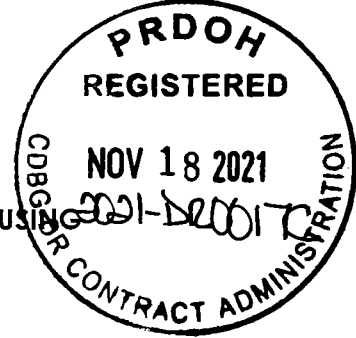




COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY
(CDBG-DR)
CITY REVITALIZATION PROGRAM

AMENDMENT C to the
SUBRECIPIENT AGREEMENT
BETWEEN THE PUERTO RICO DEPARTMENT OF HOUSING
AND THE
MUNICIPALITY OF LAS MARÍAS



This **AMENDMENT C TO THE SUBRECIPIENT AGREEMENT** (hereinafter, the "**AMENDMENT C**") is entered into this 18 day of November, 2021, by and between the **PUERTO RICO DEPARTMENT OF HOUSING** (the "**PRDOH**"), a public agency of the Government of Puerto Rico created under Act No. 97 of June 10, 1972, as amended, 3 L.P.R.A. § 441 *et seq.*, known as the "Department of Housing Organic Act" (the "Organic Act"), with principal offices at 606 Barbosa Ave., SAN JUAN, Puerto Rico, represented herein by its Secretary, Hon. William O. Rodríguez Rodríguez, Esq., of legal age, attorney, single, and resident of SAN JUAN, Puerto Rico; and the **MUNICIPALITY OF LAS MARÍAS** (the "**SUBRECIPIENT**"), a Municipality with principal offices at **LAS MARÍAS**, Puerto Rico, represented herein by its Mayor, Edwin Soto Santiago, of legal age, married, and resident of LAS MARÍAS, Puerto Rico, collectively the "**PARTIES**".

I. RECITALS AND GENERAL AWARD INFORMATION

WHEREAS, on September 30, 2020, the PRDOH and the SUBRECIPIENT executed a Subrecipient Agreement, Contract Number **2021-DR0017** (hereinafter, "**SUBRECIPIENT AGREEMENT**") for one million one hundred sixty-six thousand nine hundred thirty-five dollars and thirty-eight cents (**\$1,166,935.38**) for a period of performance ending in September 30, 2023; for the SUBRECIPIENT to undertake activities under the **City Revitalization Program** (hereinafter, the "**PROGRAM**"). The focus of the PROGRAM is to establish a fund for municipal governments and eligible entities to enable a variety of critical recovery activities aimed at reinvigorating downtown areas, urban centers, and key community corridors;

WHEREAS, the Parties agreed to modify the SUBRECIPIENT AGREEMENT via **AMENDMENT A, Contract No. 2021-DR0017A**, executed on **January 27, 2021**. In summary, the **Amendment A** served the purpose of modifying certain sections of the SUBRECIPIENT AGREEMENT, neither the Term nor the Total Authorized Budget of the agreement was changed.

WHEREAS, the Parties agreed to modify the SUBRECIPIENT AGREEMENT via **AMENDMENT B, Contract No. 2021-DR0017B**, executed on **June 8, 2021**. In summary, the **Amendment B** served the purpose of increasing the original total authorized budget allocated to the Subrecipient to continue undertaking its activities under the City Revitalization Program. The total authorized budget was increased to eight million eight hundred ninety-seven thousand eight hundred eighty-two dollars and twenty-six cents (**\$8,897,882.26**).

WHEREAS, as per Section IX (A) of the SUBRECIPIENT AGREEMENT, the SUBRECIPIENT AGREEMENT may be amended in writing and signed by a duly authorized representative of each party. Nonetheless, the amendment shall not invalidate the SUBRECIPIENT AGREEMENT, nor release the parties from their obligations under the SUBRECIPIENT AGREEMENT;

ESS
ESS

WORR
WORR

WHEREAS, it is the intention of the parties to modify and amend certain terms and conditions of the SUBRECIPIENT AGREEMENT, which includes a modification of the **Exhibit D** attached to the aforementioned Agreement; **(See Attachment I of this AMENDMENT C)**.

WHEREAS, this AMENDMENT C is not intended to affect, nor does it constitute an extinctive novation of the obligations of the parties under the SUBRECIPIENT AGREEMENT but it is rather a modification and amendment of certain terms and conditions of the SUBRECIPIENT AGREEMENT, specifically the **Exhibit D**, attached to the aforementioned Agreement;

WHEREAS, this AMENDMENT C does not affect the term nor the overall amount of the SUBRECIPIENT AGREEMENT.

