

New York State Division of Homeland Security and Emergency Services
APPENDIX X-3
Modification Agreement Form

Business Unit/ Department ID: DHS01

Contract No.: C000713

Period: June 20, 2014 – October 12, 2021

Funding Amount for Period: \$33,560,395

This is an AGREEMENT between THE STATE OF NEW YORK, acting by and through the New York State Division of Homeland Security and Emergency Services (hereinafter referred to as the STATE), and The City of Long Beach (hereinafter referred to as the CONTRACTOR), for modification of Contract Number noted above, as amended herein and noted below:

Type of contract modification:

- ✓ Revised total contract value: \$20,060,327 (Original Obligation) + \$13,500,068 (Funding Increase) = \$33,560,395
- ✓ Attached Appendices: FEMA Funding Re-allocation and Budget Modification Approval Letter Dated 10/29/2020, FEMA Budget Modification Approval Letter Dated 2/24/2021, Attachment B-3 Capital Based Budget

Terms and conditions of this amendment are subject to continued availability of funds for this contract.

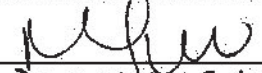
All other provisions of said AGREEMENT shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT as of the dates appearing under their signatures.

State Agency Certification


"In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract."

CONTRACTOR SIGNATURE

By: 
DONNA H. GAYDEN
(print name)

Title: CITY MANAGER
Date: 3/5/2021

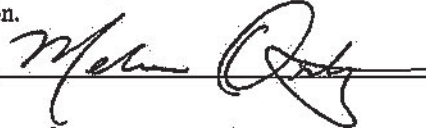
STATE AGENCY SIGNATURE

By: Anne Bink 
(print name)

Title: Alternate Governor's Authorized Representative
Date: 5/7/2021

STATE OF NEW YORK)
) SS.:
County of NASSAU)

On the 5 day of MARCH 2021, before me personally appeared DONNA H. GAYDEN, to me known, who being by me duly sworn, did depose and say that he/she resides at LONG BEACH, NY, that he/she is the CITY MANAGER of the CITY OF LONG BEACH, the corporation described herein which executed the foregoing instrument; and that he/she signed his/her name thereto by order of the board of directors of said corporation.

(Notary): 

MELISSA ORTIZ
Notary Public, State of New York
No. 01OR5077631
Qualified in Nassau County
Commission Expires May 12, 2023

STATE COMPTROLLER'S SIGNATURE

Title: _____
Date: _____

APPROVED
DEPT. OF AUDIT & CONTROL

Jul 07 2021
Carol O'Connor

FOR THE STATE COMPTROLLER

Contract #: C000713
Appendix X-3

U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA Region II
26 Federal Plaza
Suite 1307
New York, New York 10278



FEMA

October 29, 2020

Deputy Commissioner Anne Bink
Alternate Governor's Authorized Representative
New York State Division of Homeland Security and Emergency Services
1220 Washington Avenue
Building 7A, 4th Floor
Albany, NY 12242

Attn: Marlene White – Chief of Mitigation

Re: FEMA-4085-DR-NY / HMGP Project # 4085-0016 / State # 1298
City of Long Beach / FIPS Code: 059-43335-00 (Sub-recipient)
Flood Protection for Major Critical Infrastructure Project, Phase II
Funding Re-allocation and Budget Modification Approval

Dear Ms. Bink:

This letter advises you that the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) has reviewed the New York State Department of Homeland Security and Emergency Services (DHSES) request made by letter dated April 27, 2020, seeking a Phase II funding re-allocation and budget modification for Hazard Mitigation Grant Program (HMGP) Project #4085-0016.

The Subrecipient has established justification for the funding re-allocation and budget modification request in accordance with FEMA's *Hazard Mitigation Assistance Unified Guidance (HMA 2010)* at *Part VI Section B.3 Budget Revisions, Subpart B.3.1 Cost Overruns and Underruns*. Accordingly, we approve the re-allocation of Phase I funds into the Phase II costs in the amount of \$118,763 and the overall budget to be increased by \$13,500,068. The total Project is now \$33,560,395 at 59.77% federal share.

The request for a Budget Modification from DHSES intended for the cost increase to be funded at 100% federal share however, since the Nassau County's Hazard Mitigation (HM) Plan is currently expired, FEMA cannot authorize the obligation of federal funds. Once the County's HM Plan is approved and adopted appropriately, FEMA will then approve another Budget Modification and obligate funds in the amount \$13,500,068 to adjust the federal share for this project back to 100%.

