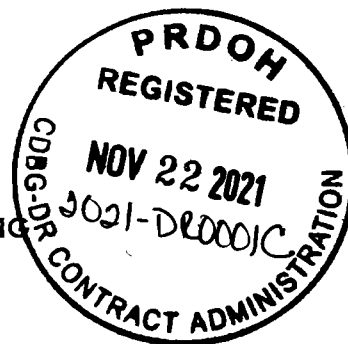




COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY  
(CDBG-DR)  
HOMEBUYER ASSISTANCE PROGRAM

AMENDMENT C to the  
SUBRECIPIENT AGREEMENT  
BETWEEN THE PUERTO RICO DEPARTMENT OF HOUSING  
AND THE  
PUERTO RICO HOUSING FINANCE AUTHORITY



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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 **PUERTO RICO HOUSING FINANCE AUTHORITY** (hereinafter, the "**Subrecipient**"), a public agency created under Act No. 103, of August 11, 2001, as amended, 7 L.P.R.A. § 924 et seq., known as the "Puerto Rico Housing Financing Authority Act" (the "PRHFA Act"), with principal offices at 638 Aldebarán St., Urb. Altamira San Juan, Puerto Rico 00920, represented herein by its Executive Director, Blanca P. Fernández-González, of legal age, married, and resident of San Juan, Puerto Rico, collectively the "Parties".

I. **RECITALS AND GENERAL AWARD INFORMATION**

**WHEREAS**, on July 2, 2020, the Parties entered into an Subrecipient Agreement for the Homebuyer Assistance Program (hereinafter, "**HBA**" or the "**Program**") for a period of **thirty-six (36)** months from the day of its execution, ending in July 1, 2023, for one hundred fifty-six million one hundred ninety-two thousand six hundred twenty-eight dollars and zero cents (**\$156,192,628.00**), registered as Contract Number 2021-DR0001 (hereinafter, "the Agreement").

**WHEREAS**, the Parties agreed to modify the AGREEMENT via Amendment A, Contract No. 2021-DR0001A, executed on June 4, 2021. In summary, the Amendment A served the purpose of conforming the Agreement to the HBA Program Guidelines and programmatic requirements.

**WHEREAS**, the Parties agreed to modify the AGREEMENT via AMENDMENT B, Contract No. 2021-DR0001B, executed on October 14, 2021. The purpose of modifying certain sections of the existing AGREEMENT and its AMENDMENTS, specifically a reallocation of funds into the HBA Program of an additional eighty-six million five hundred twenty-four thousand two hundred sixty dollars and zero cents (**\$86,524,260.00**) for a new total budget amount of two hundred forty-two million seven hundred sixteen thousand eight hundred eighty-eight dollars and zero cents (**\$242,716,888.00**). The term of the SUBRECIPIENT AGREEMENT remain unchanged.

**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;

**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** - Section 2) 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 Subrecipient, in accordance with its enabling statute, Act No. 103, of August 11, 2001, as amended, 7 L.P.R.A. § 924 et seq., known as the "Puerto Rico Housing Financing Authority Act" (the "PRHFA Act"), has the legal power and authority to enter into this Amendment C with the PRDOH, and by signing this Amendment C, the Subrecipient assures PRDOH that Subrecipient 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 (section II)**. 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, the **Exhibit D (BUDGET - section II)**.

## V. AMENDMENTS

- A. The Parties agree to amend the SRA specifically **Exhibit D (Budget Section II)** for a redistribution of funds by the elimination of **Environmental Services**, reduction of **Grant Funding** and the increase the **Case Management Services** authorized budget to procure services that will assist in delivery and implementation of the Homebuyer Assistance Program. **(See Attachment II of this AMENDMENT C).**

## 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.

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## 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**.