WHEREAS, the PRDOH has the legal power and authority, in accordance with its enabling statute, the Organic Act, as amended, *supra*, 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 the executed SUBRECIPIENT AGREEMENT; and,

WHEREAS, the Municipality has the legal power and authority, in accordance with its enabling statute, the Puerto Rico Municipal Code, Act No. 107 of August 14, 2020, authorizing the Municipality to enter into this **AMENDMENT C** with the PRDOH, and by signing this **AMENDMENT C**, the Municipality 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 in the SUBRECIPIENT AGREEMENT, the PRDOH and the SUBRECIPIENT agree to execute this AMENDMENT C subject to the following:

TERMS AND CONDITIONS

II. SAVINGS CLAUSES

The information included in this AMENDMENT C serves the purpose of modifying and amending certain terms and conditions under the SUBRECIPIENT AGREEMENT, including any modified Exhibits. All provisions of the original SUBRECIPIENT AGREEMENT shall continue to be in full force and effect, as amended by this AMENDMENT C. The Total Authorized budget included in the SUBRECIPIENT AGREEMENT shall not be changed.

III. ATTACHMENT

The information included in this AMENDMENT C serves the purpose of modifying and amending certain terms and conditions under the SUBRECIPIENT AGREEMENT specifically the **Exhibit D**. All other provisions of the SUBRECIPIENT AGREEMENT and Exhibits shall continue to be in full force and effect.

IV. SCOPE OF AMENDMENT

The PRDOH and the SUBRECIPIENT have agreed to enter into this AMENDMENT C with the purpose of modifying certain sections of the existing SUBRECIPIENT AGREEMENT, specifically, **Exhibit D** (BUDGET).

ESS
ESS

WORR
WORR

V. AMENDMENTS¹

A. The parties intend to amend **EXHIBIT D (BUDGET), Section “2. Distribution of Authorized Maximum Budget”, subsection “(a) The maximum budget amount shall be distributed in the following three (3) items”** of the SUBRECIPIENT AGREEMENT. The parties agreed on the redistribution of the maximum authorized budget and include two new Budget items: Operational Costs and Equipment. As a result of said redistribution, the Professional Services (Contracted) budgeted amount was decreased while the Subrecipient Self-Performed Services remains unchanged, the Construction Services (Contracted) was decreased and were created two Budget Items titled **Operational Costs** and **Equipment**. Nevertheless, the parties acknowledge that the Total Authorized Budget remains unchanged as follows: **(See Attachment II of this AMENDMENT C):**

2. Distribution of Authorized Maximum Budget

a) The maximum budget amount shall be distributed in the following five (5) items:

Item Id	Item Name:	Maximum Authorized Budget
1	<i>Subrecipient Self-Performed Services</i>	\$389,628.00
2	<i>Professional Services (Contracted)</i>	\$1,381,448.45
3	<i>Construction Services (Contracted)</i>	\$7,103,305.81
4	<i>Operational Costs</i>	\$15,000.00
5	<i>Equipment</i>	\$8,500.00

Total Authorized Budget: \$8,897,882.26

VI. SEVERABILITY

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

VII. SECTION HEADINGS AND SUBHEADINGS

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

VIII. COMPTROLLER REGISTRY

The PRDOH shall remit a copy of this AMENDMENT C to the Office of the Comptroller for registration within **fifteen (15) days** following the date of execution of this AMENDMENT C and any subsequent amendment hereto. The services object of this AMENDMENT C may not be invoiced or paid until this AMENDMENT C has been registered by the PRDOH at

¹ For easier review, Amendments will appear in *italics* throughout the document.

ESS
ESS

WORR
WORR

the Comptroller's Office, pursuant to Act No. 18 of October 30, 1975, as amended by Act No. 127 of May 31, 2004.

IX. ENTIRE AGREEMENT

The SUBRECIPIENT AGREEMENT, as amended, constitutes the entire agreement among the PARTIES for the use of funds received under the SUBRECIPIENT 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 SUBRECIPIENT AGREEMENT, as amended.

X. FEDERAL FUNDING

The fulfillment of the SUBRECIPIENT 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 SUBRECIPIENT AGREEMENT, as amended, must be made in accordance with the SUBRECIPIENT 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.

XI. COMPLIANCE WITH LAW

It is the intention and understanding of the Parties hereto that each and every provision of law required to be inserted in the Subrecipient Agreement, as amended, should be and is inserted herein. Furthermore, it is hereby stipulated that every such provision is deemed to be inserted and if, through mistake or otherwise, any such provision is not inserted herein or is not inserted in correct form, then the Subrecipient Agreement, as amended, shall forthwith, upon the application of any Party, be amended by such insertion so as to comply strictly with the law and without prejudice to the rights of any Party.