All other terms and conditions of the approval letter remain the same. Funding for this sub-award will now be provided as follows:

Award Increment	Federal Share Awarded	Local Matching Share	Total Funding
Phase I Subtotals	\$1,459,237	\$0	\$1,459,237
Phase II Subtotals	\$18,601,090	\$13,500,068	\$32,101,158
Total	\$20,060,327	\$13,500,068	\$33,560,395

AGAR Anne Bink
October 29, 2020
Page 2 of 2

Should additional information be required, please contact Luis Avila, Sandy Grants Branch Chief FEMA Region II at 202-285-9387 or Katrina Hill, Sandy Grants FEMA Region II at 917-533-3383.

Sincerely,

**MICHAEL F
MORIARTY**

Digitally signed by
MICHAEL F MORIARTY
Date: 2020.10.29
15:35:57 -04'00'

Michael F. Moriarty
Federal Insurance & Mitigation Director
FEMA Region II

Contract #: C000713
Appendix X-3

U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA Region II
26 Federal Plaza
New York, New York 10278



FEMA

February 24, 2021

Deputy Commissioner Anne Bink
Alternate Governor's Authorized Representative
New York State Division of Homeland Security and Emergency Services
1220 Washington Avenue
Building 7A, 4th Floor
Albany, NY 12242

Attn: Marlene White – Chief of Mitigation

Re: FEMA-4085-DR-NY / HMGP Project # 4085-0016 / State # 1298
City of Long Beach / FIPS Code: 059-43335-00 (Sub-recipient)
Flood Protection for Major Critical Infrastructure Project, Phase II
Budget Modification Approval

Dear Ms. Bink:

On October 29, 2020 the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) approved a Funding Re-allocation and Budget Modification for Phase II for HMGP Project #4085-0016 which, in part, increased the overall budget by \$13,500,068 but at 0% federal share for a Total Project Cost of \$33,560,395.

This modification was approved with the understanding that once the City of Long Beach appropriately adopted the recently approved Nassau County Hazard Mitigation Plan the budget would again be modified to adjust the federal share for this Project back to 100%.

As New York State Division of Homeland Security and Emergency Services (DHSES) has provided the required documentation showing that Long Beach has adopted Nassau County's Hazard Mitigation Plan, thus satisfying this requirement, funding for this sub-award will now be provided as follows:

Award Increment	Previous Federal Share Awarded	Previous Local Matching Share	Federal Share Awarded	Local Matching Share	Total Funding
Phase I Subtotals	\$1,459,237	\$0	\$1,459,237	\$0	\$1,459,237
Phase II Subtotals	\$18,601,090	\$13,500,068	\$32,101,158	\$0	\$32,101,158
Total	\$20,060,327	\$13,500,068	\$33,560,395	\$0	\$33,560,395

AGAR Anne Bink
February 24, 2021
Page 2 of 2

All other terms and conditions of the approval letter remain the same.

Should additional information be required, please contact Sharon Edwards, Hazard Mitigation Assistance (HMA) Branch Chief, FEMA Region II at (917) 561-2935 or Katrina Hill, HMA Group Supervisor at (202) 208-3218.

Sincerely,

WILLIAM
MCDONNELL

Digitally signed by
WILLIAM MCDONNELL
Date: 2021.02.24
11:47:07 -05'00'

William McDonnell, Acting
Mitigation Division Director
FEMA Region II

**Contract #: C000713
Appendix X-3**

**ATTACHMENT B-3 – CAPITAL BASED BUDGET
SUMMARY**

PROJECT NAME: Flood Protection for the Major Infrastructure

CONTRACTOR SFS PAYEE NAME: City of Long Beach

CONTRACT PERIOD: From: 06/20/2014

To: 10/12/2021

CATEGORY OF EXPENSE	GRANT FUNDS	MATCH FUNDS	MATCH %	OTHER FUNDS	TOTAL
1. Scoping and Pre-Development	\$147500.00	\$0.00	0		\$147500.00
2. Design	\$1311737.00	\$0.00	0		\$1311737.00
3. Acquisition	\$0.00	\$0.00	0		\$0.00
4. Construction	\$32101158.00	\$0.00	0		\$32101158.00
5. Administration					\$0.00
6. Working Capital/Reserves					\$0.00
7. Other					\$0.00
TOTAL	\$33560395.00	\$0.00		\$0.00	\$33560395.00