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## 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 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**

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William O. Rodríguez Rodríguez

By: William O. Rodríguez Rodríguez (Nov 18, 2021 16:13 AST)

Name: William O. Rodríguez Rodríguez

Title: Secretary

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**SUBRECIPIENT**

Blanca Fernandez

By: Blanca Fernandez (Nov 18, 2021 16:02 AST)

Name: Blanca P. Fernández Gonzalez

Title: Executive Director

PUERTO RICO HOUSING FINANCE AUTHORITY



GOVERNMENT OF PUERTO RICO  
DEPARTMENT OF HOUSING

# Attachment I

November 12, 2021

**Maytte Texidor-López, Esq.**  
Director of Disaster Recovery, Legal Division  
CDBG-DR Program

**William O. Rodríguez-Rodríguez, Esq.**  
Secretary  
Puerto Rico Department of Housing

**VISTO BUENO**  
*[Signature]*  
Lcdo. William O. Rodríguez Rodríguez  
Secretario

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BF

*[Signature]*  
**Mareizle Díaz-Sánchez, Esq.**  
Disaster Recovery Deputy Secretary  
CDBG-DR Program

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WRR

*[Signature]*  
**Orison Trossi-Olivera, PE**  
Director of Disaster Recovery  
CDBG-DR Program

*[Signature]*  
**Aldo A. Rivera-Vázquez, PE**  
Deputy Director – Housing Grant Management  
CDBG-DR Program

## **Request for Amendment to Subrecipient Agreement of Puerto Rico Housing Finance Authority | Contract No. 2021-DR0001**

On July 2020, the Puerto Rico Department of Housing (PRDOH) executed a subrecipient agreement with the Puerto Rico Housing Finance Authority for the CDBG-DR Homebuyer Assistance Program ("the Program"). The contract was executed as follows:

- Puerto Rico Housing Finance Authority | Contract 2021-DR0001.  
\$156,192,628.00

The proposed SRA amendment includes a redistribution of funds by the elimination of **Environmental Services**, reduction of **Grant Funding** and the increase the **Case Management Services** authorized budget to procure services that will assist in delivery and implementation of the Homebuyer Assistance Program.

The Puerto Rico Housing Finance Authority has requested amendments within these categories without affecting or increasing their total budget. In their written request, the

Puerto Rico Housing Finance Authority established these changes are in order to accommodate the increased volume case load for the intake and eligibility review process for the Homebuyer Assistance Program.

Additionally, adjustment to the Exhibit D is included herein as an attachment.

If you have any other questions regarding this matter, please do not hesitate to contact us.

Cc: Félix Hernández-Cabán, M.B.A., C.F.E., J.D.

**Attachments:**

1. Proposed Amended Exhibit D Budget (Section 2)

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**PRDOH CDBG-DR Contract  
EXHIBIT D - SECTION 2 - BUDGET**

**Attachment II**

<b>Grant:</b>	<b>CDBG-DR</b>
<b>Contractor:</b>	<b>Puerto Rico Housing Finance Authority</b>
<b>Program Name:</b>	<b>Homebuyer Assistance Program</b>
<b>DRGR Activity Code:</b>	<b>R02H22HA-DOH</b>

Cost Type	Chart of Accounts Code	Activity Description	CONTRACT Budget
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<b>ADMINISTRATION</b>			<b>\$ -</b>
Costs			
<b>TOTAL COSTS</b>			<b>\$ -</b>

<b>PLANNING</b>			<b>\$ -</b>
Costs			
<b>TOTAL COSTS</b>			<b>\$ -</b>

<b>PROJECT</b>	<b>\$ 242,716,888.00</b>
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<b>Project</b>			
Grant Funding		Program grant funds to provide homeownership assistance	\$ 214,872,364.00
<b>TOTAL COSTS</b>			<b>\$ 214,872,364.00</b>

<b>PROJECT ACTIVITY DELIVERY COSTS</b>			
Staffing		Staffing resources for the execution and implementation of the Program.	\$ 14,509,512.00
Professional Services		Procured services that will assist in delivery and implementation of the Homebuyer Assistance Program.	\$ 12,326,428.00
Other Operating		Office Lease, Communications and Outreach Activities, Printing and Postage, Travel	\$ 845,584.00
Equipment		Equipment required for the implementation of the program.	\$ 163,000.00
<b>TOTAL COSTS</b>			<b>\$ 27,844,524.00</b>
<b>GRAND TOTAL</b>			<b>\$ 242,716,888.00</b>

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# PRDOH CDBG-DR Contract Budget Detail

