



COMMITTEE OF THE WHOLE MEETING AGENDA

I. ROLL CALL

II. CONSIDERATION OF PREVIOUS MINUTES

1. Work Session 09/06/2022
2. Regular Council Meeting 09/06/2022
3. Committee of the Whole 09/06/2022

III. PUBLIC COMMENTS/AGENDA ITEMS

IV. Unfinished Business

Miscellaneous

Resolutions

Ordinances

V. New Business

Miscellaneous

Resolutions

1. Resolution authorizing the execution of amendment one to the subaward grant agreement with the Alabama Department of Conservation and Natural Resources for the RESTORE Act-funded Expansion of the Orange Beach Wildlife Rehabilitation and Education Program. (PW)
2. Resolution authorizing the execution of amendment two to the subaward grant agreement with the Alabama Department of Conservation and Natural Resources for the RESTORE Act-funded North Sewer Force Main Upgrade. (PW)
3. Resolution authorizing the execution of amendment two to the subaward grant agreement with the Alabama Department of Conservation and Natural Resources for the RESTORE Act-funded Canal Road Improvements east of State Highway 161. (PW)
4. Resolution authorizing the execution of a no-cost extension to the Fixed Price Research

Agreement with Auburn University. (PW)

5. Resolution awarding the bid for Softball Field Turf Installation. (RE/GS)
6. Resolution awarding the bid for Holiday Decorations. (RE)
7. Resolution appropriating funds to the Orange Beach Board of Education to support city school system operations in an amount not to exceed \$4,000,000. (FH)

Ordinances

1. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0906-PUD-22, Cotton Bayou Cottages PUD. (Suggested date 10/18/2022) (KA)
2. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0902-PUD-22, Saltwater Cottages PUD. (Suggested date 10/18/2022) (KA)
3. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0910-PUDA-22, Turquoise Place PUD Modification, Buffer Screening. (Suggested date 10/18/2022) (KA)
4. Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0908-PUDA-22, The Wharf PUD Major Modification, Culver's on October 4, 2022.
5. Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0801-CU-22, JPEM Duplex Conditional Use at 29110 Perdido Beach Boulevard on October 4, 2022.
6. Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0903-PUDA-22, Mariner Lakes PUD Major Modification, Bel Air Multi-Family Residential Amendment on October 4, 2022.

VI. Public Comments/Community Discussion

VII. Adjourn

For current information regarding times and date of meetings of the council and committee of the whole, call 980-info (980-4636) for a recorded message or **visit our web site**
at www.orangebeachal.gov

ITEM II.1.



COMMITTEE OF THE WHOLE MEETING SEPTEMBER 20, 2022

Departments: Administration

Description of Topic:

Work Session 09/06/2022

Action Options/Recommendation:

Source of Funding (if applicable) :

ATTACHMENTS:

Description

- ▣ Work Session 09/06/2022

**MINUTES OF
ORANGE BEACH CITY COUNCIL
WORK SESSION
SEPTEMBER 6, 2022 – 10:00 A.M.
COASTAL ARTS CENTER**

The Orange Beach City Council met on September 6, 2022, at 9:58 A.M. with Mayor Tony Kennon presiding.

The following members were present:

Councilmember Jeff Silvers
Councilmember Jerry Johnson
Councilmember Annette Mitchell
Councilmember Joni Blalock
Councilmember Jeff Boyd
Mayor Tony Kennon

The following members were absent:

None

The following items were discussed:

1. School update by Randy Wilkes, School Superintendent.
2. Gulf Shores bridge.
3. Wharf/Bama Bayou development agreement.
4. “Fiber to the Neighborhoods” project update.
5. Budget calendar.
6. Ongoing litigation update.
7. Family Dollar/Dollar Tree proposal.
8. Beech’s Campground concept proposal.
9. County Road 95 Storage Building proposal.
10. Small cell poles.
11. Workforce Development Authority funding update.
12. Robotic field painter equipment.
13. Website update.
14. Construction update.
15. Parks Edge PUD encroachment requests.
16. Freedom Fest.
17. Beach renourishment.
18. Task orders for Powerline Road and Sportsplex Multi-Purpose Fields.
19. Surplus vehicles.
20. Performing Arts.
21. Business license issue.

22. GUMBO sponsorship request.

Three being no further business, the meeting adjourned.

Time: 3:08 P.M.

APPROVED this 4th day of October, 2022.

Renee Eberly
City Clerk



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 20, 2022**

Departments: Administration

Description of Topic:

Regular Council Meeting 09/06/2022

Action Options/Recommendation:

Source of Funding (if applicable) :

ATTACHMENTS:

Description

- ▣ Regular Council Meeting 09/06/2022

**MINUTES OF
REGULAR COUNCIL MEETING
ORANGE BEACH CITY COUNCIL
SEPTEMBER 6, 2022 – 5:00 P.M.
CITY HALL – COUNCIL CHAMBERS**

- I. CALL TO ORDER** Mayor Tony Kennon called the meeting to order at 5:00 P.M.
- II. INVOCATION** Councilmember Joni Blalock
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**

Present: Councilmember Jeff Silvers
Councilmember Jerry Johnson
Councilmember Annette Mitchell
Councilmember Joni Blalock
Councilmember Jeff Boyd
Mayor Tony Kennon

Absent: None

V. CONSIDERATION OF AGENDA

Motion made (Blalock/Boyd) to approve the agenda as written. Vote unanimous in favor.

VI. CONSIDERATION OF PREVIOUS MINUTES

Work Session	08/02/2022
Regular Council Meeting	08/02/2022
Committee of the Whole	08/02/2022

The reading was waived and minutes were approved as written.

VII. REPORTS OF OFFICERS/COMMITTEES

- | | |
|---|------------|
| A. <u>City Administrator – Ken Grimes</u> | No report. |
| B. <u>Director, Public Works – Tim Tucker</u> | No report. |
| C. <u>Director, Community Development – Kit Alexander</u> | No report. |
| D. <u>Chief, Police Department – Steve Brown</u> | No report. |
| E. <u>Chief, Fire Department – Mike Kimmerling</u> | No report. |
| F. <u>City Clerk – Renee Eberly</u> | No report. |
| G. <u>Director, Finance – Ford Handley</u> | No report. |
| H. <u>Parks & Recreation – Ken Grimes</u> | No report. |
| I. <u>Director, Utilities – Jeff Hartley</u> | No report. |
| J. <u>Director, Coastal Resources – Phillip West</u> | No report. |
| K. <u>Librarian, Public Library – Meagan Bing</u> | No report. |
| L. <u>Director, Municipal Court – Renee Gardner</u> | No report. |
| M. <u>Director, Expect Excellence – Jonathan Langston</u> | No report. |
| N. <u>Mayor/Council</u> | |

Councilmember Silvers shared that the Alabama Coastal Cleanup event will take place on Saturday, September 17, 2022.

Phillip West, Coastal Resources Director, responded to a question from the Council regarding the repair of canoe trail sites by explaining that the project is still in the design phase.

VIII. AUDITING OF ACCOUNTS

Motion made (Mitchell/Boyd) to certify that cash requirements with no related interests are within budget and appropriate for payment. Vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

Motion made (Mitchell/Johnson) to certify that cash requirements with related interests in Swift Supply are within budget and appropriate for payment. Vote revealed: Silvers, abstain; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (5-0-1).**

IX. PRESENTATIONS

1. Proclamation declaring September 2022 as Gynecologic Cancer Awareness Month. Ken Grimes, City Administrator, read the proclamation aloud. Jim and Cecilia Crandall, founders of the Laura Crandall Brown Foundation, were present to receive the proclamation. Cecilia Crandall spoke about her daughter, Laura, who succumbed to ovarian cancer at the age of 25 in 2009. She spoke about the importance of spreading awareness to promote prevention and vaccinations.
2. Proclamation declaring September 17-23, 2022, as Constitution Week. Ken Grimes, City Administrator, read the proclamation aloud.

X. RECOGNITIONS

1. Recognition of Mako Varsity Cheerleaders who achieved State Honors. Mayor and Council tabled this item until all the cheerleaders had arrived.
2. Recognition of Police Chief Steve Brown for completing his 240 Hour Certification in Law Enforcement through the Alabama Association of Chiefs of Police program supported by the Alabama Peace Officers' Standard and Training Commission. Ken Grimes, City Administrator, recognized Chief Brown. Chief Brown expressed gratitude for the support.

XI. UNFINISHED BUSINESS

Resolutions

1. Resolution authorizing execution of a task order with Mark D. Pavey to provide professional design services for the Orange Beach Medical Plaza. **Motion made (Silvers/Johnson) to postpone indefinitely.** Vote unanimous in favor.

Ordinances

1. Second Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0709-PUDA-22, Parks Edge PUD Master Plan, Lot 3, 49 Parks Edge, Setback Encroachment. **Motion made (Silvers/Johnson) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, nay; Mitchell, nay; Blalock, nay; Boyd, nay; Kennon, nay. **Failed. (1-5).**
2. Second Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0806-PUDA-22, Zeke's Landing PUD Modification, Building Sign. **Motion made (Blalock/Mitchell) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

XII. NEW BUSINESS

Resolutions

1. Resolution authorizing execution of a Cooperative Service Agreement with the U.S. Department of Agriculture to supplement nuisance wildlife control services. **Motion made (Silvers/Boyd) to adopt the resolution.** Vote unanimous in favor.

2. Resolution authorizing execution of a cooperative agreement with the Alabama Department of Environmental Management (ADEM) for the city to provide permitting, regulating, monitoring, and inspection services and be reimbursed in an amount not to exceed \$37,950. **Motion made (Johnson/Boyd) to adopt the resolution.** Vote unanimous in favor.
3. Resolution awarding the bid for 2022 Roadway Resurfacing to Arrington Curb & Excavation, Inc., in an amount not to exceed \$344,443.60. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.

Mayor Kennon returned to the recognitions now that all the cheerleaders were present. Mayor and Council recognized All-American Award recipients Audrey Boyd, AK Bradford, Evie Rosa Butler, Kaedyn Burson, Eliza Vallier, Lucy Wheeler, and Pin It Forward Award recipient Lauren Pate.

4. Resolution authorizing execution of a performance contract with Safe Span, L.L.C., for engineering and bridge inspection professional services in an amount not to exceed \$2,600. **Motion made (Silvers/Mitchell) to adopt the resolution.** Vote unanimous in favor.
5. Resolution authorizing the execution of a performance contract with Brandy Reeves for tennis instruction services. **Motion made (Mitchell/Blalock) to adopt the resolution.** Vote unanimous in favor.
6. Resolution authorizing the execution of a Memorandum of Understanding with the Alabama Department of Forensic Sciences (ADFS) for Evidential Breath Testing Equipment. **Motion made (Johnson/Silvers) to adopt the resolution.** Vote unanimous in favor.
7. Resolution authorizing the sole source purchase of a Robotic Field Painter from Intelligent Marking USA Inc., dba Turf Tank, for the Public Works Department in the amount of \$56,500. **Motion made (Boyd/Blalock) to adopt the resolution.** Vote unanimous in favor.
8. Resolution authorizing the execution of a license agreement with Wharf Retail Properties, L.L.C., for the 2nd Annual Orange Beach Freedom Fest. **Motion made (Silvers/Blalock) to adopt the resolution.** Vote unanimous in favor.

Public Hearings

1. Public hearing for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0803-PUDA-22, Beach Village PUD Modification, Phase 2.

Griffin Powell, Planner II, presented the case overview.

Council expressed disappointment in the removal of the food court common area that was part of the original PUD master plan. Councilmember Boyd questioned the 5' setbacks. Paul Stewart, representing the applicant, explained that increased green space at the front of the property is needed for better visuals and explained how economic difficulties stemming from the COVID-19 pandemic necessitated the removal of the food court.

Councilmember Blalock explained that she prefers a food court because it serves as an attraction to keep visitors on-site, thereby lessening traffic entering and exiting the property. Mr. Stewart explained that the development has a relationship with Lartigue's Seafood restaurant, which is across the street.

Mayor Kennon clarified with staff that this property was previously zoned General Business (GB) prior to becoming a PUD. Mayor Kennon explained that he is more willing to allow the reduced setbacks given that a GB zone allows for higher density as opposed to other PUDs that were previously zoned Residential.

Kit Alexander, Community Development Director, recommended requiring an 8' buffer wall.

There being no further comments, the public hearing was adjourned.

Ordinances

1. First Reading – Ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0803-PUDA-22, Beach Village PUD Modification, Phase 2. **Motion made (Silvers/Mitchell) for unanimous consent to suspend the rules to allow for immediate consideration of this ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).** **Motion made (Silvers/Mitchell) to adopt the ordinance.** Roll call vote revealed: Silvers, aye; Johnson, aye; Mitchell, aye; Blalock, aye; Boyd, aye; Kennon, aye. **Passed. (6-0).**

XIII. PUBLIC COMMENTS

None

XIV. ADJOURN

There being no further business to come before the council, motion made (Mitchell/Blalock) to adjourn. Vote unanimous in favor.

