

Act funds to report certain information on the use of Recovery Act funds, and the Government intends to provide Recovery Act funds to the Non-Federal Sponsor as reimbursement of the Federal share pursuant to the terms of this Agreement.

NOW, THEREFORE, the Government and the Non-Federal Sponsor agree to amend the Agreement as follows to add work and document the requirement of the Non-Federal Sponsor to report the information required by the Recovery Act:

1. Article I – Definitions of the August 17, 2008 Agreement is amended to read at paragraph A. as follows:

A. The term “Project” shall mean the Regional Wastewater Treatment and Collection Facilities for the Village of Islamorada, Florida in Monroe County, Florida consisting of the following: The scope of the project includes the construction of two regional wastewater treatment plant facilities and five collection service areas to serve the residents and commercial businesses located within the Village. Project #MPK-1 for Middle Plantation Key includes the expansion of the existing permitted 0.355 MGD wastewater treatment plant facility located at Gardenia Street and Woods Avenue on North Plantation. A plant expansion is proposed for this existing treatment plant facility to accommodate the remaining unsewered service area of Plantation Key. Expansion of this treatment plant facility with the additional capacity will provide the Village with the ability to treat the remaining unsewered service areas located on Plantation Key. Project #MPK-2, for Middle Plantation Key includes the design and construction of a central sewer collection system that will serve approximately 850 residential and commercial properties located on Plantation Key. A total of six existing package treatment plants located within this service area will be decommissioned and connected into the central sewer system to be constructed in Middle Plantation Key. Project #SPK-2, for South Plantation Key involves the design and construction of a central sewer collection system that will serve an estimated 911 residential and commercial properties located in the southern half of Plantation. A total of seven existing package treatment plants will be decommissioned and connected into the sewer collection and transmission system planned for this service area. Project #WK-2 for Windley Key includes the design and construction of a central sewer collection system that will primarily serve commercial properties and a small number of residential properties located on Windley Key. This service area includes an estimated 184 properties. Project #UMK-2 for Upper Matecumbe Key includes the design and construction of a central sewer collection system that will serve the residential and commercial properties located on Upper Matecumbe Key. Project #LMK-1 for Lower Matecumbe Key involves the design and construction of a regional wastewater treatment plant facility located on the northern end of Lower Matecumbe Key. The regional treatment plant facility to be constructed at this location will be designed to serve the unsewered residential and commercial properties located on Lower Matecumbe Key, Upper Matecumbe Key, and Windley Key. Project #LMK-2 for Lower Matecumbe Key includes the design and construction of a central sewer collection system that will serve the residential and commercial properties located in this service area consisting of approximately 1,170 connections.

2. Article II – Obligations of the Government and the Non-Federal Sponsor of the August 17, 2008 Agreement is amended at Paragraph E1 as follows:

1. As of the effective date of this Amendment No. 1, \$9,889,000 of Federal funds have been provided by the Congress of the United States (hereinafter the “Congress”) for the Section 109 Program of which \$7,950,000 is currently projected to be available for the *Project*. The Government makes no commitment to request Congress to provide additional Federal funds for the Section 109 Program or the *Project*. Further, the Government’s financial participation in the *Project* is limited to the Federal funds that the Government makes available to the *Project*.

3. Article IV – Method of Payment of the August 17, 2008 Agreement is amended at Paragraph A1 to read:

1. As of the effective date of this Amendment No. 1, *total project costs* are projected to be \$45,476,923; the Government’s share of *total project costs* is projected to be \$29,560,000; the Non-Federal Sponsor’s share of *total project costs* is projected to be \$15,916,923; *total project costs* to be incurred by the Government are projected to be \$1,268,806; *total project costs* to be incurred by the Non-Federal Sponsor are projected to be \$44,208,117; total reimbursements in accordance with paragraph B.2. of this Article are projected to be \$28,291,194; the costs included in *total project costs* for the *pre-Agreement planning and design work* determined in accordance with Article II.K. of this Agreement are projected to be \$24,350; the Government’s share of financial obligations for data recovery activities pursuant to Article XV.E. of this Agreement is projected to be \$0; and the Non-Federal Sponsor’s share of financial obligations for data recovery activities pursuant to Article XV.E. of this Agreement is projected to be \$0. These amounts are estimates subject to adjustment by the Government, after consultation with the Non-Federal Sponsor, and are not to be construed as the total financial responsibilities of the Government and the Non-Federal Sponsor.

4. The following is added as Article XVII of the Agreement.

ARTICLE XVII - RECOVERY ACT REQUIREMENTS

The Government intends to fund reimbursement to the Non-Federal Sponsor, pursuant to Article II.D. of this Agreement, with Recovery Act funds in whole or in part. The Recovery Act requires special reporting by recipients of Recovery Act funds in order to maximize transparency of the use of Recovery Act funds. Not later than ten calendar days after the close of each calendar quarter in which the Non-Federal Sponsor receives Recovery Act funds, the Non-Federal Sponsor shall report the information described in Section 1512(c) of the Recovery Act using the reporting instructions and data elements available online at that time at <http://www.FederalReporting.gov> or its successor, and shall ensure that any information that is pre-filled is corrected or updated as appropriate. Information from these reports will be made available to the public. The Non-Federal Sponsor shall maintain a current registration in the Central Contractor Registration (<http://www.ccr.gov>) until project close out, including maintaining a Dun and Bradstreet