

AMENDMENT NUMBER 1  
TO THE  
AGREEMENT  
BETWEEN  
THE DEPARTMENT OF THE ARMY  
AND  
THE MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT  
FOR THE  
GULFPORT HARBOR, MISSISSIPPI FEASIBILITY STUDY

This Amendment Number 1 is entered into this 15<sup>th</sup> day of SEP, 2023, by and between the Department of the Army (hereinafter the "Government"), represented by the District Commander for Mobile District (hereinafter the "District Commander") and the Mississippi State Port Authority at Gulfport (hereinafter the "Non-Federal Sponsor"), represented by the Chief Executive Officer and Executive Director.

WITNESSETH, THAT:

WHEREAS, on April 19, 2023, the Government and the Non-Federal Sponsor entered into an agreement (hereinafter the "Agreement") for the Gulfport Harbor, Mississippi Feasibility Study (the "Study"), Gulfport, Mississippi;

WHEREAS, Section 105(a) of the Water Resources Development Act (WRDA) of 1986, as amended (33 U.S.C. 2215(a)), specifies the cost-sharing requirements; and

WHEREAS, the Non-Federal Sponsor proposes to accelerate its provisions of funds (hereinafter "accelerated funds") for the immediate use by the Government for the Study.

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

1. Delete "and" after the second WHEREAS clause and insert the following new WHEREAS clause:

"WHEREAS, the Non-Federal Sponsor proposes to accelerate its provisions of funds (hereinafter "accelerated funds") for the immediate use by the Government for the Study; and".

2. Add a new Article I.G. as follows:

"G. The term "accelerated funds" means non-Federal funds out of proportion with Federal funds but within the ultimate non-Federal cash contribution."

3. Add a new Article II.I. as follows:

"I. In addition to providing the funds required by paragraph B. of this Article, the Non-Federal Sponsor may provide accelerated funds for immediate use by the Government. The Non-Federal Sponsor understands that use of accelerated funds shall not constitute any

commitment by the Government to budget, or the Congress to appropriate, funds for this Study or to match any accelerated funds provided by the Non-Federal Sponsor; that any accelerated funds will be credited toward the Non-Federal Sponsor's cost share only to the extent matching Federal funds are provided; and that the Non-Federal Sponsor is not entitled to any repayment for any accelerated funds obligated by the Government even if the Study ultimately is not completed."

4. In the heading for Article III, replace "PAYMENT OF FUNDS" with "PROVISION OF NON-FEDERAL COST SHARE".

5. 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

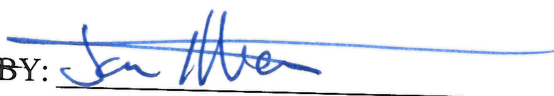
MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT

BY:



Jeremy J. Chapman, P.E.  
Colonel, U.S. Army  
District Commander

BY:



Jon Nass  
Chief Executive Officer and  
Executive Director

DATE:

15 Sep '23

DATE:

9/13/23