Time: 5:47 P.M.

APPROVED this the 4th day of October, 2022.

Renee Eberly
City Clerk



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 20, 2022**

Departments: Administration

Description of Topic:

Committee of the Whole 09/06/2022

Action Options/Recommendation:

Source of Funding (if applicable) :

ATTACHMENTS:

Description

- ▣ Committee of the Whole 09/06/2022

**MINUTES OF
COMMITTEE OF THE WHOLE MEETING
ORANGE BEACH CITY COUNCIL
SEPTEMBER 6, 2022 – 5:47 P.M.
CITY HALL – COUNCIL CHAMBERS**

The Orange Beach City Council met to review potential items for the September 20, 2022, agenda.

The following members were present:

Councilmember Jeff Silvers
Councilmember Jerry Johnson
Councilmember Annette Mitchell
Councilmember Joni Blalock
Councilmember Jeff Boyd
Mayor Tony Kennon

The following members were absent:

None

The following items were discussed:

1. Discuss beach renourishment project.
2. Resolution authorizing execution of a reciprocal agreement to exchange building permit information with the Baldwin County Revenue Commissioner's Office.
3. Resolution authorizing execution of a performance contract with Perry Guy Music LLC to provide artwork and poetry for a shorebird educational project for the Coastal Resources Department.
4. Resolution authorizing execution of a performance contract with Tami Curtis Studios Inc. to provide artwork and poetry for a shorebird educational project for the Coastal Resources Department.
5. Resolution authorizing the execution of a professional services agreement with Wetland Sciences, Inc., for ecological services.
6. Resolution authorizing the execution of a task order with Wetland Sciences, Inc., to develop the Orange Beach component of the Orange Beach Alabama Beach Mouse Habitat Conservation Plan in an amount not to exceed \$59,800.
7. Resolution authorizing execution of a task order with Sawgrass Consulting, LLC, to provide civil engineering, land surveying, geotechnical and environmental services for the design of Powerline Road, Treatment Plant Road, and Multi-Purpose Sports Fields in an amount not to exceed \$431,400.
8. Resolution declaring certain personal property owned by the City of Orange Beach as surplus and unneeded and authorizing the Mayor and City Clerk to dispose of such property.
9. Resolution reappointing Mike Contorno and Tim Harry to the Board of Adjustment.
10. Resolution authorizing execution of a professional services agreement with J. F. Morris Performance LLC for theater performance direction for "The Little Mermaid."
11. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0908-PUDA-22, The Wharf PUD Major Modification, Culver's. Public hearing set for October 4, 2022.

12. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0801-CU-22, JPEM Duplex Conditional Use at 29110 Perdido Beach Blvd. Public hearing set for October 4, 2022.
13. Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0903-PUDA-22, Mariner Lakes PUD Major Modification, Bel Air Multi-Family Residential Amendment. Public hearing set for October 4, 2022.

Public Comments:

1. Councilmember Boyd further elaborated on his opinions discussed during the preceding Council Meeting regarding PUD (Planned Unit Development) setback waivers. Mayor Kennon, Councilmember Johnson, and Councilmember Blalock recognized the issue, but also agreed that property previously zoned GB (General Business) warrants more leniency. Councilmember Blalock reiterated her preference for a food court or on-site restaurant. Councilmember Johnson expressed his opposition to “postage stamp lots.”

There being no further business, the meeting adjourned.

Time: 5:54 P.M.

APPROVED this 4th day of October, 2022.

Renee Eberly
City Clerk



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 20, 2022**

Departments: Coastal Resources

Description of Topic:

Resolution authorizing the execution of amendment one to the subaward grant agreement with the Alabama Department of Conservation and Natural Resources for the RESTORE Act-funded Expansion of the Orange Beach Wildlife Rehabilitation and Education Program. (PW)

Action Options/Recommendation:

This amendment adds \$250,000 to the award amount with \$200,000 going towards construction and \$50,000 to the ADCNR program management budget. The total award is \$722,235. As a reminder, this grant will build out the interior of the Wildlife side of the Trail shop/Wildlife Center that is currently ongoing at the Wade Property and be used to install outdoor enclosures.

Source of Funding (if applicable) :
RESTORE

ATTACHMENTS:

- Description
- ▣ Resolution
 - ▣ Agreement
 - ▣ Notice of Award

RESOLUTION NO. 22-xxx

**A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT ONE
TO THE SUBAWARD GRANT AGREEMENT WITH THE
ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR
THE RESTORE ACT STATE EXPENDITURE PLAN FUNDED EXPANSION OF THE
ORANGE BEACH WILDLIFE REHABILITATION AND EDUCATION PROGRAM**

FINDINGS:

1. The purpose of this Amendment is for Alabama Department of Conservation and Natural Resources (ADCNR) to provide funding under the Resources and Ecosystem Sustainability, Tourism Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) State Expenditure Plan to the City of Orange Beach for the interior buildout of the Wildlife Center.
2. On June 21, 2022, City Council adopted Resolution No. 22-126 authorizing execution of a Subaward Grant Agreement with ADCNR agreeing to the provisions of the grant for the project.
3. ADCNR will disperse funds to the City to carry out the scope of the project in an amount not to exceed a total of \$624,450.
4. After having reviewed said agreement, the City Council has determined that the provisions are in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Mayor is hereby authorized to execute a grant agreement amendment in substantially the form and of substantially the content now before the Council between the City of Orange Beach and the Alabama Department of Conservation and Natural Resources (ADCNR) as an act for and on behalf of the City of Orange Beach subject to final approval by the City Attorney; and
2. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 4th DAY OF OCTOBER, 2022.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 22-xxx, which was duly and legally adopted at a regular meeting of the City Council on October 4, 2022.

City Clerk

STATE OF ALABAMA

ADCNR Grant #: S1P03-OBWC

MONTGOMERY COUNTY

SUBAWARD GRANT AGREEMENT – AMENDMENT NO. 1

THIS SUBAWARD GRANT AGREEMENT, (“Agreement”) is made and entered into by and between the State of Alabama Department of Conservation and Natural Resources (hereinafter “ADCNR”) and the City of Orange Beach (hereinafter “Subrecipient”). Pursuant to this Agreement, ADCNR and Subrecipient (collectively hereinafter “Parties”) agree as follows:

1. **PROJECT PURPOSE AND IDENTITY:** The purpose of this Agreement is to provide funding under the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (hereinafter “RESTORE Act”) to Subrecipient for implementation of the RESTORE Act Direct Component project titled “State Expenditure Plan #3: Expansion of the Orange Beach Wildlife Rehabilitation and Education Program” (hereinafter “Project”). The purpose of this project is to expand the capacity and capabilities of the current Orange Beach Wildlife Rehabilitation Program and Facility in the City of Orange Beach, Baldwin County, further described in the Federal Award GNSSP22AL0043-01-01. This Agreement between the Parties will be identified by the “ADCNR Grant Number” set forth above in the upper right corner of this Agreement. All invoices and other correspondence submitted to ADCNR in connection with this Agreement must be identified by said Grant Number.

This Amendment No. 1 is for an existing grant for the Alabama Department of Conservation and Natural Resources (ADCNR), Grant No. GNSSP22AL0043-01-01, Expansion of the Orange Beach Wildlife Rehabilitation and Education Program Amendment No. 1. This amendment executes the following suite of actions:

- This amendment adds \$250,000.00 in Restore Funding increasing the total amount of Restore funding to \$722,255;
 - Milestones revisions have been made in the RESTORE Council's Program Information Platform for Ecosystem Restoration (PIPER) and are incorporated into this amendment by reference; and
 - All other terms & conditions stated in the original award remain in effect.
2. **FEDERAL AWARD INFORMATION:** The Project’s Financial Assistance Award (hereinafter “Federal Award”) in its entirety is hereby incorporated into this Agreement by reference. Information as to the Federal Award associated with the Project includes the following:
 - a. Federal Award Identification Number (FAIN): GNSSP22AL0043
 - b. Federal Award Period of Performance: 05/13/2022 to 05/30/2024
 - c. Total Amount of Federal Funds Obligated To Subrecipient: \$624,450.00
 - d. Subrecipient UEI: JKREAZH2DMF6
 - e. Total Amount of Federal Award: \$722,255.00
 - f. Name of Federal Awarding Agency: Gulf Coast Ecosystem Restoration Council (hereinafter “RESTORE Council”)
 - g. Pass-Through Entity & Awarding Official Contact Information:
Alabama Department of Conservation and Natural Resources
Commissioner Christopher M. Blankenship
64 N. Union Street; Suite 468
Montgomery, AL 36130
 - h. CFDA Number & Name: CFDA# 87.052 “Spill Impact Component Project Grants”
 - i. Indirect Cost Rate of Subrecipient: 0%

3. AGREEMENT FUNDING AMOUNT: ADCNR's funding commitment under this Agreement shall be within the budgetary limits as described herein and pursuant to the Federal Award and shall not exceed a total of six hundred twenty-four thousand four hundred fifty and xx/100 dollars (\$624,450.00).
4. PROJECT PERIOD: The period allowed for Project completion by the Subrecipient (hereinafter "Project Period") shall commence on May 13, 2022 and end on May 30, 2024.
5. AGREEMENT TERM: The term of this Agreement shall commence when the Agreement is executed by both Parties and end on May 30, 2024 (hereinafter "Agreement Term").
6. NOTICE: Contact information of Parties for purposes of providing notice pursuant to the terms of this Agreement are set forth below. In the event the designation of new contact information is necessary, such shall not require a formal amendment to this Agreement.

To ADCNR:

Alabama Department of Conservation and Natural Resources
Attn: Christopher M. Blankenship, Commissioner
64 N. Union St., Suite 468
Montgomery, AL 36130

With a copy to:

Dr. Amy Hunter
Deepwater Horizon Restoration Coordinator
Alabama Department of Conservation and Natural Resources
31115 Five Rivers Boulevard
Spanish Fort, AL 36527
Email: amy.hunter@dcnr.alabama.gov

To Subrecipient:

City of Orange Beach
Attn: Tony Kennon, Mayor
4099 Orange Beach Blvd.
Orange Beach, AL 36561

Nicole Woerner
Deputy Director | Coastal Resources
City of Orange Beach
P. O. Box 458
4697 Walker Avenue
Orange Beach, AL 36561
nwoerner@orangebeachal.gov

Melissa Vinson City of Orange Beach mvinson@orangebeachal.gov
Tim Tabb City of Orange Beach ttabb@orangebeachal.gov

7. PARTIES REPRESENT THAT THIS AGREEMENT SUPERSEDES ALL PROPOSALS, ORAL AND WRITTEN, ALL PREVIOUS CONTRACTS, AGREEMENTS, NEGOTIATIONS AND ALL OTHER COMMUNICATIONS BETWEEN THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF.

8. **DOCUMENTS:** The documents which comprise this Agreement between ADCNR and the Subrecipient are:
1. This Subaward Agreement;
 2. The Amendment for the existing grant for the Alabama Department of Conservation and Natural Resources (ADCNR), Grant No. GNSSP22AL0043-01-01 and any RESTORE Council-specific Special Award Conditions.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers thereunto duly authorized as of the date entered below.

**STATE OF ALABAMA
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES**

Christopher M. Blankenship, Commissioner

Date: _____

CITY OF ORANGE BEACH

Tony Kennon, Mayor

Date: _____

AL-09/01/2022

Subrecipient Name: City of Orange Beach, UEI: JKREAZH2DMF6

Title of Grant Project: State Expenditure Plan #3: Expansion of the Orange Beach Wildlife Rehabilitation and Education Program

Attachment
Federal Award Identification

The entity identified in this agreement is a subrecipient of a subaward, in accordance with 2 CFR 200.332. Be advised, the following information describes the Federal award and subaward:

(1) Federal Award Identification		
(i.)	Subrecipient name	City of Orange Beach
(ii.)	Subrecipient's unique entity identifier	UEI: JKREAZH2DMF6
(iii.)	Federal Award Identification Number (FAIN);	GNSSP22AL0043
(iv.)	Federal Award Date (see §200.39 Federal award date) of award to the recipient by the Federal agency;	09/01/2022
(v.)	Subaward Period of Performance Start and End Date;	This agreement shall commence when it is executed by both Parties and end on May 30, 2024.
(vi.)	Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;	\$ 624,450.00
(vii.)	Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;	\$ 624,450.00
(viii.)	Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;	\$ 624,450.00
(ix.)	Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);	The purpose of this project is to expand the capacity and capabilities of the current Orange Beach Wildlife Rehabilitation Program and Facility in the City of Orange Beach, Baldwin County.
(x.)	Name of Federal awarding agency, Name of pass-through entity, and contact information for awarding official of the pass-through entity.	Gulf Coast Ecosystem Restoration Council, Alabama Department of Conservation and Natural Resources, Christopher M. Blankenship Chris.blankenship@dcnr.alabama.gov
(xi.)	CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;	<u>CFDA # 87.052 "Spill Impact Component Project Grants"</u> - total Federal Award issued to ADCNR, which is registered in SAM with the UEI: <u>WLNMNKHKF5T1</u> is <u>\$722,255.00</u> .
(xii.)	Identification of whether the award is R&D; and	This is not a R&D award.
(xiii.)	Indirect cost rate for the Federal award (including if the de minimis rate if charged per §200.414 Indirect (F&A) costs).	The indirect cost rate for the Federal award is 34.95%.