IN WITNESS THEREOF, the PARTIES hereto execute this AMENDMENT C 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 (Nov 18, 2021 12:40 AST)
Name: William O. Rodríguez Rodríguez
Title: Secretary

SUBRECIPIENT

Edwin Soto Santiago
By: Edwin Soto Santiago (Nov 15, 2021 14:28 AST)
Name: Edwin Soto Santiago
Title: Mayor of the Municipality of LAS MARÍAS
DUNS Number: 150966252

ESS
ESS

WORR
WORR



GOVERNMENT OF PUERTO RICO
DEPARTMENT OF HOUSING

Attachment I

November 8, 2021

Maytte Texidor, Esq.
Director of Disaster Recovery

William O. Rodríguez Rodríguez, Esq.
Secretary Department of Housing

Maretzie Díaz Sánchez, Esq.
Disaster Recovery Deputy Secretary

VISTO BUENO

Lcdó. *William O. Rodríguez Rodríguez*
Secretario

ESS
ESS

Re: CDBG-DR City Revitalization Program Subrecipient Agreement (SRA)

WORR
WORR

By way of this communication, we hereby request an amendment to the Subrecipient Agreement between PRDOH and the Municipality of Las Marías for the City Revitalization Program. The amendment is requested for: Exhibit D – Budget of the Agreement. The Municipality of Las Marías has determined that it needs to include two new Budget Items: one for the Operating Expenses Costs and the second for the Equipment Costs. Therefore, the Municipality looks to decrease the Professional Services budget from \$1,389,948.45 to \$1,381,448.45 and the Construction Services budget from \$7,118,305.81 to \$7,103,305.81; and create two Budget Items titled Operational Costs and Equipment with budgeted amounts equal to \$15,000.00 and \$8,500.00, respectively.

	Previous Amount	New Amount
Subrecipient Self-Performed Services	\$389,628.00	\$389,628.00
Professional Services	\$1,389,948.45	\$1,381,448.45
Construction Services	\$7,118,305.81	\$7,103,305.81
Operational Costs	\$0.00	\$15,000.00
Equipment	\$0.00	\$8,500.00

Should you have any questions or concerns, please feel free to contact me at your convenience,

Sincerely,
|||



EXHIBIT D - BUDGET

CITY REVITALIZATION PROGRAM

1. Total Allocation and Authorized Budget

- a) The Puerto Rico Department of Housing (PRDOH) designated to the Municipality of Las Marías ("the Subrecipient") a total allocation amount of \$8,897,882.26 for the City Revitalization Program.
- b) The maximum authorized budget for the Subrecipient Self-Performed Services shall be according to the total staff position maximum budget established in Exhibit C – Key Personnel.

ESS
ESS

WRR
WRR

2. Distribution of Authorized Maximum Budget

- a) The maximum budget amount shall be distributed in the following three (3) items:

Item Id	Item Name:	Maximum Authorized Budget
1	Subrecipient Self-Performed Services	\$389,628.00
2	Professional Services (Contracted)	\$1,381,448.45
3	Construction Services (Contracted)	\$7,103,305.81
4	Operational Costs	\$15,000.00
5	Equipment	\$8,500.00

Total Authorized Budget: \$8,897,882.26

3. Budget Re-Distribution

- a) The Subrecipient may request in writing to the PRDOH a re-distribution of the Maximum Authorized Budgets shown above without exceeding the Total Authorized Budget.
- b) The PRDOH will evaluate the re-distribution request to validate purpose and balance of funds, and if determined the re-distribution is in benefit for the Program and the balance of funds is validated, the PRDOH will provide written authorization to the Subrecipient. Until the written authorization is submitted by the PRDOH, the redistribution cannot be considered as authorized.
- c) This re-distribution of funds as described here shall be considered binding and will not require an amendment to this SRA.









LAS MARIAS - AMENDMENT C (CRP)

Final Audit Report

2021-11-18

Created:	2021-11-15
By:	Radames Comas Segarra (rcomas@vivienda.pr.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAidNeDeigunpz5ccuy5UzV-aMKZ6UGg_D

"LAS MARIAS - AMENDMENT C (CRP)" History

-  Document created by Radames Comas Segarra (rcomas@vivienda.pr.gov)
2021-11-15 - 2:03:53 PM GMT - IP address: 196.28.53.20
-  Document emailed to Edwin Soto Santiago (edwinsotolasmarias@gmail.com) for signature
2021-11-15 - 2:06:02 PM GMT
-  Email viewed by Edwin Soto Santiago (edwinsotolasmarias@gmail.com)
2021-11-15 - 4:24:22 PM GMT - IP address: 66.102.8.7
-  Document e-signed by Edwin Soto Santiago (edwinsotolasmarias@gmail.com)
Signature Date: 2021-11-15 - 6:28:07 PM GMT - Time Source: server- IP address: 104.219.29.58
-  Document emailed to William O. Rodriguez Rodriguez (w.rodriguez@vivienda.pr.gov) for signature
2021-11-15 - 6:28:09 PM GMT
-  Email viewed by William O. Rodriguez Rodriguez (w.rodriguez@vivienda.pr.gov)
2021-11-18 - 4:39:44 PM GMT - IP address: 104.47.64.254
-  Document e-signed by William O. Rodriguez Rodriguez (w.rodriguez@vivienda.pr.gov)
Signature Date: 2021-11-18 - 4:40:10 PM GMT - Time Source: server- IP address: 196.28.53.20
-  Agreement completed.
2021-11-18 - 4:40:10 PM GMT