

AMENDMENT 1 TO THE SAVE OUR INDIAN RIVER LAGOON PROJECT COST-SHARE
FUNDING INTERLOCAL AGREEMENT BETWEEN BREVARD COUNTY, FLORIDA AND THE
CITY OF TITUSVILLE, FLORIDA

AGREEMENT NUMBER: SOIRL 19-109

THIS AMENDMENT is made and entered into by and between the Board of County Commissioners of Brevard County, Florida, a political subdivision of the State of Florida (hereinafter "COUNTY"), and the City of Titusville, 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 19-109 on January 15, 2020 ("Agreement"), which is incorporated herein by this reference; and

WHEREAS, the CITY experienced delays in design due to complexity of construction along the right-of-way of Route U.S. 1, bidding and award, and time for public outreach and consensus, 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 1, 2025 ~~October 31, 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. Section 25. Local Preference Limitations. is hereby deleted in its entirety and is reserved.
4. The following subsections are added to Section 29. Employment Eligibility Verification (E-Verify) as follows:
 - e. shall require any contractor to provide the City with an affidavit stating that it does not employ, contract with, or subcontract with any unauthorized aliens; and
 - f. Nothing in this Section may be construed to allow intentional discrimination of any class protected by law.
5. The following section is added to the Agreement:

Section 30. Severability.

If any portion of this Contract 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.

6. All terms and conditions of the Agreement, incorporated herein by this reference, not inconsistent with the provisions of this First Amendment, shall remain in full force and effect.

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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 April 9, 2019

Attest

Rachel Sadoff, Clerk

Date: _____

TITUSVILLE, FLORIDA

By: _____

Name: Daniel E. Diesel

Title: Mayor

Date: _____

Attest

By: _____

Name: _____

Title: _____

Date: _____

Reviewed for legal form and content for Brevard County


Alexander Essee, Assistant County Attorney