1. DATE ISSUED MM/DD/YYYY 09/01/2022		1a. SUPERSEDES AWARD NOTICE dated 05/13/2022 except that any additions or restrictions previously imposed remain in effect unless specifically rescinded	
2. CFDA NO. 87.052 - Spill Impact Component Project Grants			
3. ASSISTANCE TYPE Project Grant			
4. GRANT NO. GNSSP22AL0043-01-01 Formerly		5. TYPE OF AWARD Other	
4a. FAIN GNSSP22AL0043		5a. ACTION TYPE Post Award Amendment	
6. PROJECT PERIOD MM/DD/YYYY From 05/13/2022		Through 05/30/2024	
7. BUDGET PERIOD MM/DD/YYYY From 05/13/2022		Through 05/30/2024	
8. TITLE OF PROJECT (OR PROGRAM) State Expenditure Plan #3: Expansion of the Orange Beach Wildlife Rehabilitation and Education Program			

The Gulf Coast Ecosystem Restoration Council
RESTORE Council
Gulf Coast Ecosystem Restoration Council

500 Poydras Street
Suite 1117
New Orleans, LA 70130

NOTICE OF AWARD

AUTHORIZATION (Legislation/Regulations)
RESTORE Act, 33 U.S.C. 1321(t)(3) and 40 CFR Part 1800 - Spill
Impact Component

9a. GRANTEE NAME AND ADDRESS CONSERVATION & NATURAL RESOURCES, ALABAMA DEPT OF 64 N Union St RM 458 Montgomery, AL 36130-3020	9b. GRANTEE PROJECT DIRECTOR Amy Hunter 64 N Union St RM 458 Montgomery, AL 36130-3020 Phone: 251-621-1216
10a. GRANTEE AUTHORIZING OFFICIAL Mr. Chris Blankenship 118 N. Royal Street Suite 603 Mobile, AL 36602 An authorized representative electronically signed the award on 09/01/2022	10b. FEDERAL PROJECT OFFICER Joshua Easton 500 Poydras St Gulf Coast Ecosystem Restoration Council New Orleans, LA 70130-3319 Phone: 504-252-7717

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)		12. AWARD COMPUTATION	
I Financial Assistance from the Federal Awarding Agency Only		a. Amount of Federal Financial Assistance (from item 11m) 722,255.00	
II Total project costs including grant funds and all other financial participation		b. Less Unobligated Balance From Prior Budget Periods 0.00	
a. Salaries and Wages	18,275.00	c. Less Cumulative Prior Award(s) This Budget Period 472,255.00	
b. Fringe Benefits	7,549.00	d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION 250,000.00	
c. Total Personnel Costs	25,824.00	13. Total Federal Funds Awarded to Date for Project Period 722,255.00	
d. Equipment	0.00	14. RECOMMENDED FUTURE SUPPORT	
e. Supplies	0.00	(Subject to the availability of funds and satisfactory progress of the project):	
f. Travel	1,196.00	YEAR TOTAL DIRECT COSTS YEAR TOTAL DIRECT COSTS	
g. Construction	0.00	a. 2	d. 5
h. Other	0.00	b. 3	e. 6
i. Contractual	686,595.00	c. 4	f. 7
j. TOTAL DIRECT COSTS	713,615.00	15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:	
k. INDIRECT COSTS	8,640.00	a. DEDUCTION	
I. TOTAL APPROVED BUDGET 722,255.00		b. ADDITIONAL COSTS	
m. Federal Share	722,255.00	c. MATCHING	
n. Non-Federal Share	0.00	d. OTHER RESEARCH (Add / Deduct Option)	
		e. OTHER (See REMARKS)	
		16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDOING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:	
		a. The grant program legislation.	
		b. The grant program regulations.	
		c. This award notice including terms and conditions, if any, noted below under REMARKS.	
		d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.	
		In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.	

REMARKS (Other Terms and Conditions Attached -
See next page



Yes



No

AUTHORIZING OFFICIAL:

17.OBJ CLASS 41.0006	18a. VENDOR CODE 929933406	18b. EIN 636000619	19a. UEI WLNMNKHKF5T1	19b. DUNS 929933406	20. CONG. DIST. 02
FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	AMT ACTION FIN ASST	APPROPRIATION	
21. a. SEP	b. GNSSP22AL0043	c. 6013 INFRA	d. \$250,000.00	e.	
22. a.	b.	c.	d.	e.	
23. a.	b.	c.	d.	e.	

NOTICE OF AWARD (Continuation Sheet)

PAGE 2 of 2	DATE ISSUED 09/01/2022
GRANT NO. GNSSP22AL0043-01-01	

REMARKS:

This amendment adds \$250,000.00 in Restore Funding increasing the total amount of Restore funding to \$722,255. Milestones revisions have been made in the Council's Program Information Platform for Ecosystem Restoration (PIPER) and are incorporated into this amendment by reference. All other terms & conditions stated in the original award remain in effect.

GCERC Internal Financial Codes: - Cat B 6013 - Cost Pool GCCSTAL000

CAM1 GCCGCOASTALR
CAM2 GCCCHOCTAWAT
CAM3 GCCPCOASTALR

AWARD ATTACHMENTS

CONSERVATION & NATURAL RESOURCES, ALABAMA DEPT OF

GNSSP22AL0043-01-01

1. Award Notes and Revised Budget

AWARD NOTES

The following documents are incorporated in this award by reference:

- ☒ GULF COAST ECOSYSTEM RESTORATION COUNCIL FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS (AUGUST 2015), available at www.restorethegulf.gov
- ☒ 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 5900.101 (2021), AND TECHNICAL CORRECTIONS AT 86 FR 10439 (FEBRUARY 22, 2021)

This award incorporates by reference and gives effect to the most recent data available in the PIPER system for the following items:

- ☒ PROJECT NARRATIVE (as of award issue date)
- ☒ OBSERVATIONAL DATA PLAN
- ☒ METRICS
- ☒ MILESTONES
- ☐ OTHER

GCERC Internal Financial Codes:

FY 2022 - Cat B 6013 - Cost Pool GCCSTAL000

CAM1 GCCGCOASTALR

CAM2 GCCCHOCTAWAT

CAM3 GCCPCOASTALR

This amendment adds \$250,000 in additional funding and revises the budget. All other terms & conditions stated in the original award remain in effect.

AMENDED FUNDING AUTHORIZATION

Amount of Financial Assistance	Amount of Funding Restriction	Amount of Funding Added to Award	Amount Authorized for ASAP Account	Notes
\$722,255	\$622,500	\$250,000	\$99,755	Funds for construction to be released upon meeting requirements of SAC #4

REVISED BUDGET

State Expenditure Plan #3: Expansion of the Orange Beach Wildlife Rehabilitation and Education Center

SUMMARY AND JUSTIFICATION

- Funding in the amount of \$472,255 was originally requested. The subrecipient budget was prepared by an experienced team of City of Orange Beach employees who had completed many similar projects. The City also had the budget reviewed by a third-party E&D firm. Since this budget estimation originally occurred, the cost of labor and materials throughout the region has escalated. This amendment requests the addition of \$200,000 to the subrecipient construction budget and \$50,000 to the ADCNR project management budget. The total amended project budget is \$722,255.

Category	Award Budget	Adjustment	Amended Budget
Personnel	\$9,259	\$9,016	\$18,275
Fringe	\$3,809	\$3,740	\$7,549
Equipment	\$0	\$0	\$0
Supplies	\$0	\$0	\$0
Travel	\$598	\$0	\$598
Construction	\$0	\$0	\$0
Other	\$0	\$0	\$0
Contractual	\$446,208	\$240,391	\$686,599
Indirect Costs	\$12,361	-\$3,147	\$9,214
Total Approved Budget	\$472,235	\$250,000	\$722,235



COMMITTEE OF THE WHOLE MEETING SEPTEMBER 20, 2022

Departments: Utilities

Description of Topic:

Resolution authorizing the execution of amendment two to the subaward grant agreement with the Alabama Department of Conservation and Natural Resources for the RESTORE Act-funded North Sewer Force Main Upgrade. (PW)

Action Options/Recommendation:

- This amendment increases the RESTORE funding by \$749,267.00 from \$5,350,117.00 to \$6,099,384.00;
- The amendment also removes co-funding of \$729,221.00.

This will cover the entire contract amount of \$5,925,000, the remaining funds are for ADCNR management.

This will result in 100% RESTORE funding for the project with no additional City funds.

Source of Funding (if applicable) :

This will result in 100% RESTORE funding for the project with no additional City match required.

ATTACHMENTS:

Description

- ▣ Resolution
- ▣ Agreement
- ▣ Notice of Award

RESOLUTION NO. 22-xxx

**A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT TWO
TO THE SUBAWARD GRANT AGREEMENT WITH THE
ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR
THE RESTORE ACT STATE EXPENDITURE PLAN FUNDED
ORANGE BEACH NORTH SEWER FORCE MAIN SEWER UPGRADE PROJECT**

FINDINGS:

1. The purpose of this Agreement is for Alabama Department of Conservation and Natural Resources (ADCNR) to provide funding under the Resources and Ecosystem Sustainability, Tourism Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) State Expenditure Plan to the City of Orange Beach for the upgrade of the existing sanitary sewer force main located north of the Gulf Intracoastal Waterway.
2. The purpose of the project is to improve the capacity and integrity of an existing sanitary sewer force main located along the Foley Beach Express and Roscoe Road.
3. On May 19, 2020, City Council adopted Resolution No. 20-110 authorizing the execution of a Subaward Grant Agreement with ADCNR agreeing to the provisions of the grant for the project.
4. ADCNR will disperse funds to the City to carry out the scope of the project in an amount not to exceed a total of \$5,925,000.
5. After having reviewed said agreement, the City Council has determined that the provisions are in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Mayor is hereby authorized to execute a grant agreement in substantially the form and of substantially the content now before the Council between the City of Orange Beach and the Alabama Department of Conservation and Natural Resources (ADCNR) as an act for and on behalf of the City of Orange Beach subject to final approval by the City Attorney; and
2. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 4th DAY OF OCTOBER, 2022.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 22-xxx, which was duly and legally adopted at a regular meeting of the City Council on October 4, 2022.

City Clerk

STATE OF ALABAMA

ADCNR Grant #: S1P23-OBSU

MONTGOMERY COUNTY

SUBAWARD GRANT AGREEMENT – AMENDMENT NO. 2

THIS SUBAWARD GRANT AGREEMENT, (“Agreement”) is made and entered into by and between the State of Alabama Department of Conservation and Natural Resources (hereinafter “ADCNR”) and the City of Orange Beach (hereinafter “Subrecipient”). Pursuant to this Agreement, ADCNR and Subrecipient (collectively hereinafter “Parties”) agree as follows:

1. **PROJECT PURPOSE AND IDENTITY:** The purpose of this Agreement is to provide funding under the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (hereinafter “RESTORE Act”) to Subrecipient for implementation of the RESTORE Act Direct Component project titled “State Expenditure Plan #23: Orange Beach North Sewer Force Main Upgrade” (hereinafter “Project”). The purpose of this project is to construct approximately 8 miles of sewer force main from a point on Highway 180 in Orange Beach to an existing lift station on County Road 12, further described in the Federal Award GNSSP20AL0004-01-02. This Agreement between the Parties will be identified by the “ADCNR Grant Number” set forth above in the upper right corner of this Agreement. All invoices and other correspondence submitted to ADCNR in connection with this Agreement must be identified by said Grant Number.