**ATTACHMENT B-3 – CAPITAL BASED BUDGET
DETAIL**

SCOPING AND PRE DEVELOPMENT TYPE/DESCRIPTION	ITEM # (IF APPLICABLE)	QUANTITY (IF APPLICABLE)	UNIT PRICE (IF APPLICABLE)	TOTAL
1. Preliminary Expenses (Application Development)			\$147500.00	\$147500.00
2.				
3.				
4.				
5.				
6.				
7.				
8.				
TOTAL				\$147500.00

DESIGN TYPE/DESCRIPTION	ITEM # (IF APPLICABLE)	QUANTITY (IF APPLICABLE)	UNIT PRICE (IF APPLICABLE)	TOTAL
1. Engineering Designs & Analysis (Phase I)			\$1311737.00	\$1311737.00
2.				
3.				
4.				
5.				
6.				
7.				
8.				
TOTAL				\$1311737.00

ACQUISITION TYPE/DESCRIPTION	ITEM # (IF APPLICABLE)	QUANTITY (IF APPLICABLE)	UNIT PRICE (IF APPLICABLE)	TOTAL
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				\$0.00
TOTAL				\$0.00

CONSTRUCTION TYPE/DESCRIPTION	ITEM # (IF APPLICABLE)	QUANTITY (IF APPLICABLE)	UNIT PRICE (IF APPLICABLE)	TOTAL
1. Construction Mgmt and Project Inspection			\$1081700.00	\$1081700.00
2. Construction Implementation			\$31019458.00	\$31019458.00
3.				
4.				
5.				
6.				
7.				
8.				
TOTAL				\$32101158.00

ADMINISTRATION TYPE/DESCRIPTION	ITEM # (IF APPLICABLE)	QUANTITY (IF APPLICABLE)	UNIT PRICE (IF APPLICABLE)	TOTAL
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
TOTAL				\$0.00

WORKING CAPITAL/RESERVES TYPE/DESCRIPTION	ITEM # (IF APPLICABLE)	QUANTITY (IF APPLICABLE)	UNIT PRICE (IF APPLICABLE)	TOTAL
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
TOTAL				\$0.00

OTHER TYPE/DESCRIPTION	ITEM # (IF APPLICABLE)	QUANTITY (IF APPLICABLE)	UNIT PRICE (IF APPLICABLE)	TOTAL
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
TOTAL				\$0.00

Contract #: C000713

Attachment C

Program Workplan

This contract is for the City of Long Beach, Flood Protection for the Major Infrastructure Phase II FEMA approval. The following deliverables are required to be provided to FEMA:

The Project proposes to protect critical utility lines along the northern shore of the City of Long Beach, within Nassau County. The proposed work consists of constructing new steel bulkheading and backfill with clean, upland fill; constructing an armored slope around the existing natural gas pipeline; installing tangent pile bulkhead adjacent to the Long Beach Boulevard bridge abutments; and constructing a pump station and stormwater infrastructure upgrades to mitigate acres of littoral zone tidal wetlands which will be filled by the approved bulkhead and backfill. The proposed work will take place along the north side of Park Place, West Pine St, and East State St from the western boundary of the water treatment plant to the eastern edge of the tennis courts/Monroe Boulevard.

- A. A steel sheet pile bulkhead at height of 9.0 feet NAVD88 that will extend easterly from the City boat ramp at the westerly limit of the Study Area to Station 19+50 where it transitions to an earthen berm (integrated dike) structure.
- B. The installation of a 33 million gallon per day (MGD) storm water pump station. The station will redirect runoff from the watershed directly to a repositioned 48-inch diameter storm water outfall discharging to Reynolds Channel at Riverside Boulevard. The system includes an inline storm water treatment system capable of removing debris prior to reaching the pump station. When the storage capacity of the unit has been attained, the system has the capability to bypass approximately 100 MGD of storm water.
- C. The relocation of the bulkhead to a shoreline alignment requires the removal and disposal of a substantial amount of the concrete debris prior to installation. Additional requirements to protect the aquatic ecosystem during the removal operation are included.
- D. Over 300 linear feet of bulkhead along the LIRR property will be installed along the waterfront including a land component that will provide flood surge protection at their track crossing. This land portion will include a deployable element consisting of a flood-log type system that will be installed when flood events are imminent.