

MEMORANDUM OF AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
BROWARD COUNTY, FLORIDA
CONCERNING THE PROVISION OF FUNDS
PURSUANT TO SECTION 2106 OF THE WATER RESOURCES REFORM AND
DEVELOPMENT ACT OF 2014

This MEMORANDUM OF AGREEMENT (hereinafter "MOA") is entered into this _____ day of September, 2017, by and between the Department of the Army (hereinafter the "Government"), represented by the U.S. Army Engineer, Jacksonville District (hereinafter the "District Commander"), and Broward County, Florida (hereinafter the "Sponsor") for the Port Everglades (hereinafter the "Port"), represented by and through its Board of County Commissioners.

WITNESSETH, THAT:

WHEREAS, Section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238) (hereinafter "Section 2106") authorizes the Secretary of the Army, subject to the availability of funds, to provide funds to donor ports and energy transfer ports to be used for certain purposes;

WHEREAS, the Port qualifies as "a donor port" in accordance with the Army Civil Works Program, Fiscal Year 2017 Work Plan – Operation and Maintenance;

WHEREAS, funds have been appropriated in fiscal years 2016 and 2017 to carry out Section 2106 and may be appropriated in subsequent fiscal years; and

WHEREAS, the Sponsor will use the funds provided under this MOA to carry out expanded uses, as that term is defined in Section 210(f) of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2238(f)), or environmental remediation related to dredging berths and Federal navigation channels.

NOW, THEREFORE, the Parties agree as follows:

1. Following apportionment of funds provided under Section 2106 and receipt of work allowances, the Government shall provide to the Sponsor the Port's share of such funds. For fiscal year 2017, the Port's share is \$120,000.00.
2. The Sponsor shall use funds provided under this MOA to carry out expanded uses and/or environmental remediation related to dredging berths and/or Federal navigation channels, and the Sponsor shall obtain all applicable licenses and permits necessary to carry out such work. Activities for which these funds may be used include maintenance dredging of non-Federal

berthing areas and access channels; placement of material dredged from berthing areas and access channels; maintenance dredging and placement of legacy-contaminated sediment and sediment unsuitable for open water placement, if such dredging and placement would benefit commercial navigation at the harbor and such sediment is located in and affects the maintenance of a Federal navigation project; necessary engineering, design, and supervision and administration, including hydrographic surveys; dredged material testing and monitoring; permitting; and environmental documentation.

3. By October 30th of each year, the Sponsor shall submit to the Government a report detailing the use of the funds and the benefits achieved with such funds, with a final report submitted no later than thirty days after completion of all work using the funds.

4. In the exercise of their respective roles and responsibilities under this MOA, the Government and the Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other.

5. Notices.

a. Any notice, request, demand, or other communication required or permitted to be given under this MOA shall be deemed to have been duly given if in writing and either delivered personally or mailed by registered or certified mail, with return receipt, as follows:

If to the Sponsor:

Port Director
Port Everglades
1850 Eller Drive
Fort Lauderdale, FL 33316

If to the Government:

District Commander
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32223-0019

b. A party may change the recipient or address to which such communications are to be directed by giving written notice to the other party in the manner provided in this paragraph.

6. This MOA may be modified or amended only by written, mutual agreement of the parties.

CERTIFICATE OF AUTHORITY

I, Andrew J. Meyers, do hereby certify that I am the principal legal officer of Broward County, that Broward County is a legally constituted public body with full authority and legal capability to perform the terms of the Memorandum of Agreement Between the Department of the Army and Broward County, Florida Concerning the Provision of Funds Pursuant to Section 2106 of the Water Resources Reform and Development Act of 2014, and that the persons who executed this Agreement on behalf of Broward County has acted within their statutory authority.

3rd IN WITNESS WHEREOF, I have made and executed this certification this
day of October 2017.



Andrew J. Meyers
County Attorney

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Mayor

DATE: _____

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

<p>1. Type of Federal Action: a. contract <u>C</u> b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance</p>	<p>2. Status of Federal Action: a. bid/offer/application <u>B</u> b. initial award c. post-award</p>	<p>3. Report Type: a. initial filing <u>A</u> b. material change</p> <p>For material change only: Year _____ quarter _____ Date of last report _____</p>
<p>4. Name and Address of Reporting Entity: <input checked="" type="checkbox"/> Prime _____ Subawardee Tier _____, if Known:</p> <p>Broward County Port Everglades Department 1850 Eller Drive Fort Lauderdale, FL 33316</p> <p>Congressional District, if known:</p>	<p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</p> <p>Congressional District, if known:</p>	
<p>6. Federal Department/Agency:</p> <p>United States Army Corps of Engineers</p>	<p>7. Federal Program Name/Description:</p> <p>Harbor Maintenance – Donor Port CFDA Number, if applicable: _____</p>	
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known: \$ 120,000.00</p>	
<p>10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i> Van Scoyoc and Associates 101 Constitution Ave NW #600w, Washington, DC 20001</p> <p>Gephardt Government Affairs 1350 I Street NW, Suite 250 Washington, D.C. 20005</p> <p>The Cormac Group 1730 Rhode Island Ave NW # 317 Washington, DC 20036</p>	<p>b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i> Greg Burns, Lauren Cowles, John Anderson, Harry Glenn, Mary Scott Hardwick</p> <p>Sharon Daniels, Greg Carnrick</p> <p>Jonathan Slade, Colin Mueller, Jonathan Timmons, James Link</p>	
<p>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p>	<p>Signature: _____</p> <p>Print Name: <u>Barbara Sharief</u></p> <p>Title: <u>Mayor</u></p> <p>Telephone No.: <u>954-357-7008</u> Date: _____</p>	
<p>Federal Use Only</p>	<p>Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)</p>	