This Amendment No. 2 is for an existing grant for the Alabama Department of Conservation and Natural Resources (ADCNR), Grant No. GNSSP20AL0004-01-02, Orange Beach North Sewer Force Main Upgrade Amendment No. 2. This amendment executes the following suite of actions:

- This amendment increases the Restore funding by \$749,267.00 from \$5,350,117.00 to \$6,099,384.00;
 - The amendment also removes co-funding of \$729,221.00; and
 - All other terms & conditions stated in the original award remain in effect.
2. **FEDERAL AWARD INFORMATION:** The Project’s Financial Assistance Award (hereinafter “Federal Award”) in its entirety is hereby incorporated into this Agreement by reference. Information as to the Federal Award associated with the Project includes the following:
 - a. Federal Award Identification Number (FAIN): GNSSP20AL0004
 - b. Federal Award Period of Performance: 10/01/2019 to 03/29/2024
 - c. Total Amount of Federal Funds Obligated To Subrecipient: \$5,925,000.00
 - d. Subrecipient UEI: JKREAZH2DMF6
 - e. Total Amount of Federal Award: \$6,099,384.00
 - f. Name of Federal Awarding Agency: Gulf Coast Ecosystem Restoration Council (hereinafter “RESTORE Council”)
 - g. Pass-Through Entity & Awarding Official Contact Information:
Alabama Department of Conservation and Natural Resources
Commissioner Christopher M. Blankenship
64 N. Union Street; Suite 468
Montgomery, AL 36130
 - h. CFDA Number & Name: CFDA# 87.052 “Spill Impact Component Project Grants”
 - i. Indirect Cost Rate of Subrecipient: 0%

3. AGREEMENT FUNDING AMOUNT: ADCNR's funding commitment under this Agreement shall be within the budgetary limits as described herein and pursuant to the Federal Award and shall not exceed a total of five million nine hundred twenty-five thousand and xx/100 dollars (\$5,925,000.00).
4. PROJECT PERIOD: The period allowed for Project completion by the Subrecipient (hereinafter "Project Period") shall commence on October 1, 2019 and end on March 29, 2024.
5. AGREEMENT TERM: The term of this Agreement shall commence when the Agreement is executed by both Parties and end on March 29, 2024 (hereinafter "Agreement Term").
6. NOTICE: Contact information of Parties for purposes of providing notice pursuant to the terms of this Agreement are set forth below. In the event the designation of new contact information is necessary, such shall not require a formal amendment to this Agreement.

To ADCNR:

Alabama Department of Conservation and Natural Resources
Attn: Christopher M. Blankenship, Commissioner
64 N. Union St., Suite 468
Montgomery, AL 36130

With a copy to:

Dr. Amy Hunter
Deepwater Horizon Restoration Coordinator
Alabama Department of Conservation and Natural Resources
31115 Five Rivers Boulevard
Spanish Fort, AL 36527
Email: amy.hunter@dcnr.alabama.gov

To Subrecipient:

City of Orange Beach
Attn: Tony Kennon, Mayor
4099 Orange Beach Blvd.
Orange Beach, AL 36561

Nicole Woerner
Deputy Director | Coastal Resources
City of Orange Beach
P. O. Box 458
4697 Walker Avenue
Orange Beach, AL 36561
nwoerner@orangebeachal.gov

Melissa Vinson City of Orange Beach mvinson@orangebeachal.gov
Tim Tabb City of Orange Beach ttabb@orangebeachal.gov

7. PARTIES REPRESENT THAT THIS AGREEMENT SUPERSEDES ALL PROPOSALS, ORAL AND WRITTEN, ALL PREVIOUS CONTRACTS, AGREEMENTS, NEGOTIATIONS AND ALL OTHER COMMUNICATIONS BETWEEN THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF.

8. **DOCUMENTS:** The documents which comprise this Agreement between ADCNR and the Subrecipient are:
1. This Subaward Agreement;
 2. The Amendment for the existing grant for the Alabama Department of Conservation and Natural Resources (ADCNR), Grant No. GNSSP20AL0004-01-02 and any RESTORE Council-specific Special Award Conditions.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers thereunto duly authorized as of the date entered below.

**STATE OF ALABAMA
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES**

Christopher M. Blankenship, Commissioner

Date: _____

CITY OF ORANGE BEACH

Tony Kennon, Mayor

Date: _____

AL-09/08/2022

Subrecipient Name: City of Orange Beach, UEI: JKREAZH2DMF6

Title of Grant Project: State Expenditure Plan #23: Orange Beach North Sewer Force Main Upgrade

Attachment
Federal Award Identification

The entity identified in this agreement is a subrecipient of a subaward, in accordance with 2 CFR 200.332. Be advised, the following information describes the Federal award and subaward:

(1) Federal Award Identification		
(i.)	Subrecipient name	City of Orange Beach
(ii.)	Subrecipient's unique entity identifier	UEI: JKREAZH2DMF6
(iii.)	Federal Award Identification Number (FAIN);	GNSSP20AL0004
(iv.)	Federal Award Date (see §200.39 Federal award date) of award to the recipient by the Federal agency;	09/08/2022
(v.)	Subaward Period of Performance Start and End Date;	This agreement shall commence when it is executed by both Parties and end on March 29, 2024.
(vi.)	Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;	\$5,925,000.00
(vii.)	Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;	\$5,925,000.00
(viii.)	Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;	\$5,925,000.00
(ix.)	Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);	The purpose of this project is to construct approximately 8 miles of sewer force main from a point on Highway 180 in Orange Beach to an existing lift station on County Road 12.
(x.)	Name of Federal awarding agency, Name of pass-through entity, and contact information for awarding official of the pass-through entity.	Gulf Coast Ecosystem Restoration Council, Alabama Department of Conservation and Natural Resources, Christopher M. Blankenship Chris.blankenship@dcnr.alabama.gov
(xi.)	CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;	<u>CFDA # 87.052 "Spill Impact Component Project Grants"</u> - total Federal Award issued to ADCNR, which is registered in SAM with the UEI: <u>WLNMNKHKF5T1</u> is <u>\$6,099,384.00</u> .
(xii.)	Identification of whether the award is R&D; and	This is not a R&D award.
(xiii.)	Indirect cost rate for the Federal award (including if the de minimis rate if charged per §200.414 Indirect (F&A) costs).	The indirect cost rate for the Federal award is 24.09%.

1. DATE ISSUED MM/DD/YYYY 09/08/2022		1a. SUPERSEDES AWARD NOTICE dated 04/08/2022 except that any additions or restrictions previously imposed remain in effect unless specifically rescinded	
2. CFDA NO. 87.052 - Spill Impact Component Project Grants			
3. ASSISTANCE TYPE Project Grant			
4. GRANT NO. GNSSP20AL0004-01-02 Formerly		5. TYPE OF AWARD Other	
4a. FAIN GNSSP20AL0004		5a. ACTION TYPE Post Award Amendment	
6. PROJECT PERIOD MM/DD/YYYY From 10/01/2019		Through 03/29/2024	
7. BUDGET PERIOD MM/DD/YYYY From 10/01/2019		Through 03/29/2024	
8. TITLE OF PROJECT (OR PROGRAM) State Expenditure Plan #23: Orange Beach North Sewer Force Main Upgrade			

The Gulf Coast Ecosystem Restoration Council
RESTORE Council
Gulf Coast Ecosystem Restoration Council

500 Poydras Street
Suite 1117
New Orleans, LA 70130

NOTICE OF AWARD

AUTHORIZATION (Legislation/Regulations)
RESTORE Act, 33 U.S.C. 1321(t)(3) and 40 CFR Part 1800 - Spill
Impact Component

9a. GRANTEE NAME AND ADDRESS CONSERVATION & NATURAL RESOURCES, ALABAMA DEPT OF 64 N Union St RM 458 Montgomery, AL 36130-3020		9b. GRANTEE PROJECT DIRECTOR Amy Hunter 64 N Union St Rm 458 Montgomery, AL 36130-3020 Phone: 251-621-1216	
10a. GRANTEE AUTHORIZING OFFICIAL Mr. Chris Blankenship 118 N. Royal Street Suite 603 Mobile, AL 36602 An authorized representative electronically signed the award on 09/09/2022		10b. FEDERAL PROJECT OFFICER Barbara Shumar 500 Poydras St Gulf Coast Ecosystem Restoration Council New Orleans, LA 70130-3319 Phone: 504-235-4985	

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)				12. AWARD COMPUTATION			
I Financial Assistance from the Federal Awarding Agency Only				a. Amount of Federal Financial Assistance (from item 11m) 6,099,384.00			
II Total project costs including grant funds and all other financial participation				b. Less Unobligated Balance From Prior Budget Periods 0.00			
a. Salaries and Wages 35,428.00				c. Less Cumulative Prior Award(s) This Budget Period 5,350,117.00			
b. Fringe Benefits 15,189.00				d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION 749,267.00			
c. Total Personnel Costs 50,617.00				13. Total Federal Funds Awarded to Date for Project Period 6,099,384.00			
d. Equipment 0.00				14. RECOMMENDED FUTURE SUPPORT			
e. Supplies 100.00				(Subject to the availability of funds and satisfactory progress of the project):			
f. Travel 527.00				YEAR TOTAL DIRECT COSTS YEAR TOTAL DIRECT COSTS			
g. Construction 0.00				a. 2 b. 3 c. 4 d. 5 e. 6 f. 7			
h. Other 0.00				15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:			
i. Contractual 6,035,820.00				a. DEDUCTION			
j. TOTAL DIRECT COSTS 6,087,064.00				b. ADDITIONAL COSTS			
k. INDIRECT COSTS 12,320.00				c. MATCHING			
I. TOTAL APPROVED BUDGET 6,099,384.00				d. OTHER RESEARCH (Add / Deduct Option)			
m. Federal Share 6,099,384.00				e. OTHER (See REMARKS)			
n. Non-Federal Share 0.00				16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:			
				a. The grant program legislation.			
				b. The grant program regulations.			
				c. This award notice including terms and conditions, if any, noted below under REMARKS.			
				d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.			
				In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.			

REMARKS (Other Terms and Conditions Attached -



Yes



No

This amendment increases the Restore funding by \$749,267.00 from \$5,350,117.00 to \$6,099,384.00. The amendment also removes co-funding of \$729,221.00. The budget narrative has been revised. All other terms and conditions of the award remain in effect.

AUTHORIZING OFFICIAL:

Frederick Sutter, Deputy Executive Director
500 Poydras St Ste 1117
New Orleans, LA 70130-7305
Phone: 504-444-3511

Electronically Signed 09/09/2022

17.OBJ CLASS 41.0006	18a. VENDOR CODE 929933406	18b. EIN 636000619	19a. UEI WLNMNKHKF5T1	19b. DUNS 929933406	20. CONG. DIST. 02
FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	AMT ACTION FIN ASST	APPROPRIATION	
21. a. SEP	b. GNSSP20AL0004	c. 6013 INFRA	d. \$749,267.00	e.	
22. a.	b.	c.	d.	e.	
23. a.	b.	c.	d.	e.	

AWARD ATTACHMENTS

CONSERVATION & NATURAL RESOURCES, ALABAMA DEPT OF

GNSSP20AL0004-01-02

-
1. Award Terms and Conditions
 2. Budget Narrative

AWARD NOTES

The following documents are incorporated in this award by reference:

- ☒ GULF COAST ECOSYSTEM RESTORATION COUNCIL FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS (AUGUST 2015), available at www.restorethegulf.gov
- ☒ 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 5900.101 (2021), AND TECHNICAL CORRECTIONS AT 86 FR 10439 (FEBRUARY 22, 2021)

This award incorporates by reference and gives effect to the most recent data available in the PIPER system for the following items:

- ☒ PROJECT NARRATIVE (as of award issue date)
- ☒ OBSERVATIONAL DATA PLAN
- ☒ METRICS
- ☒ MILESTONES
- ☐ OTHER

GCERC Internal Financial Codes:

FY 2022 - Cat B 6013 - Cost Pool GCCSTAL000

CAM1 GCCGECONOMYX

CAM2 GCCGMOBILEBAY

CAM3 GCCPCOMRESIL

REVISED FINANCIAL REPORTING SCHEDULE

Reporting Type	Reporting Period	Task Due Date
Financial Report	4/1/2020 - 9/30/2020	10/31/2020 (received)
Financial Report	10/1/2020 - 3/31/2021	4/30/2021 (received)
Performance Report	10/1/2020 - 3/31/2021	4/30/2021` (received)
Financial Report	4/1/2021 - 3/31/2022	5/30/2022 (received)
Performance Report	4/1/2021 - 3/31/2022	5/30/2022 (received)
Financial Report	4/1/2022 - 3/31/2023	5/30/2023
Performance Report	4/1/2022 - 3/31/2023	5/30/2023
Final Financial Report	4/1/2022 - 3/29/2024	7/27/2024

Final Performance Report	4/1/2022 - 3/29/2024	7/27/2024
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REVISED FUNDING AUTHORIZATION

Amount of Financial Assistance	Amount of Funding Restriction	Amount of Funding Added to Award	Amount Authorized for ASAP Account	Notes
\$6,099,384.00		\$749,267.00	\$6,099,384.00	

Budget Narrative- State Expenditure Plan #23: Orange Beach North Sewer Force Main Upgrade (AMENDMENT 2)

1.0 Summary and Justification

- Funding in the amount of \$6,099,384 is being requested. The amount is an estimate based on previous projects with similar scopes of work.
- This project will replace the existing force main with modern materials that are properly sized for current and future development. The project will be constructed in 3 sections.
- With approval of Alabama's amended SEP, the City of Orange Beach has requested and been approved to receive an additional \$730,000 to cover cost overruns identified during the construction services procurement process. This City is no longer required to provide co-funding to accomplish this project.
- With approval of Alabama's amended SEP, ADCNR has requested and been approved to receive an additional \$19,267 to cover additional costs associated with project management.

