



AMENDMENT B

COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY

**AMENDMENT B TO THE
SUBRECIPIENT AGREEMENT
BETWEEN THE PUERTO RICO DEPARTMENT OF HOUSING
AND THE
MUNICIPALITY OF PONCE
Contract No. 2019-DR0050**



This **AMENDMENT B TO THE SUBRECIPIENT AGREEMENT** (hereinafter, the "**AMENDMENT B**") is entered into this 7 day of June, 2022, by and between the **PUERTO RICO DEPARTMENT OF HOUSING** (hereinafter, the "**PRDOH**"), a public agency of the Government of Puerto Rico created under Act No. 97, dated June 10, 1972, as amended, known as the "Department of Housing Organic Act" (hereinafter, the "**Organic Act**"), with principal offices at 606 Barbosa Ave., San Juan, Puerto Rico, represented herein by its Secretary, Hon. William O. Rodríguez Rodríguez, of legal age, attorney, single, and resident of San Juan, Puerto Rico; and the **MUNICIPALITY OF PONCE** (hereinafter, the "**Subrecipient**"), a local government legal entity, with principal offices at Ponce, Puerto Rico, represented herein by its Mayor, Hon. Luis Irizarry Pabón, of legal age, married, and resident of Ponce, Puerto Rico; collectively the "Parties".

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I. RECITALS AND GENERAL AWARD INFORMATION

WHEREAS, on June 14, 2019, the Parties entered into a Subrecipient Agreement in order for the Subrecipient to undertake administrative responsibilities under the Home Repair, Reconstruction, or Relocation Program (hereinafter, the "**R3 Program**"), Contract No. 2019-DR0050, for **for two hundred thirty-two thousand dollars and zero cents (\$232,000.00)**, with a thirty-six (36) months period of performance ending on June 14, 2022 (hereinafter, the "**Agreement**").

WHEREAS, on September 19, 2019, the PRDOH and the Subrecipient executed an Amendment A to the Agreement, Contract Number 2019-DR0050A, to modify certain sections of the Agreement, eliminate the inspections services from **Exhibit A** (Scope of Work) and reduce the budget of the Agreement from **two hundred thirty-two thousand dollars (\$232,000.00)** to **sixty-nine thousand six hundred dollars (\$69,600.00)**. The Parties did not amend the period of performance in this Amendment A.

WHEREAS, as per Section IX of the Agreement, the Agreement may be amended in writing and signed by a duly authorized representative of each party. Nonetheless, the amendment shall not invalidate the Agreement, nor release the Parties from their obligations under the Agreement.

WHEREAS, the Parties acknowledge and agree that this AMENDMENT B is not intended to affect nor does it constitute an extinctive novation of the obligations of the Parties under the Agreement.

WHEREAS, the PRDOH has the legal power and authority, in accordance with its enabling statute, the Organic Act, the federal laws and regulations creating and allocating funds to the CDBG-DR Program and the current Action Plan, to issue and award the subaward, enter and perform under this AMENDMENT B.

WHEREAS, the Subrecipient has the legal power and authority to enter into this AMENDMENT B with the PRDOH, in accordance with Article 1.008(q) of Act No. 107 of August 14, 2020, also known as the "Puerto Rico Municipal Code", 21 L.P.R.A. § 7013(q);

and by signing this AMENDMENT B, the Subrecipient assures PRDOH that it shall comply with all the requirements described herein.

NOW THEREFORE, in consideration of the mutual promises and the terms and conditions set forth herein, the PRDOH and the Subrecipient agree to execute this AMENDMENT B subject to the following:

TERMS AND CONDITIONS

II. SCOPE OF AMENDMENT

The Parties acknowledge that this AMENDMENT B entails a modification of the period of performance and end date of the Agreement. In order for the Subrecipient to continue supporting the R3 Program, the Parties agree to an extension of the Agreement's term for an additional **six (6) months**. This extension will allow the Subrecipient sufficient time to complete their deliverables prior to the closeout of the Agreement.

III. AMENDMENTS

- A. As per **Section V (EFFECTIVE DATE AND TERM)-Subsection (Contract Extension)** of the Agreement, the aforementioned section is being amended as follows:

*This Agreement shall be in effect and enforceable between the parties from the date of its execution. The performance period of this Agreement [as amended] is a maximum of **forty-two (42) months** from the date of its execution, ending on **December 14, 2022**.*

[...]

