

**FIRST AMENDMENT TO AN AMERICAN RESCUE PLAN LOCAL FISCAL
RECOVERY FUNDING AGREEMENT BETWEEN POLK COUNTY AND
AEROSPACE CENTER FOR EXCELLENCE, INC.**

THIS FIRST AMENDMENT ("Amendment") to an American Rescue Plan Local Fiscal Recovery Funding Agreement is entered into as of June 6, 2023 the ("Amendment Effective Date") by and between Polk County (the "County"), a political subdivision of the State of Florida, and Aerospace Center for Excellence, Inc. ("Recipient"), a Florida not for profit corporation;

WHEREAS, the County and Recipient entered an American Rescue Plan Local Fiscal Recovery Funding Agreement (the "Agreement") dated April 5, 2022; and

WHEREAS, to update and clarify the Recipient's use of the Recipient Funds, the parties have agreed to a revised Agreement Scope of Use;

NOW, THEREFORE, in consideration of the mutual covenants stated in this Amendment and other valuable consideration, the parties hereby agree as follows:

1. The recitals stated above are true, correct, and the bases for this Amendment.
2. Unless otherwise defined herein, the terms used in this Amendment are defined in the Agreement.
3. As of the Amendment Effective Date, Agreement Exhibit "A" Scope of Use is amended and restated in its entirety by the Amended and Restated Scope of Use attached to and made a part of this Amendment as Exhibit "A."
4. The Agreement as revised by this Amendment continues in force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the Amendment Effective Date.

Aerospace Center for Excellence, Inc.,
a Florida not for profit corporation

By: _____

Name: Eric Gump

Title: Executive Director

ATTEST: _____
By: Tracy T Neal

Name: TRACY T NEAL

Title: CFO

POLK COUNTY, a political
subdivision of the State of Florida

By: _____

George Lindsey III, Chair
Board of County Commissioners

ATTEST:

Stacy M. Butterfield, Clerk of the Board

By: _____

Deputy Clerk

Date Signed by County: _____

Reviewed as to form and legal sufficiency:

County Attorney's Office

EXHIBIT "A"

AMENDED AND RESTATED SCOPE OF USE

Party we are entering the agreement with:

Aerospace Center for Excellence, Inc.

Purpose of the program awarded the funding:

This is a critical Phase 1 of a two part request to revolutionize small business support and success in Polk County. Phase 2 involves a multi-year construction and equipment request to build or renovate 20,000sq. Ft. of incubator and studio space in each of the locations. By leveraging private investment, with city/airport investments of land and operating funds, along with County, State and Federal investment, business vitality is to be super charged and we reverse the damage of COVID to the economy. Work positively to engage institutions of higher education to explore opportunities to partner in terms of offering courses, training certificate, guest speakers and equipping the studio spaces, as well as the provision of student interns at all of the facilities.

Community to be served:

Polk County residents

Amount of the agreement:

\$600,000

Performance Measures for the program:

1. Provide participant list of small businesses
2. Provide number of business training sessions/courses/seminars
3. Provide calendar of events/meetings/activities
4. Provide a list of marketing efforts
5. Provide locations of incubators

Federal required documentation to validate reimbursement

1. Quote packages if applicable
2. Contracts for purchases
3. Purchase orders if applicable
4. Invoices/Itemized Receipts
5. Proof of payment
 - a. Check and bank statement
 - b. Money order
 - c. Cash receipt
 - d. Electronic receipt
 - e. Bank statement (transfers of payments for services between entities)
6. Payroll records (required to show time and wage)
 - a. Timecards (include name and date)
 - b. Proof of payment to employee
 - c. Cash receipt
 - d. Electronic receipt
 - e. Bank statement
7. Before and after photos if applicable

Project timeframes:

January 2022-December 2023 to track progress at quarterly intervals beginning at the mark of the first event.