TOTAL PROJECT OR PROGRAM FUNDS REQUESTED	\$6,,099,384
<i>Total Pre-Award Funds Requested</i>	<i>\$5,136</i>
<i>Total Direct Costs Requested</i>	<i>\$6,087,024</i>
<i>Total Allowable Indirect Costs Requested</i>	<i>\$12,320</i>
<i>Total Program Income Anticipated</i>	<i>\$0</i>

2.0 Pre-Award Costs

ADCNR's Deepwater Horizon (DWH) Restoration Coordinator/Biologist IV, dedicated approximately 50 hours and the Biologist III / Grants Manager dedicated approximately 50 hours to the draft grant application prior to award. Therefore, estimated pre-award costs for developing the grant application are \$5,136 (salary & fringe). Calculations are detailed in the personnel and fringe tables in Section 3.0.

3.0 Budget Object Classes Applicable to All Projects and Programs – DIRECT COSTS

3.1 Personnel

ADCNR's Deepwater Horizon (DWH) Restoration Coordinator/Biologist IV and V will provide support for RESTORE Act activities including, but not limited to, subrecipient monitoring; participating in meetings and conference calls, as needed; reviewing subrecipient agreements, procurement documents, contracts, reports, and all other necessary documents for grant administration. Time is tracked using CORONA,

which allows employees to input tasks by project. The timesheets are electronically approved by assigned supervisors.

Biologist III / Grants Manager will assist in preparing draft proposals for Executive Director review, developing budgets and expense details, monitoring, reviewing subrecipient reports and invoices, submitting semi-annual reports and reimbursements to RESTORE Council, and participating in meetings and conference calls as needed. Time is tracked using CORONA, which allows employees to input tasks by project. The timesheets are electronically approved by assigned supervisors.

Natural Resource Planner will assist in preparing draft proposals for review, developing budgets and expense details, monitoring, reviewing subrecipient reports and invoices, submitting semi-annual reports and reimbursements to RESTORE Council, and participating in meetings and conference calls as needed. Time is tracked using CORONA, which allows employees to input tasks by project. The timesheets are electronically approved by assigned supervisors.

Account Clerk will provide general office support for the Deepwater Horizon (DWH) Restoration Coordinator/Biologist V, and Biologist III/Grants Manager as needed. Time is tracked using CORONA, which allows employees to input tasks by project. The timesheets are electronically approved by assigned supervisors.

Position/Role	Duties and Responsibilities	Unit Cost	Hours or % Time (devoted to project)	Total	Pre-Award Costs?
DWH Restoration Coordinator / Biologist IV PREAWARD	Coordinating & supporting all staff in submission of RESTORE Act grants	\$97,696	50	\$2,348	<input checked="" type="checkbox"/>
Biologist III / Grants Manager PREAWARD	Prepare documents for all activities for Spill Impact Component RESTORE Act funding	\$58,128	50	\$1,397	<input checked="" type="checkbox"/>
DWH Restoration Coordinator / Biologist V	Coordinating & supporting all staff in submission of RESTORE Act grants	\$104,767	1%	\$3,667	
Biologist III / Grants Manager	Prepare documents for all activities for Spill Impact Component RESTORE Act funding	\$81,814	2%	\$5,727	
Natural Resource Planner	Prepare documents for all activities for Spill Impact Component RESTORE Act funding	\$63,780	6%	\$13,394	
Account Clerk	Provide general office support	\$39,101	6.5%	\$8,895	

TOTAL PERSONNEL: \$35,428

3.2 Fringe Benefits

This includes FICA, cost of leave, employee insurance, retirement and unemployment benefit plans. The fringe rate percentage varies by employee and will also vary from year to year based upon federal guidance and the state legislative process.

Position (s)	Total Compensation (life of project)	Fringe %	Total Fringe Benefit (life of project)	Pre-Award Costs?
DWH Restoration Coordinator / Biologist IV	\$2,348	34.4%	\$808	<input checked="" type="checkbox"/>
Biologist III / Grants Manager	\$1,397	41.7%	\$583	<input checked="" type="checkbox"/>
DWH Restoration Coordinator / Biologist V	\$3,667	35%	\$1,283	
Biologist III / Grants Manager	\$5,727	38%	\$2,176	
Natural Resource Planner	\$13,394	42%	\$5,625	
Account Clerk	\$8,895	53%	\$4,714	

TOTAL FRINGE BENEFITS: \$15,189

3.3 Travel

ADCNR Personnel will travel 9 times (approx. three trips per year for life of project) to the work site. Work site trip will be used to ensure scope of work is being followed and invoices reflect work completed.

Purpose of Travel	Destination	# Trips	# Travelers	Item / Mileage	Quantity or Rate	Total	Pre-Award Costs?
Project Oversight	Orange Beach, AL	9	1	892 Miles	\$0.59 per mile	\$526.28	<input type="checkbox"/>

TOTAL TRAVEL: \$526.28

3.4 Construction and Land Acquisition

No construction or land acquisition costs are being requested.

3.5 Equipment

No equipment is expected to be purchased.

3.6 Supplies

No supply costs will be applied for.

3.7 Other Direct Costs

No other direct costs will be applied for.

3.8 Subrecipients

The City of Orange Beach will be a sub-recipient to the Alabama Department of Conservation and Natural Resources. An amended subaward agreement will be issued for \$5,925,000 to complete the scope of work. Prior to execution of the original subaward, DCNR implemented a subrecipient monitoring plan to

provide consistent support and oversight to subrecipients. Elements of this oversight include: the completion of a subrecipient risk assessment; holding a project kick off meeting to review terms and conditions of the grant, scope of work and how information will be shared; site visits at a frequency determined by the scope of work specifics; and completion of a monthly written progress report by the subrecipient detailing fund expenditures; progress to date and any current or potential issues of concern. DCNR is also offering quarterly technical assistance workshops to subrecipients as part of their monitoring activities.

1. *Name of Contractor*— R&B Contracting, Inc.
2. *Method of Selection*— Bids were be solicited from qualified contractors following federal procurement standards, applicable Alabama State Bid Laws along with City of Orange Beach procurement standards. Contract costs were estimated from a preliminary design based on typical bid pricing for anticipated quantities. The City's consultant performed an independent estimate in late 2019 and came to within 4% of the original estimate to determine whether the cost estimate was reasonable. The lowest responsive bidder's proposal exceeded the Opinion of Probable Costs.
3. *Period of Performance*— February 1, 2022 – September 30, 2023

Scope of Work—All project administration, engineering and construction inspection will be performed by qualified City of Orange Beach personnel. Survey work will be contracted to one of several consulting engineers in accordance with general services agreements that are currently in place. The cost shown is for construction activities only. This cost includes (but is not limited to) the contractors' labor, materials, bonds, insurance, and all other proper and essential costs required to construct this project. All other costs for the project (including but not limited to right-of-way acquisition, Design and Permitting Services Construction Administration, Construction Engineering and Inspection) will be paid for directly by the City of Orange Beach. The Construction Cost Estimate was generated by calculating the actual unit-based pay items needed to construct the project as shown on the approved plans and specifications/contract documents. Unit costs for the required pay items were then determined based on historical data for the same pay items based on project(s) with similar size, type and location to the subject project. The calculated Units were then multiplied by the unit costs shown from historical projects to determine an estimated construction cost.

Construction

Land, structures, rights-of way, appraisals, etc. – All work will be performed on existing public rights-of way or easements currently owned by the City of Orange Beach. No additional costs are anticipated.

Relocation expenses and payments – None anticipated.

Project inspection fees – Project inspection shall be performed by City of Orange Beach engineer and other qualified personnel as part of the City of Orange Beach operational budget.

Site work – Site preparation will include mobilization of material and equipment, as well as earthwork.

Demolition and removal – Costs for any required demolition or removal of existing materials will be included in the site work line item.

Construction – Construction costs are broken into 3 major items; each includes connecting to the existing sewer collection system and a bore beneath the Intracoastal Waterway.

- Approximately 18,750 L.F. of 14” force main from the intersection of Russian Road and Roscoe Road along Roscoe Road and the Beach Express to an existing lift station on County Road 4.
- Approximately 5,200 L.F. of 16” force main from an existing lift station on County Road 4 to existing piping on Highway 180. This includes a directional bore beneath the Intracoastal Waterway.
- Approximately 16,000 L.F. of 12” force main from an existing lift station on County Road 12 to the intersection of Russian Road and Roscoe Road.

New piping that will replace deficient piping will be in accordance with current industry standards. Portions of the work will be completed using horizontal directional drilling. This will be used to bore under the Intracoastal Canal, improved roadways, and areas where wetlands or other obstacles are encountered.

4. *Method of Accountability*—Progress and performance of the work will be monitored by the City Engineer, who is a licensed professional engineer in the State of Alabama, and other qualified personnel on a daily basis. Payment will be made only for work that has been completed to the satisfaction of the City Engineer. Retainage will be held until the project is substantially complete in accordance with Alabama law. In addition, the contractor will be required to provide a bond to insure completion of the work in a satisfactory manner.

Cost Overruns: While the Engineer’s Opinion of Probable Cost was \$4,514,955-\$680,045 below the budgeted amount of \$5,195,000, the lowest responsive bid was \$5,924,221. 2) An additional \$730,000 will be needed to complete construction on this project. Cost overruns have been seen across all construction projects within the past two years, with both labor shortage and supply chain disruption impacting the Gulf Coast region. During the SEP amendment process, additional funding in the amount of \$730,000 was approved to reimburse the City for funds to complete this project.

3.9 Contractors/Consultants.

Volkert & Associates Inc

ADCNR followed State procurement policies and procedures (Code of Alabama 1975 – Article 2 – State Bid Laws (41-16-20) to identify and select Volkert & Associates Inc (Volkert) to provide DWH Program Management Services as needed (contract awarded 2/17/17). ADCNR estimates \$111,653 in contract costs for Volkert for this project. Volkert services may be used to provide technical expertise in overall grant administration support. Volkert services will be secured through task orders and reimbursed based upon actual time committed to the project. This estimate represents the top of the range.

1. *Method of Selection*—Volkert & Associates Inc was selected as a result of a Request for Proposal procurement process.
2. *Period of Performance*—March 2, 2017-February 1, 2023
3. *Scope of Work*—Volkert services may be used to provide program management services, including engineering, planning, environmental and construction management and other technical services on an as-needed basis to support restoration efforts on the Alabama coast.

4. *Method of Accountability*—Contractor will bill DCNR monthly for services performed.
5. *Itemized Budget and Justification*—Scope of services, approved documents, an itemized budget will be provided as requested by DCNR.

Organization	Description	Amount	Pre-Award Costs?
Volkert & Associates Inc	Contracted Technical Support	\$110,920	<input type="checkbox"/>

TOTAL CONTRACTUAL: \$110,920

4.0 Budget Object Classes Applicable to All Projects and Programs – INDIRECT COSTS

INDIRECT, OVERHEAD, OR G&A RATE: 24.09%

BASIS: Salaries (\$35,428) + Fringe Benefits (\$15,189) + Travel Costs (\$526.28) = \$51,143.28 x 24.09% = \$12,320.42 rounded to \$12,320.

TOTAL CALCULATED INDIRECT/OVERHEAD COSTS: \$12,320

TOTAL OF INDIRECT COSTS \$12,320

5.0 Program Income

There is no program income associated with this project.



