

AMENDMENT 3 TO THE SAVE OUR INDIAN RIVER LAGOON PROJECT COST-SHARE
FUNDING INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY, FLORIDA AND THE
CITY OF PALM BAY, FLORIDA

AGREEMENT NUMBER: SOIRL 18-17

THIS AMENDMENT is made and entered into by and between Brevard County, Florida, a political subdivision of the State of Florida (hereinafter "COUNTY"), and the City of Palm Bay, Florida, a Florida municipal corporation organized and existing under the laws of the State of Florida (hereinafter "CITY").

WHEREAS, the parties have previously entered into that certain Save Our Indian River Lagoon Project Cost-Share Funding Interlocal Agreement No. SOIRL 18-17 on April 6, 2018 ("Agreement"), which is incorporated herein by this reference; and

WHEREAS, the parties previously entered into Amendment 1 to the Agreement on October 22, 2019 to adjust the project cost share and contract expiration date from February 5, 2020 to April 30, 2021 ("Amendment 1"), which is incorporated herein by this reference; and

WHEREAS, the parties previously entered into Amendment 2 to the Agreement on February 5, 2021 to update the Project Managers, Local Preference Limitations, E-Verify Language, and contract expiration date from April 30, 2021 to October 30, 2021 ("Amendment 2"), which is incorporated herein by this reference; and

WHEREAS, the CITY experienced further delays in material acquisition to complete construction due to COVID-19, and the parties desire to amend the Agreement to extend the timeline required to complete the Project.

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

1. The above recitals are hereby incorporated herein by this reference.
2. Section 3. Terms and Extensions subsection 3.a. is amended to read as follows:
 - a. The term of this Agreement is from the date upon which the last party has dated and executed the same ("Effective Date") until April 30, 2022 ~~October 30, 2021~~ ("Completion Date"). CITY shall not commence the Project until any required submittals are received and approved. Time is of the essence for every aspect of this Agreement, including any time extensions.
3. The following section replaces Section 25 to the Agreement:

Section 25. Severability.

If any portion of this Agreement is found to be invalid or unenforceable or if applicable law mandates a different interpretation or result, the remaining provisions will remain in effect and the parties will negotiate in good faith to substitute for such invalid, illegal, or unenforceable provision a mutually acceptable provision consistent with the original intention of the parties.

4. All terms and conditions of the Agreement, and any amendments and other modifications made thereto, which are incorporated herein by this reference, not inconsistent with the provisions of this Third Amendment, shall remain in full force and effect.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the date last written below

BREVARD COUNTY, FLORIDA

By: _____

Date: _____

Rita Pritchett, Chair

As Approved by the Board on May 23, 2017

Attest

Rachel Sadoff, Clerk

Date: _____

PALM BAY, FLORIDA

By: _____

Name: Suzanne Sherman

Title: City Manager

Date: _____

Attest

By: _____

Name: _____

Title: _____

Date: _____

Reviewed for legal form and content for Brevard County:


Alexander Essee, Assistant County Attorney