Quarterly deadlines to be reported to the Budget Office as follows or until the funding has been completely disbursed at which time additional dates will be given:

- April 5, 2022 covering the period January 2022-March 2022
- July 5, 2022 for the period April 2022-June 2022
- October 5, 2022 for the period July 2022-September 2022
- January 5, 2023 for the period October 2022-December 2022
- April 5, 2023 for the period January 2023-March 2023
- July 5, 2023 for the period April 2023- June 2023

Disbursement of funding:

The County has disbursed \$30,490.47 of the Recipient Funds to the Recipient on a reimbursement basis. As the Recipient does not have sufficient funds necessary to cover additional initial start-up costs for the two incubator sites, the County will disburse an initial pre-payment of \$150,000 to pay those initial costs identified in the attached Scope of Use narrative. Once the Recipient has utilized the initial pre-payment amount, it will submit a detailed expenditure support package to the County Budget Office for validation and approval, together with an updated project status report and budget. Once the County has validated all prior expenditures and approved the updated project report and budget, the County will release an additional \$150,000 tranche of the Recipient Funds to the Recipient for use in accordance with the updated project report and budget. The process of County pre-payment followed by the Recipient's submission of detailed expenditure report and updated project status and budget reports as a condition for the release of additional funds shall continue for third tranche of \$150,000, then a fourth tranche of \$100,000. The final tranche of the remaining Recipient Funds (currently projected to be approximately \$19,509.53) will be released to the Recipient on a reimbursement basis.

In the event all funding is not utilized:

The organization will need to submit another proposal/application. In the new proposal, the awardee must detail why the supplemental items will be needed. The new proposal/application is not a guaranteed approval by the Board.

Administrative Fees

Not to exceed 10% of total award

Project: Polk County Business Incubation Network

Scope of Work:

This project will develop, open, and operate a minimum of 2 small business incubators/accelerators & support-programs within Polk County, Florida, and will continue its detailed collaborative planning process for several additional sites across the County, each with a unique specialty.

Specific activities to be performed will be:

- consulting with governmental and business leaders throughout the county on potential and preferred locations within Polk County for the sites;
- recruiting, hiring and maintaining incubator/accelerator staff;
- researching, negotiating, and leasing facilities;
- making needed repairs and modifications to leased space;
- purchasing equipment and furnishings;
- installing technology such as internet, cable, security systems, etc.; .
- developing a marketing plan and advertising campaign, website, and related promotional materials;
- recruiting qualified businesses to become incubator members and accelerator participants;
- advising and mentoring incubator/accelerator members and nurturing existing small businesses that require concentrated assistance to recover from economic challenges.
- conducting public workshops and engagements designed to improve small business performance, acumen, capacity and expertise in topic areas of relevance to the participants, particularly those businesses recovering from economic challenges related to the pandemic, natural disasters or similar.

The Aerospace Center for Excellence, Inc. will utilize a related organization, Sun 'n Fun Fly-In Inc., a Florida not for profit corporation, to make repairs and modifications to a proposed incubator site located at the Lakeland Linder International Airport. Aerospace Center for Excellence has contracted with Elevate Aerospace & Logistics Incubator, Inc., a Florida not for profit corporation, to prepare and conduct daily operations at the Lakeland site and at a second incubator site located at 150 3rd St NW, Winter Haven, FL and/or other similar flex-office or incubator-type location as may be required in east Polk County in Winter Haven. The daily operations include furnishing and maintaining the site (to include necessary technology), recruiting and hiring incubator staff, developing and implementing the marketing plan, and recruiting qualified businesses to become incubator members.

The Winter Haven Economic Development Council, Inc. will also provide support at the Winter Haven site by current and future staff members that are skilled in small business management, practices and principles of business growth and development.

Timeline: In 2022, the Aerospace Center for Excellence Inc created two incubators, one on the SUN n FUN Fly-In Expo Campus under the name Elevate Aerospace and Logistics Incubator Inc and one in Winter Haven managed by the Winter Haven Economic Development Council. As of January 2023, both incubators are functioning but still growing and developing their services to new businesses in Polk County.

Updated Budget:

Staffing	\$363,000
Rents	\$ 17,500
General Operations/Supplies	\$ 36,000
Utilities/Phones	\$ 22,000
Furnishings/Repairs	\$ 75,500
Marketing/Website	\$ 76,000
Professional Services/Training	<u>\$ 10,000</u>
 TOTAL	 \$600,000