*The End of Term shall be the later of: (i) **December 14, 2022**; (ii) the date as of which the Parties agree in writing that all Close-Out Requirements¹ have been satisfied or, where no Close-Out Requirements are applicable to this Agreement, the date as of which the Parties agree in writing that no Close-Out Requirements are applicable hereto; or (iii) such later date as the Parties may agree to in a signed amendment to this Agreement.*

[...]

- B. The Parties contact information in **Section VIII (NOTICES)** of the Agreement is being amended as follows:

CDBG-DR Grantee: *Hon. William O. Rodríguez Rodríguez, Esq.
Secretary
Puerto Rico Department of Housing
606 Barbosa Avenue
Juan C. Cordero Building
Río Piedras, Puerto Rico 00918*

Subrecipient: *Hon. Luis Irizarry Pabón
Mayor
Municipality of Ponce
PO Box 331709
Ponce, Puerto Rico 00733*

¹ "Close-Out Requirements" means all requirements to be satisfied by each party in order to close-out this Agreement and the CDBG-DR funds provided herein in accordance with applicable Requirements of Law, including the execution and delivery by one or more of the Parties of all close-out agreements or other legal instruments and the taking of any actions by one or more of the Parties in connection with such close-out, in any case as required under applicable Requirements of Law.

C. On April 4, 2022, the Federal Government permanently discontinued the use of the DUNS Number as the primary means of identity identification for Federal awards government-wide and replaced it with the Unique Entity Identifier (UEI). Accordingly, the Parties agree to replace the Subrecipient's DUNS Numbers with its Unique Entity Identifier:

Municipality of Ponce
Unique Entity ID: JLHWBJJK69Y8

D. The Parties agree to include PRDOH's Unique Entity Identifier as part of the Agreement, as amended:

PRDOH
Unique Entity ID: FFMUBT6WCM1

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IV. SEVERABILITY

If any provision of this AMENDMENT B is held invalid, the remainder of the AMENDMENT B shall not be affected thereby, and all other parts of this AMENDMENT B shall nevertheless be in full force and effect.

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V. SECTION HEADINGS AND SUBHEADINGS

The section headings and subheadings contained in this AMENDMENT B are included for convenience only and shall not limit or otherwise affect the terms of the AGREEMENT, and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this AMENDMENT B.

VI. COMPTROLLER REGISTRY

The PRDOH shall remit a copy of this AMENDMENT B to the Office of the Comptroller for registration within **fifteen (15) days** following the date of execution of this AMENDMENT B and any subsequent amendment hereto. The services object of this AMENDMENT B may not be invoiced or paid until this AMENDMENT B has been registered by the PRDOH at the Comptroller's Office, pursuant to Act No. 18 of October 30, 1975, as amended by Act No. 127 of May 31, 2004.

VII. ENTIRE AGREEMENT

The Agreement, as amended, constitutes the entire agreement among the Parties for the use of funds received under the Agreement, as amended, and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written among the Parties with respect to the Agreement, as amended.

VIII. FEDERAL FUNDING

The fulfillment of the Agreement, as amended, is based on those funds being made available to the PRDOH as the lead administrative agency for Recovery. All expenditures under the Agreement, as amended, must be made in accordance with the Agreement, as amended, the policies and procedures promulgated under the CDBG-DR Program, and any other applicable laws. Further, the Subrecipient acknowledges that all funds are subject to recapture and repayment for non-compliance.

REMAINDER OF PAGE INTENTIONALLY LEFT IN BLANK
SIGNATURES ON THE FOLLOWING PAGE

IN WITNESS THEREOF, the Parties hereto execute this AMENDMENT B in the place and on the date first above written.

**PUERTO RICO DEPARTMENT OF HOUSING
CDBG-DR Grantee**

William O. Rodríguez Rodríguez
By: William O. Rodríguez Rodríguez (Jun 7, 2022 20:37 EDT)
Name: Hon. William O. Rodríguez Rodríguez, Esq.
Title: Secretary

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**MUNICIPALITY OF PONCE
Subrecipient**

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Luis M. Irizarry Pabón
By: Luis M. Irizarry Pabón (Jun 7, 2022 12:18 EDT)
Name: Hon. Luis Irizarry Pabón
Title: Mayor









AMENDMENT B_CONTRACT NO. 2019-DR0050

Final Audit Report

2022-06-08

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| Created: | 2022-06-06 |
| By: | Radames Comas Segarra (rcomas@vivienda.pr.gov) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAIvX69bYEquC9LsyLXx4DxkX6xY461D_3 |

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