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 20, 2022**

Departments: No Department Selected

Description of Topic:

Resolution authorizing the execution of amendment two to the subaward grant agreement with the Alabama Department of Conservation and Natural Resources for the RESTORE Act-funded Canal Road Improvements east of State Highway 161. (PW)

Action Options/Recommendation:

Source of Funding (if applicable) :

ATTACHMENTS:

Description

- ▣ Resolution
- ▣ Agreement
- ▣ Notice of Award

RESOLUTION NO. 22-xxx

**A RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT TWO
TO THE SUBAWARD GRANT AGREEMENT WITH THE
ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR
THE RESTORE ACT STATE EXPENDITURE PLAN FUNDED
CANAL ROAD IMPROVEMENTS EAST OF STATE HIGHWAY 161 PROJECT**

FINDINGS:

1. The purpose of this Amendment is for Alabama Department of Conservation and Natural Resources (ADCNR) to provide funding under the Resources and Ecosystem Sustainability, Tourism Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) State Expenditure Plan to the City of Orange Beach for the widening of Canal Road from State Highway 161 to Wilson Boulevard for the purpose of increasing traffic capacity, improving safety, and encouraging economic growth and development.
2. On May 19, 2020, City Council adopted Resolution No. 20-111 authorizing execution of a Subaward Grant Agreement with ADCNR agreeing to the provisions of the grant for the project.
3. ADCNR will disperse funds to the City to carry out the scope of the project in an amount not to exceed a total of \$3,800,000.
4. After having reviewed said agreement, the City Council has determined that the provisions are in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Mayor is hereby authorized to execute a grant agreement amendment in substantially the form and of substantially the content now before the Council between the City of Orange Beach and the Alabama Department of Conservation and Natural Resources (ADCNR) as an act for and on behalf of the City of Orange Beach subject to final approval by the City Attorney; and
2. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 4th DAY OF OCTOBER, 2022.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 22-xxx, which was duly and legally adopted at a regular meeting of the City Council on October 4, 2022.

City Clerk

STATE OF ALABAMA

ADCNR Grant #: S1P22-CRIE

MONTGOMERY COUNTY

SUBAWARD GRANT AGREEMENT – AMENDMENT NO. 2

THIS SUBAWARD GRANT AGREEMENT, (“Agreement”) is made and entered into by and between the State of Alabama Department of Conservation and Natural Resources (hereinafter “ADCNR”) and the City of Orange Beach (hereinafter “Subrecipient”). Pursuant to this Agreement, ADCNR and Subrecipient (collectively hereinafter “Parties”) agree as follows:

1. **PROJECT PURPOSE AND IDENTITY:** The purpose of this Agreement is to provide funding under the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (hereinafter “RESTORE Act”) to Subrecipient for implementation of the RESTORE Act Direct Component project titled “State Expenditure Plan #22: Canal Road Improvements E. of SR-161” (hereinafter “Project”). The purpose of this project is to construct the planned traffic safety and capacity improvements on Canal Road between SR-161 and Wilson Boulevard, thereby encouraging economic growth and development benefitting the local economy, further described in the Federal Award GNSSP20AL0006-01-02. This Agreement between the Parties will be identified by the “ADCNR Grant Number” set forth above in the upper right corner of this Agreement. All invoices and other correspondence submitted to ADCNR in connection with this Agreement must be identified by said Grant Number.

This Amendment No. 2 is for an existing grant for the Alabama Department of Conservation and Natural Resources (ADCNR), Grant No. GNSSP20AL0006-01-02, Orange Beach Canal Road Improvements E. of SR-161 Amendment No. 2. This amendment executes the following suite of actions:

- This amendment adds \$2,016,885.00 in Restore Funding increasing the total amount of Restore funding to \$3,920,553.00;
 - Additional co-funding in the amount of \$195,577.00 has been provided by the City of Orange Beach;
 - Milestones revisions have been made in the Council's Program Information Platform for Ecosystem Restoration (PIPER) and are incorporated into this amendment by reference; and
 - All other terms & conditions stated in the original award & any previous amendments remain in effect.
2. **FEDERAL AWARD INFORMATION:** The Project’s Financial Assistance Award (hereinafter “Federal Award”) in its entirety is hereby incorporated into this Agreement by reference. Information as to the Federal Award associated with the Project includes the following:
 - a. Federal Award Identification Number (FAIN): GNSSP20AL0006
 - b. Federal Award Period of Performance: 10/01/2019 to 09/30/2024
 - c. Total Amount of Federal Funds Obligated To Subrecipient: \$3,800,000.00
 - d. Subrecipient UEI: JKREAZH2DMF6
 - e. Total Amount of Federal Award: \$3,920,553.00
 - f. Name of Federal Awarding Agency: Gulf Coast Ecosystem Restoration Council (hereinafter “RESTORE Council”)
 - g. Pass-Through Entity & Awarding Official Contact Information:
Alabama Department of Conservation and Natural Resources
Commissioner Christopher M. Blankenship
64 N. Union Street; Suite 468
Montgomery, AL 36130

- h. CFDA Number & Name: CFDA# 87.052 "Spill Impact Component Project Grants"
 - i. Indirect Cost Rate of Subrecipient: 0%
- 3. AGREEMENT FUNDING AMOUNT: ADCNR's funding commitment under this Agreement shall be within the budgetary limits as described herein and pursuant to the Federal Award and shall not exceed a total of three million eight hundred thousand and xx/100 dollars (\$3,800,000.00).
 - 4. PROJECT PERIOD: The period allowed for Project completion by the Subrecipient (hereinafter "Project Period") shall commence on October 1, 2019 and end on September 30, 2024.
 - 5. AGREEMENT TERM: The term of this Agreement shall commence when the Agreement is executed by both Parties and end on September 30, 2024 (hereinafter "Agreement Term").
 - 6. NOTICE: Contact information of Parties for purposes of providing notice pursuant to the terms of this Agreement are set forth below. In the event the designation of new contact information is necessary, such shall not require a formal amendment to this Agreement.

To ADCNR:

Alabama Department of Conservation and Natural Resources
Attn: Christopher M. Blankenship, Commissioner
64 N. Union St., Suite 468
Montgomery, AL 36130

With a copy to:

Dr. Amy Hunter
Deepwater Horizon Restoration Coordinator
Alabama Department of Conservation and Natural Resources
31115 Five Rivers Boulevard
Spanish Fort, AL 36527
Email: amy.hunter@dcnr.alabama.gov

To Subrecipient:

City of Orange Beach
Attn: Tony Kennon, Mayor
4099 Orange Beach Blvd.
Orange Beach, AL 36561

Kit Alexander, Director of Community Development
City of Orange Beach
P.O. Box 2432
4101 Orange Beach Blvd.
Orange Beach, AL 36561
kalexander@orangebeachal.gov

Nicole Woerner
Deputy Director | Coastal Resources
City of Orange Beach
P. O. Box 458
4697 Walker Avenue
Orange Beach, AL 36561
nwoerner@orangebeachal.gov

7. PARTIES REPRESENT THAT THIS AGREEMENT SUPERSEDES ALL PROPOSALS, ORAL AND WRITTEN, ALL PREVIOUS CONTRACTS, AGREEMENTS, NEGOTIATIONS AND ALL OTHER COMMUNICATIONS BETWEEN THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF.
8. DOCUMENTS: The documents which comprise this Agreement between ADCNR and the Subrecipient are:
 1. This Subaward Agreement;
 2. The Amendment for the existing grant for the Alabama Department of Conservation and Natural Resources (ADCNR), Grant No. GNSSP20AL0006-01-02 and any RESTORE Council-specific Special Award Conditions.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers thereunto duly authorized as of the date entered below.

**STATE OF ALABAMA
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES**

Christopher M. Blankenship, Commissioner

Date: _____

CITY OF ORANGE BEACH

Tony Kennon, Mayor

Date: _____

AL-09/08/2022

Subrecipient Name: City of Orange Beach, UEI: JKREAZH2DMF6

Title of Grant Project: State Expenditure Plan #22: Canal Road Improvements E. of SR-161

Attachment
Federal Award Identification

The entity identified in this agreement is a subrecipient of a subaward, in accordance with 2 CFR 200.332. Be advised, the following information describes the Federal award and subaward:

(1) Federal Award Identification		
(i.)	Subrecipient name	City of Orange Beach
(ii.)	Subrecipient's unique entity identifier	UEI: JKREAZH2DMF6
(iii.)	Federal Award Identification Number (FAIN);	GNSSP20AL0006
(iv.)	Federal Award Date (see §200.39 Federal award date) of award to the recipient by the Federal agency;	09/08/2022
(v.)	Subaward Period of Performance Start and End Date;	This agreement shall commence when it is executed by both Parties and end on September 30, 2024.
(vi.)	Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;	\$3,800,000.00
(vii.)	Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;	\$3,800,000.00
(viii.)	Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;	\$3,800,000.00
(ix.)	Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);	The purpose of this project is to construct the planned traffic safety and capacity improvements on Canal Road between SR-161 and Wilson Boulevard, thereby encouraging economic growth and development benefitting the local economy.
(x.)	Name of Federal awarding agency, Name of pass-through entity, and contact information for awarding official of the pass-through entity.	Gulf Coast Ecosystem Restoration Council, Alabama Department of Conservation and Natural Resources, Christopher M. Blankenship Chris.blankenship@dcnr.alabama.gov
(xi.)	CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;	<u>CFDA # 87.052 "Spill Impact Component Project Grants"</u> - total Federal Award issued to ADCNR, which is registered in SAM with the UEI: <u>WLNMNKHKF5T1</u> is <u>\$3,920,553.00</u> .
(xii.)	Identification of whether the award is R&D; and	This is not a R&D award.
(xiii.)	Indirect cost rate for the Federal award (including if the de minimis rate if charged per §200.414 Indirect (F&A) costs).	The indirect cost rate for the Federal award is 24.09%.

1. DATE ISSUED MM/DD/YYYY 09/08/2022		1a. SUPERSEDES AWARD NOTICE dated 04/08/2022 except that any additions or restrictions previously imposed remain in effect unless specifically rescinded	
2. CFDA NO. 87.052 - Spill Impact Component Project Grants			
3. ASSISTANCE TYPE Project Grant			
4. GRANT NO. GNSSP20AL0006-01-02 Formerly		5. TYPE OF AWARD Other	
4a. FAIN GNSSP20AL0006		5a. ACTION TYPE Post Award Amendment	
6. PROJECT PERIOD MM/DD/YYYY From 10/01/2019		Through 09/30/2024	
7. BUDGET PERIOD MM/DD/YYYY From 10/01/2019		Through 09/30/2024	
8. TITLE OF PROJECT (OR PROGRAM) State Expenditure Plan #22: Canal Road Improvements E. of SR-161			

The Gulf Coast Ecosystem Restoration Council
RESTORE Council
Gulf Coast Ecosystem Restoration Council

500 Poydras Street
Suite 1117
New Orleans, LA 70130

NOTICE OF AWARD

AUTHORIZATION (Legislation/Regulations)
RESTORE Act, 33 U.S.C. 1321(t)(3) and 40 CFR Part 1800 - Spill
Impact Component

9a. GRANTEE NAME AND ADDRESS CONSERVATION & NATURAL RESOURCES, ALABAMA DEPT OF 64 N Union St RM 458 Montgomery, AL 36130-3020		9b. GRANTEE PROJECT DIRECTOR Amy Hunter 64 N Union St Rm 458 Montgomery, AL 36130-3020 Phone: 251-621-1216	
10a. GRANTEE AUTHORIZING OFFICIAL Mr. Chris Blankenship 118 N. Royal Street Suite 603 Mobile, AL 36602 An authorized representative electronically signed the award on 09/09/2022		10b. FEDERAL PROJECT OFFICER Barbara Shumar 500 Poydras St Gulf Coast Ecosystem Restoration Council New Orleans, LA 70130-3319 Phone: 504-235-4985	

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)				12. AWARD COMPUTATION			
I Financial Assistance from the Federal Awarding Agency Only				a. Amount of Federal Financial Assistance (from item 11m) 3,920,553.00			
II Total project costs including grant funds and all other financial participation				b. Less Unobligated Balance From Prior Budget Periods 0.00			
a. Salaries and Wages 23,164.00				c. Less Cumulative Prior Award(s) This Budget Period 1,903,668.00			
b. Fringe Benefits 9,597.00				d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION 2,016,885.00			
c. Total Personnel Costs 32,761.00				13. Total Federal Funds Awarded to Date for Project Period 3,920,553.00			
d. Equipment 0.00				14. RECOMMENDED FUTURE SUPPORT			
e. Supplies 0.00				(Subject to the availability of funds and satisfactory progress of the project):			
f. Travel 439.00				YEAR TOTAL DIRECT COSTS YEAR TOTAL DIRECT COSTS			
g. Construction 0.00				a. 2 b. 3 c. 4 d. 5 e. 6 f. 7			
h. Other 0.00				15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:			
i. Contractual 7,441,867.00				a. DEDUCTION			
j. TOTAL DIRECT COSTS 7,475,067.00				b. ADDITIONAL COSTS			
k. INDIRECT COSTS 7,998.00				c. MATCHING			
I. TOTAL APPROVED BUDGET 7,483,065.00				d. OTHER RESEARCH (Add / Deduct Option)			
m. Federal Share 3,920,553.00				e. OTHER (See REMARKS)			
n. Non-Federal Share 3,562,512.00				16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:			
				a. The grant program legislation.			
				b. The grant program regulations.			
				c. This award notice including terms and conditions, if any, noted below under REMARKS.			
				d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.			
				In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.			

