

## FUNDING AGREEMENT

This First Amendment to the Funding Agreement, made this \_\_\_\_ day of \_\_\_\_\_, 2017 (effective date) between Pinellas County, a political subdivision of the State of Florida (hereinafter "County"), and Clearwater Ferry Services, Inc. (hereinafter "Funds Recipient").

### Recitals

WHEREAS, County and Funds Recipient entered into an Agreement, dated March 9, 2017 (hereinafter "Funding Agreement"), to effectuate the Clearwater Ferry improvements project approved by the Board of County Commissioners; and

WHEREAS, the County and Funds Recipient desire to amend the Funding Agreement as follows.

NOW, THEREFORE, the County and the Funds Recipient agree to amend their March 9, 2017 Funding Agreement in accordance with the terms described below.

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

3. Project Description. For the purpose of providing waterborne transportation services in Pinellas County (hereinafter "Project"), Funds Recipient agrees to:

- a. Purchase and install: motors, gauges, controls, steering, equipment, and associated wiring and parts for 3 vessels; benches for 1 vessel; vinyl roof for 1 vessel; banners, signs, and vinyl stickers for 3 vessels; and yard storage for 3 vessels.
- b. Paint 3 vessels.

The projected costs for the items above are:

Vinyl Roof: \$1,765.50

Benches: \$4,429.20

Yard/Painting: \$19,146.45

Banners/Signs: \$3,636.23

Vinyl Stickers: \$1,883.07

Motors/Gauges/Controls/Steering: \$42,783.80

Wiring/Parts/Labors: \$6,355.75

2. Paragraph 5 of the Funding Agreement is hereby amended to read as follows:

5. Term of Agreement/ Timeframe for completion of Project. Funds Recipient is to provide purchase orders for capital outlays and materials and copies of paid invoices for labor and services for reimbursement no later than December 31, 2017.

3. Paragraph 9 of the Funding Agreement is hereby amended to read as follows:

9. Conditions Subsequent. Funds Recipient shall continue to operate waterborne transportation services between downtown Clearwater and Clearwater Beach through December 31, 2019. Funds Recipient will ensure all waterborne

transportation services, vessels and facilities are fully compliant with the requirements of the Americans with Disabilities Act by December 31, 2018. In the event that the Funds Recipient discontinues waterborne transportation services between downtown Clearwater and Clearwater Beach prior to December 31, 2019; fails to utilize the items in paragraph 3 above purchased for the Project for waterborne transportation service through December 31, 2019; or fails to comply with the Americans with Disabilities Act requirements by December 31, 2018, the County shall be entitled to remedies as described in Section 11.

- 4. All other provisions of the Funding Agreement shall remain in effect.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment to the Funding Agreement the day and year first written.

PINELLAS COUNTY, FLORIDA  
by and through its County Administrator

CLEARWATER FERRY SERVICES, INC.

\_\_\_\_\_  
Mark S. Woodard, County Administrator

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Office of County Attorney

WITNESS  
By: \_\_\_\_\_  
Print: \_\_\_\_\_