Subrecipient Name: Puerto Rico Housing Finance Authority

## I. STAFFING

Position	Qty. of Resources [A]	Estimated Hours per month per Resource [B]	Estimated Hourly Rate [C]	Estimated Monthly Cost [D=AxBxC]
Executive Director	1	162.5	\$61.98	\$ 10,072.00
Office System Administrator	3	162.5	\$31.23	\$ 15,225.00
Executive Director Assistant	2	162.5	\$57.77	\$ 18,776.00
Homebuyer Assistance Director	1	162.5	\$57.77	\$ 9,388.00
Senior Officer	10	162.5	\$40.46	\$ 65,748.00
Program Officer	20	162.5	\$34.71	\$ 112,808.00
Reporting Officer	1	162.5	\$22.01	\$ 3,577.00
Legal Director	1	162.5	\$57.77	\$ 9,388.00
Legal Advisor	3	162.5	\$45.84	\$ 22,347.00
Technology Operation Director	1	162.5	\$57.77	\$ 9,388.00
Communications & Graphic Design Specialist	1	162.5	\$33.67	\$ 5,472.00
Database Specialist	1	162.5	\$40.82	\$ 6,634.00
Information Systems Security Officer	1	162.5	\$25.21	\$ 4,097.00
Systems Analyst	1	162.5	\$40.82	\$ 6,634.00
Information Systems Technician	1	162.5	\$25.21	\$ 4,097.00
Programmer	2	162.5	\$34.32	\$ 11,154.00
Housing Specialist	2	162.5	\$55.64	\$ 18,083.00
Fund Management Director	1	162.5	\$57.77	\$ 9,388.00
Fund and Billing Analyst	2	162.5	\$29.06	\$ 9,445.00
Accountant	1	162.5	\$29.06	\$ 4,723.00
Assistance Executive Director	1	162.5	\$73.04	\$ 11,869.00
Subsidy and Mortgage Insurance Manager	1	162.5	\$65.66	\$ 10,670.00
Underwriter	1	162.5	\$34.69	\$ 5,638.00
Secondary Market, Post Closing and Collateral Manager	1	162.5	\$47.57	\$ 7,731.00
Subsidy Officers	2	162.5	\$19.12	\$ 6,214.00
Reporting Officer	1	162.5	\$27.54	\$ 4,476.00
Total Maximum Monthly Cost:				\$ 403,042.00
Total Cost for 3 Years (36 Months):				\$ 14,509,512.00

\*Estimate amount in rate, hours and monthly cost, could vary based on actual need and work performed on the program

## II. PROFESSIONAL SERVICES

Services Name	Services Description	Budget
Legal Services	Legal services to support implementation of the HBA program, including legal counseling, assistance on drafting award agreements and other documents and execution of legal documents related to the program.	\$ 180,000.00
Case Management Services	Required to increase the capacity of the program to perform intake and eligibility reviews.	\$ 12,135,844.00
Printing Services	Lease for multifunctional printer/scanner with maintenance service included for the program.	\$ 10,584.00
Total Budget for Services:		\$ 12,326,428.00

## III. OTHER OPERATING

Item Name	Item Description	Budget
Office Rent	Office space lease agreement for the Homebuyer Assistance program staff.	\$ 324,000.00
Office Materials	Pens, paper, whiteboards, staplers, hole punch, and any other office materials needed to deliver the program.	\$ 8,584.00
Outreach Activities	Advertisements, marketing materials and, public notices of the program.	\$ 180,000.00
Travel	Travel expenses for the staff of the program.	\$ 30,000.00
Printing & Postage	Program requires letter to be sent to applicants: Eligibility Notice, Notice of adverse eligibility, Award Letter etc.	\$ 303,000.00
Total Expenses Budget:		\$ 845,584.00

## IV. EQUIPMENT

Item Name	Item Description	Budget
Office Equipment	Computers, mice, keyboards, software licenses, telephones and wifi for the staff of the program.	\$ 132,000.00
Office Furniture	Office Chairs and Work Stations, Conference Table and chairs, Smart Whiteboard, Filing Cabinets	\$ 31,000.00
Total Expenses Budget:		\$ 163,000.00











# PRHFA - AMENDMENT C - HOMEBUYERS ASSISTANCE PROGRAM

Final Audit Report

2021-11-18

Created:	2021-11-17
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