REMARKS (Other Terms and Conditions Attached - ☒ Yes ☐ No)

This amendment adds \$2,016,885.00 in Restore Funding increasing the total amount of Restore funding to \$3,920,553.00. Additional co-funding in the amount of \$195577.00 has been provided by the City of Orange Beach. Milestones revisions have been made in the Council's Program Information Platform for Ecosystem Restoration (PIPER) and are incorporated into this amendment by reference. All other terms & conditions stated in the original award & any previous amendments remain in effect.

AUTHORIZING OFFICIAL:

Frederick Sutter, Deputy Executive Director
500 Poydras St Ste 1117
New Orleans, LA 70130-7305
Phone: 504-444-3511

Electronically Signed 09/09/2022

17.OBJ CLASS 41.0006	18a. VENDOR CODE 929933406	18b. EIN 636000619	19a. UEI WLNMNKHKF5T1	19b. DUNS 929933406	20. CONG. DIST. 02
FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	AMT ACTION FIN ASST	APPROPRIATION	
21. a. SEP	b. GNSSP20AL0006	c. 6013 INFRA	d. \$2,016,885.00	e.	
22. a.	b.	c.	d.	e.	
23. a.	b.	c.	d.	e.	

AWARD ATTACHMENTS

CONSERVATION & NATURAL RESOURCES, ALABAMA DEPT OF

GNSSP20AL0006-01-02

1. Award Terms and Conditions

AWARD NOTES

The following documents are incorporated in this award by reference:

- ☒ GULF COAST ECOSYSTEM RESTORATION COUNCIL FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS (AUGUST 2015), available at www.restorethegulf.gov
- ☒ 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 5900.101 (2021), AND TECHNICAL CORRECTIONS AT 86 FR 10439 (FEBRUARY 22, 2021)

This award incorporates by reference and gives effect to the most recent data available in the PIPER system for the following items:

- ☒ PROJECT NARRATIVE (as of award issue date)
- ☒ OBSERVATIONAL DATA PLAN
- ☒ METRICS
- ☒ MILESTONES
- ☐ OTHER

GCERC Internal Financial Codes:

FY 2022 - Cat B 6013 - Cost Pool GCCSTAL000

CAM1 GCCGECONOMYX

CAM2 GCCGMOBILEBAY

CAM3 GCCPCOMRESIL

This amendment revises Special Award Condition 3 to adjust the amount of cost share, and replaces the Budget Narrative. All other Special Award Conditions remain in effect.

REVISED SPECIAL AWARD CONDITIONS

3. Non-Federal Share Requirement

The budget under this award includes \$3,562,512 in project-related costs committed by the recipient referred to as the non-Federal share. The non-Federal share is not a statutory requirement of the Resources and Ecosystems Sustainability, Tourist Opportunities and Revived Economies of the Gulf Coast Act of 2012 (33 U.S.C.1321(t) and note) (RESTORE Act), but it is required to complete the project and has been voluntarily committed by the recipient under this award and therefore meets the definition of cost share or matching in 2 CFR§200.1. Therefore, non-Federal share funding must meet the criteria of §200.306(b). The non-Federal share will be used to cover a portion of construction costs. The Federal share must be paid out proportionally under the subrecipient agreement using a predetermined ratio of % Federal Funds and % funds provided by the City of Orange Beach funds will be utilized to pay 100% of costs remaining after Federal funds for construction costs have been fully

expended. In addition, the recipient will report on non-Federal share expenditures throughout the entire period of performance require to achieve the scope of work described in this award.

REVISED FUNDING AUTHORIZATION

Amount of Financial Assistance	Amount of Funding Restriction	Amount of Funding Added to Award	Amount Authorized for ASAP Account	Notes
\$3,920,553.00		\$2,016,885.00	\$3,920,553.00	

REVISED BUDGET NARRATIVE

Amendment #2 State Expenditure Plan #22: Canal Road Improvements E. of SR-161

1.0 SUMMARY AND JUSTIFICATION

Funding in the amount of \$1,903,668 was originally requested. The amount was an estimate based on previous projects with similar scopes of work. The original engineer's estimate for this project had a bracketed amount of \$1,750,000 to \$2,000,000. The Engineer's Opinion of Probable Cost, part of the 90% Engineering and Design submittal, increased the estimate of construction costs to \$5,180,000. The actual amount is now based on the lowest responsive bid of \$7,362,512.

This request proposes to add \$2,016,885 of Spill Component funds: \$1,986,935 to be applied to the subrecipient's construction budget and \$29,950 to be applied to the ADCNR project management budget.

The City has provided a letter of commitment to fund any amount exceeding the approved grant total. The source of co-funding by the City of Orange Beach is City reserve appropriations.

TOTAL PROJECT OR PROGRAM FUNDS REQUESTED **\$3,920,553**

Total Pre-Award Funds Requested

\$5,136

<i>Total Direct Costs Requested</i>	\$3,912,255
<i>Total Allowable Indirect Costs Requested</i>	\$7,998
<i>Total Program Income Anticipated</i>	\$0

2.0 PRE-AWARD COSTS

The Alabama Gulf Coast Recovery Council's (AGCRC) Deepwater Horizon (DWH) Restoration Coordinator/ Biologist IV, dedicated approximately 50 hours and the Biologist III dedicated approximately 50 hours to the draft grant application prior to award. Therefore, estimated pre-award costs for developing the grant application are \$5,136 (salary & fringe).

3.0 Budget Object Classes Applicable to All Projects and Programs – DIRECT COSTS

3.1 PERSONNEL

The ADCNR's Deepwater Horizon (DWH) Restoration Coordinator/Biologist IV / V will provide support for RESTORE Act activities including, but not limited to, subrecipient monitoring; participating in meetings and conference calls, as needed; reviewing subrecipient agreements, procurement documents, contracts, reports, and all other necessary documents for grant administration. Time is tracked using CORONA, which allows employees to input tasks by project. The timesheets are electronically approved by assigned supervisors.

The Biologist III/Grants Manager will assist in preparing draft proposals for Executive Director review, developing budgets and expense details, monitoring, reviewing subrecipient reports and invoices, submitting semi-annual reports and reimbursements to RESTORE Council, and participating in meetings and conference calls as needed. Time is tracked using CORONA, which allows employees to input tasks by project. The timesheets are electronically approved by assigned supervisors.

Natural Resource Planner will assist in preparing draft proposals for review, developing budgets and expense details, monitoring, reviewing subrecipient reports and invoices, submitting semi-annual reports and reimbursements to RESTORE Council, and participating in meetings and conference calls as needed. Time is tracked using CORONA, which allows employees to input tasks by project. The timesheets are electronically approved by assigned supervisors.

Account Clerk will provide general office support for the Deepwater Horizon (DWH) Restoration Coordinator/Biologist V, and Biologist III/Grants Manager as needed. Time is tracked using CORONA, which allows employees to input tasks by project. The timesheets are

electronically approved by assigned supervisors.

Position/Role	Duties and Responsibilities	Unit Cost	Unit	% Time (devoted to project)	Total	Pre-Award Costs?
<i>DWH Restoration Coordinator/ Bio-IV</i>	<i>Coordinating & supporting all staff submission of RESTORE Act Grants</i>	<i>\$97,696</i>	<i>Hours</i>	<i>50</i>	<i>\$2,348</i>	<input checked="" type="checkbox"/>
<i>Bio-III / Grants Manager</i>	<i>Prepare documents for all activities for Spill Impact Component RESTORE Act funding</i>	<i>\$58,128</i>	<i>Hours</i>	<i>50</i>	<i>\$1,397</i>	<input checked="" type="checkbox"/>
<i>DWH Restoration Coordinator / Bio-V</i>	<i>Coordinating & supporting all staff in submission of RESTORE Act grants</i>	<i>\$104,767</i>	<i>Per year for 2 years</i>	<i>2%</i>	<i>\$4,191</i>	<input type="checkbox"/>
<i>Bio-III / Grants Manager</i>	<i>Prepare documents for all activities for Spill Impact Component RESTORE Act funding</i>	<i>\$81,814</i>	<i>Per year for 2 years</i>	<i>2%</i>	<i>\$3,273</i>	<input type="checkbox"/>
<i>Natural Resource Planner</i>	<i>Prepare documents for all activities for Spill Impact Component RESTORE Act funding</i>	<i>\$63,780</i>	<i>Per year for 2 years</i>	<i>6%</i>	<i>\$7,654</i>	<input type="checkbox"/>
<i>Account Clerk</i>	<i>Provide general office support</i>	<i>\$39,101</i>	<i>Per year for 2 years</i>	<i>5.5%</i>	<i>\$4,301</i>	<input type="checkbox"/>

TOTAL PERSONNEL: \$23,164

3.2 FRINGE BENEFITS

This includes FICA, cost of leave, employee insurance, retirement and unemployment benefit plans.

The fringe rate percentage varies by employee and will also vary from year to year based upon federal guidance and the state legislative process.

Position (s)	Total Compensation (life of project)	Fringe %	Total Fringe Benefit (life of project)	Pre-Award Costs?
<i>DWH Restoration Coordinator / Bio IV</i>	<i>\$2,348</i>	<i>34.4</i>	<i>\$808</i>	<input checked="" type="checkbox"/>
<i>Bio-III / Grants Manager</i>	<i>\$1,397</i>	<i>41.7</i>	<i>\$583</i>	<input checked="" type="checkbox"/>
<i>DWH Restoration Coordinator / Bio-V</i>	<i>\$4,191</i>	<i>35</i>	<i>\$1,467</i>	<input type="checkbox"/>
<i>Bio-III / Grants Manager</i>	<i>\$3,273</i>	<i>38</i>	<i>\$1,244</i>	<input type="checkbox"/>
Natural Resource Planner	<i>\$7,654</i>	<i>42</i>	<i>\$3,215</i>	<input type="checkbox"/>
Account Clerk	<i>\$4,301</i>	<i>53</i>	<i>\$2,280</i>	<input type="checkbox"/>

TOTAL FRINGE BENEFITS: \$9,597

3.3 TRAVEL

ADCNR anticipates travel 6 times (every other month) to the work site. Work site trip will be

used to ensure scope of work if being followed and invoices reflect work completed.

Purpose of Travel	Destination	# Trips	# Travelers	Item	Quantity or Rate	Total	Pre-Award Costs?
<i>Project Oversight</i>	Orange Beach, AL	6	1	126 miles per trip	\$0.58 per mile	\$438.48	<input type="checkbox"/>

TOTAL TRAVEL: \$438.48

3.4 CONSTRUCTION and LAND ACQUISITION

N/A

3.5 EQUIPMENT

N/A

3.6 SUPPLIES

N/A

3.7 OTHER DIRECT COSTS

N/A

3.8 SUBRECIPIENTS

The City of Orange Beach will be a sub-recipient to the Alabama Department of Conservation and Natural Resources. The original sub-award agreement was issued for \$1,813,065 to complete the scope of work. An amended subaward will be issued for \$3,800,000. DCNR has implemented a subrecipient monitoring plan to provide consistent support and oversight to subrecipients. Elements of this oversight include: the completion of a subrecipient risk assessment; holding a project kick off meeting to review terms and conditions of the grant, scope of work and how information will be shared; site visits at a frequency determined by the scope of work specifics; and completion of a monthly written progress report by the subrecipient detailing fund expenditures; progress to date and any current or potential issues of concern. DCNR is also offering quarterly technical assistance workshops to subrecipients as part of their monitoring activities.

Contractual—\$1,813,065 was the original estimated cost of the construction work or contract, based on the initial itemized engineer's estimate. The engineer's estimate was based on

historical prices for similar local projects. There will only be one contract for the construction activities to complete this project. An updated Engineer's Opinion of Probable Cost submitted with the 90% design package increased the estimated cost of the construction work to \$5,180,000. The City of Orange Beach advertised the construction opportunity, and the lowest responsive bid was \$7,362,512. The City of Orange Beach intends to award the contract to the lowest responsive bidder and has committed to fund all construction costs in excess of the approved award amount with City reserve appropriated funds..

