIONERS

DEO Agreement No.: G0053

BCC Mtg. Date: May 5, 2020

**FLORIDA JOB GROWTH INFRASTRUCTURE GRANT AGREEMENT
STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY**

AMENDMENT ONE

This Amendment One is made and entered into by and between the State of Florida Department of Economic Opportunity ("DEO") and Orange County, a charter county and political subdivision of the State of Florida ("Grantee"). DEO and Grantee are sometimes referred to herein individually as a "Party" and collectively as "the Parties."

RECITALS

WHEREAS, on June 28, 2019, DEO and Grantee entered into Florida Job Growth Infrastructure Grant Agreement number G0053 (the "Agreement") wherein Grantee agreed to receive and use state funds for the Project as described in the Agreement; and

WHEREAS Section 24, Modification, of the Agreement provides that any amendment to the Agreement shall be in writing and executed by the Parties thereto; and

WHEREAS, this Agreement is being amended to ensure compliance with all applicable laws, rules, and regulations; and

WHEREAS, the Parties wish to amend the Agreement as set forth herein.

NOW THEREFORE, in consideration of the mutual covenants and obligations set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to amend the Agreement, as follows:

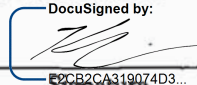
1. Section 2.a.3), Grantee's Responsibilities, Commencement and Timeline, of Exhibit A, Scope of Work, is hereby deleted in its entirety and replaced with the following:
 - 3) Work on the Project shall commence on or before September 30, 2020 (the "Commencement Date"), and shall be completed on or before the fifth anniversary of the Effective Date (the "Completion Date"), unless terminated earlier. DEO shall have the immediate right to terminate this Agreement if Grantee fails to commence the construction of the Project by the Commencement Date or complete work by the Expiration Date and, in each case, provide evidence of the same to DEO, upon DEO's request, to DEO's satisfaction. If construction in connection with the Project does not commence within two (2) years of the date of the Effective Date, DEO may immediately terminate this Agreement.
2. All other terms and conditions of the Agreement remain in full force and effect.

DEO Agreement No.: G0053

IN WITNESS WHEREOF, the Parties have duly executed and delivered this Amendment as of the date last executed below.

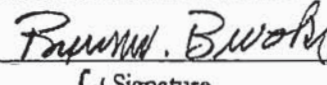
DEPARTMENT OF ECONOMIC OPPORTUNITY

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

By: 
DocuSigned by: 52CB2CA319074D3... Signature

Title: Ken Lawson
Executive Director

Date: 6/1/2020

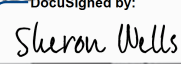
By: 
 for Signature

Title: Jerry L. Demings
Orange County Mayor

Date: MAY 0 5 2020

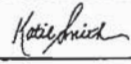
Approved as to form and legal sufficiency, subject only to full and proper execution by the Parties.

OFFICE OF GENERAL COUNSEL DEPARTMENT OF ECONOMIC OPPORTUNITY

By: 
DocuSigned by: AA22EDE7A08F432...

Approved Date: 5/29/2020

Attest: Phil Diamond, CPA, County Comptroller as Clerk of the Board of County Commissioners

By: 
 Deputy Clerk

Date: MAY 0 5 2020

