

AMENDMENT NUMBER 1
TO THE
PROJECT PARTNERSHIP AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
SOUTH CAROLINA STATE PORTS AUTHORITY
FOR
CHARLESTON HARBOR, SOUTH CAROLINA PROJECT

This Amendment Number 1 is entered into this 19th day of February, 2020, by and between the Department of the Army (hereinafter the "Government"), represented by the District Commander, and the South Carolina State Ports Authority (hereinafter the "Non-Federal Sponsor"), represented by its President and Chief Executive Officer.

WITNESSETH, THAT:

WHEREAS, the Government and the Non-Federal Sponsor entered into a Project Partnership Agreement on July 19, 2017, (hereinafter referred to as the "Agreement") for construction of the Charleston Harbor, South Carolina Project (hereinafter the "Project", as defined in Article I.A. of the Agreement);

WHEREAS, the Government will use funds provided in the Energy and Water Development and Related Agencies Appropriations Act, 2020 (Public Law 116-94) to fund, up to \$138,040,000, the contracts for the Project scheduled to be awarded in Fiscal Year 2020 or later; and

WHEREAS, the Government and the Non-Federal Sponsor acknowledge that if additional funds are appropriated and allocated for the Project, the Agreement will be further amended to address use of those funds.

NOW, THEREFORE, the Government and the Non-Federal Sponsor agree to amend the Agreement as follows:

1. Delete "and" after the semicolon in the fourth WHEREAS clause, and insert after the fourth WHEREAS clause the following:

"WHEREAS, the Government will use funds provided in the Energy and Water Development and Related Agencies Appropriations Act, 2020 (Public Law 116-94) to fund, up to \$138,040,000, the contracts for the Project scheduled to be awarded in Fiscal Year 2020 or later; and"

2. Replace the last sentence in Article II.E. with the following:

“In the event that funds are appropriated and allocated for the Project during construction of the Project, the Government will use those funds toward the Federal share of construction contracts not yet awarded, except the Government will use funds provided in Public Law 116-94 to fully fund, up to \$138,040,000, the remaining contracts for the Project scheduled to be awarded in Fiscal Year 2020 or later, with the Non-Federal Sponsor responsible for providing all amounts in excess of \$138,040,000 for those contracts. Funds appropriated and allocated for the Project during construction of the Project will be applied toward the Federal share of the cost of the Project, reducing the amount of advanced funds that the Non-Federal Sponsor must provide. ”

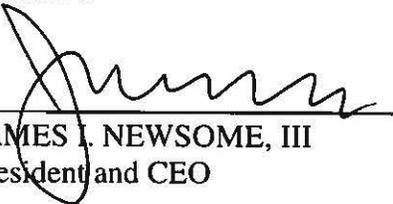
3. Nothing in this Amendment Number 1 changes cost sharing requirements of the Project, including the requirement that the Non-Federal Sponsor will pay 100 percent of construction costs of the Project that exceed the NED Plan. All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment Number 1, which shall become effective upon the date it is signed by the District Commander.

DEPARTMENT OF THE ARMY

SOUTH CAROLINA STATE PORTS
AUTHORITY

BY: 
RACHEL A. HONDERD
Lieutenant Colonel, U.S. Army
District Commander

BY: 
JAMES I. NEWSOME, III
President and CEO

DATE: 19FEB20

DATE: Feb. 19, 2020