1. *Name of Contractor*— John G. Walton Construction Co, Inc.
2. *Method of Selection*— Bids were solicited from qualified contractors following federal procurement standards, applicable Alabama State Bid Laws, along with City of Orange Beach procurement standards. A contractor will be procured by sealed bids using the state's bid advertising and selection process.
3. *Period of Performance*—*Period of Performance*—7/1/2022 – 9/30/3024.
4. *Scope of Work*—The contractor will construct the project according to the contract documents and specifications prepared for this project. *The cost shown is for construction activities only. This cost includes (but is not limited to) the contractors' labor, materials, bonds, insurance, and all other proper and essential costs required to construct this project. In addition to the major cost of purchasing and laying asphalt on Canal Road, these costs include earthwork, construction of curbs, gutters and sidewalks, installation of drainage solutions, purchasing and installation of road signs. All other costs for the project (including but not limited to Right of Way acquisition, Design and Permitting Services Construction Administration, Construction Engineering and Inspection) will be paid for directly by the City of Orange Beach. The Construction Cost Estimate was generated by calculating the actual unit-based pay items needed to construct the project as shown on the approved plans and specifications/contract documents. Unit costs for the required pay items were then determined based on historical data for the same pay items based on project(s) with similar size, type and location to the subject project. The calculated Units were then multiplied by the unit costs shown from historical projects to determine an estimated construction cost.*
5. *Method of Accountability*—Progress and performance of the work will be monitored by the City Engineer, who is a licensed professional engineer in the State of Alabama, and other qualified personnel on a daily basis. Payment will be made only for work that has been completed to the satisfaction of the City Engineer. Retainage will be held until the project is substantially complete in accordance with Alabama law. In addition, the contractor will be

required to provide a bond to insure completion of the work in a satisfactory manner.

6. *Itemized Subrecipient Budget and Justification—*

Cost Classification	RESTORE	City of Orange Beach Funding	Total Costs
<i>1. Administrative and Legal Expenses</i>			
<i>2. Land, Structure, Rights-of-Way, Appraisals, Etc.</i>			
<i>3. Relocation Expenses and Payments</i>			
<i>4. Architectural and Engineering Fees (Basic architectural/engineering contract related to the project.)</i>			
<i>5. Other Architectural and Engineering Fees (Survey, permitting, testing, soil borings, etc.)</i>			
<i>6. Construction Inspection Fees</i>			
<i>7. Site Work (Only include site preparation and restoration costs not included in the construction contract.)</i>			
<i>8. Demolition and Removal (Only include demo/removal costs not included in the construction contract.)</i>			
<i>9. Construction</i>	\$3,800,000	\$3,562,512	\$7,362,512
<i>10. Equipment</i>			
<i>11. Miscellaneous</i>			
<i>12. SUBTOTAL (Sum of Lines 1-11)</i>	\$ 3,800,000	\$3,562,512	\$7,362,512
<i>13. Contingencies</i>			
<i>14. SUBTOTAL (Sum of Lines 13-14)</i>	\$ 3,800,000	\$3,562,512	\$7,362,512
<i>15. Project (Program) Income</i>			
<i>16. TOTAL PROJECT COSTS (Line 14 less Line 15)</i>	\$ 3,800,000	\$3,562,512	\$7,362,512

City of Orange Beach/Local Funds: \$3,562,512

ADCNR followed State procurement policies and procedures (Code of Alabama 1975 – Article 2 – State Bid Laws (41-16-20) to identify and select Volkert & Associates Inc (Volkert) to provide DWH Program Management Services as needed (contract awarded 2/17/17). ADCNR estimates \$79,355 in contract costs for Volkert for this project. Volkert services may be used to provide technical expertise in overall grant administration support. Volkert services will be secured through task orders and reimbursed based upon actual time committed to the project. This estimate represents the top of the range.

- | Organization | Description | Amount | Pre-Award Costs? |
|-------------------------------------|-------------------------------------|-----------------|--------------------------|
| <i>Volkert & Associates Inc</i> | <i>Contracted Technical Support</i> | <i>\$79,355</i> | <input type="checkbox"/> |

Total Contractual: \$79,355

INDIRECT, OVERHEAD, OR G&A RATE: 24.09%

BASIS: Salaries (\$23,164) + Fringe Benefits (\$9,597) + Travel Costs (\$438.48) = \$33,199.48

x 24.09% = \$7,997.75, rounded to \$7,998.

TOTAL CALCULATED INDIRECT/OVERHEAD COSTS: \$7,998

TOTAL OF INDIRECT COSTS \$7,998

5.0 PROGRAM INCOME

N/A



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 20, 2022**

Departments: Coastal Resources

Description of Topic:

Resolution authorizing the execution of a no-cost extension to the Fixed Price Research Agreement with Auburn University. (PW)

Action Options/Recommendation:

This extension will allow the City to continue working with Auburn University at the significantly lower indirect rate and all task orders for work will be presented for approval by the City Council.. The proposed extension will continue for five years through 9/15/2027.

Source of Funding (if applicable) :

ATTACHMENTS:

Description

- ▣ Resolution
- ▣ Continuation Document

RESOLUTION NO. 22-xxx

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
NO-COST EXTENSION TO THE FIXED PRICE RESEARCH AGREEMENT
WITH AUBURN UNIVERSITY**

FINDINGS:

1. The City of Orange Beach and Auburn University have reached an agreement (attached Exhibit A) to extend the partnership with Auburn University to pursue research and environmental studies within the Perdido Basin.
2. After having reviewed said agreement, the City Council has determined that the provisions are in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Mayor is hereby authorized to execute the no-cost extension to the Fixed Price Research Agreement executed March 2, 2011, in substantially the form and of substantially the content now before the Council between the City of Orange Beach and Auburn University as an act for and on behalf of the City of Orange Beach subject to final approval by the City Attorney; and
2. That this Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 4th DAY OF OCTOBER, 2022.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 22-xxx, which was duly and legally adopted at a regular meeting of the City Council on October 4, 2022.

City Clerk

PROJECT TITLE: Presence and Relative Risk of Remnant Oil in Orange Beach, Alabama Beach System, and Assessment of Orange Beach, Alabama Dispersant Dataset (Continuation-7)

SPONSOR: City of Orange Beach, Alabama

PROJECT TYPE: **Continuation of Existing Grant G00005931**

SUBMITTING INSTITUTION: Auburn University
Civil Engineering Department
Samuel Ginn College of Engineering
Auburn University, AL 36849

TECHNICAL POINTS OF CONTACT: Dr. Joel S. Hayworth, Associate Professor
Office: (334) 844-7374
Fax: (334) 844-6290
Email: jsh@auburn.edu

ADMINISTRATIVE POINT OF CONTACT: Contracts and Grants Administrator
540 Devall Drive, Suite 200
Auburn University, AL 36832-5131
Office: (334) 844-4483
Fax: (334) 844-5953
Email: ospadmn@auburn.edu

PROPOSED FUNDING: No Cost Extension

DATE OF PROPOSAL: 9/13/2022

PROPOSED TOTAL PROJECT PERIOD: 03/02/2011-9/15/2027
Continuation 7: Adds 5 years to project period

Purpose

This is a continuation of a current project entitled *Presence and Relative Risk of Remnant Oil in Orange Beach, Alabama Beach System, and Assessment of Orange Beach, Alabama Dispersant Dataset*. The CGA FOP for the existing project is 236622 128601 2000; the fund name is ORANGE BEACH-REMNANT OIL; the grant name is G00005931; the sponsor is the City of Orange Beach; and the current project period is September 15, 2022. The period of performance is being extended to September 15, 2027.

Tasks

The purpose of this no-cost extension is allow more time to conduct additional environmental studies within Perdido Bay. The Auburn University (AU) research team will provide recommendations for enhancing the environmental conditions within Cotton Bayou and Terry Cove to the City of Orange Beach based on the results of this study. The City of Orange Beach will continue to provide access and logistical support to the AU research team, and other logistical support including (but not limited to) access to City of Orange Beach facilities and equipment storage areas.

ITEM 5.



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 20, 2022**

Departments: Administration

Description of Topic:

Resolution awarding the bid for Softball Field Turf Installation. (RE/GS)

Action Options/Recommendation:

Bid opening on September 29, 2022.

Source of Funding (if applicable) :

ITEM 6.



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 20, 2022**

Departments: Administration

Description of Topic:

Resolution awarding the bid for Holiday Decorations. (RE)

Action Options/Recommendation:

Bid opening scheduled for September 29, 2022.

Source of Funding (if applicable) :



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 20, 2022**

Departments: Administration

Description of Topic:

Resolution appropriating funds to the Orange Beach Board of Education to support city school system operations in an amount not to exceed \$4,000,000. (FH)

Action Options/Recommendation:

Source of Funding (if applicable) :

ATTACHMENTS:

Description

- ▣ Resolution
- ▣ Request

RESOLUTION NO. 22-xxx

**A RESOLUTION APPROPRIATING FUNDS
TO THE ORANGE BEACH BOARD OF EDUCATION
TO SUPPORT CITY SCHOOL SYSTEM OPERATIONS
IN AN AMOUNT NOT TO EXCEED \$4,000,000**

FINDINGS:

1. Orange Beach Board of Education (OBBOE) is seeking funding for continuing costs related to the new school system.
2. The Board of Education expects for state and local revenue funding to begin in October of 2022.
3. The City of Orange Beach has funded \$2,000,000 to date for the continuing operational cost of the Board of Education.
4. Orange Beach City Council has determined that funding the continuing operational cost as requested serves a public purpose that is in the best interest of the City of Orange Beach, Alabama.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:

1. That the Council appropriates a sum not to exceed Four Million Dollars (\$4,000,000) to the Orange Beach Board of Education for the purpose of funding daily operations of the city school system; and
2. That this Resolution shall become effective immediately upon adoption.

ADOPTED THIS 4th DAY OF OCTOBER, 2022.

Renee Eberly
City Clerk

C E R T I F I C A T E

I, Renee Eberly, City Clerk of the City of Orange Beach, Alabama, do hereby certify that the foregoing is a true and correct copy of Resolution No. 22-xxx, which was duly and legally adopted at a regular meeting of the City Council on October 4, 2022.

City Clerk



CITY OF ORANGE BEACH

To: Mayor and City Council
From: Ford Handley, Finance Director/Assistant City Administrator/Interim CSFO
Date: September 20, 2022
Subject: **Orange Beach Board of Education Funding**

To date we have funded school operations in the amount of \$2,000,000. Below is a breakdown of the attached \$4,000,000 request.

\$2,100,000 – two months of payroll which includes benefits and overtime

\$1,000,000 – two months of operating expenses

\$900,000 – settlement amount from the Destin Williams Impact Fee case for Capital Improvements

During the City budget process, the following request will be asked for:

1. Fund 1% lodging tax to Orange Beach City Schools started in the end of January
2. Fund \$750,000 for city provided teachers, teacher supplements and incentives
3. \$1,665,681.71 to balance the Orange Beach City School budget through October 2023

Please let me know if you have any questions. On behalf of Orange Beach Board of Education, we truly appreciate the City's support of the new school system.

ITEM 1.



COMMITTEE OF THE WHOLE MEETING SEPTEMBER 20, 2022

Departments: Community Development

Description of Topic:

Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0906-PUD-22, Cotton Bayou Cottages PUD. (Suggested date 10/18/2022) (KA)

Action Options/Recommendation:

Source of Funding (if applicable) :

ITEM 2.



COMMITTEE OF THE WHOLE MEETING SEPTEMBER 20, 2022

Departments: Community Development

Description of Topic:

Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0902-PUD-22, Saltwater Cottages PUD. (Suggested date 10/18/2022) (KA)

Action Options/Recommendation:

Source of Funding (if applicable) :

ITEM 3.



COMMITTEE OF THE WHOLE MEETING SEPTEMBER 20, 2022

Departments: Community Development

Description of Topic:

Set a public hearing date for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0910-PUDA-22, Turquoise Place PUD Modification, Buffer Screening. (Suggested date 10/18/2022) (KA)

Action Options/Recommendation:

Source of Funding (if applicable) :

ITEM 4.



COMMITTEE OF THE WHOLE MEETING SEPTEMBER 20, 2022

Departments: Community Development

Description of Topic:

Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0908-PUDA-22, The Wharf PUD Major Modification, Culver's on October 4, 2022.

Action Options/Recommendation:

Source of Funding (if applicable) :



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 20, 2022**

Departments: Community Development

Description of Topic:

Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0801-CU-22, JPEM Duplex Conditional Use at 29110 Perdido Beach Boulevard on October 4, 2022.

Action Options/Recommendation:

Source of Funding (if applicable) :



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 20, 2022**

Departments: Community Development

Description of Topic:

Reminder: Public hearing and first reading for an ordinance amending Ordinance No. 172, the Zoning Ordinance, Case No. 0903-PUDA-22, Mariner Lakes PUD Major Modification, Bel Air Multi-Family Residential Amendment on October 4, 2022.

Action Options/Recommendation:

Source of Funding (if applicable) :
