



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

AMENDMENT D TO THE SUBRECIPIENT AGREEMENT
BETWEEN THE
PUERTO RICO DEPARTMENT OF HOUSING
AND THE
MUNICIPALITY OF CAROLINA
Contract No. 2021-DR0038
Amendment No. 2021-DR0038D



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This **AMENDMENT D TO THE SUBRECIPIENT AGREEMENT** (“**AMENDMENT D**”) is entered into this 1st day of December, 2022, by and between the **PUERTO RICO DEPARTMENT OF HOUSING** (“**PRDOH**”), a public agency of the Government of Puerto Rico created under Act No. 97, of June 10, 1972, as amended, 3 LPR § 441 *et seq.*, known as the “**Department of Housing Organic Act**” (“**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 Carolina** (“**Subrecipient**”), a local government legal entity, with principal offices at Carolina, Puerto Rico, represented herein by its Mayor, Hon. José C. Aponte Dalmau, of legal age, married, and resident of Carolina, Puerto Rico; collectively the “**Parties**”.

I. RECITALS AND GENERAL AWARD INFORMATION

WHEREAS, on October 13, 2020, the PRDOH and the Subrecipient executed a Subrecipient Agreement, registered as Contract Number 2021-DR0038 (“**Agreement**”), for the amount of **two million seven hundred fifty-two thousand eight hundred nine dollars and thirty-one cents (\$2,752,809.31)** for the Subrecipient to undertake its activities under the **City Revitalization Program** (“**CRP**” or “**Program**”). The Parties agreed on a performance period of **thirty-six (36) months** from the day of the execution of the Agreement, ending on **October 13, 2023**.

WHEREAS, on August 20, 2021, the PRDOH and the Subrecipient executed **Amendment A**, Contract Number 2021-DR0038A (“**Amendment A**”), to modify certain terms and conditions of the Agreement, including amending **Exhibit A** (Scope of Work), **Exhibit B** (Timeline and Performance Goals), **Exhibit C** (Key Personnel), **Exhibit D** (Budget), **Exhibit E** (Funds Certification), **Exhibit F** (HUD General Provisions and Other Federal Statutes, Regulations and PRDOH Requirements), **Exhibit G** (Special Conditions), and add **Exhibit H** (Subrogation and Assignment Provisions). The total authorized budget was increased to **twenty million nine hundred ninety thousand one hundred seventy dollars and ninety-six cents (\$20,990,170.96)**. The performance period was extended **forty-eight (48) months**, ending on **October 13, 2024**.

WHEREAS, on February 22, 2022, the PRDOH and the Subrecipient executed **Amendment B**, Contract Number 2021-DR0038B (“**Amendment B**”), to modify **Exhibit D** (Budget) to incorporate an additional budget item identified as *Publications*, and redistribute the budget. The budget remains the same (**\$20,990,170.96**).

WHEREAS, on October 25, 2022, the PRDOH and the Subrecipient executed **Amendment C**, Contract Number 2021-DR0038C (“**Amendment C**”), to modify certain terms and conditions of the Agreement, including amending **Exhibit C** (Key Personnel), **Exhibit F** (HUD General Provisions and Other Federal Statutes, Regulations, and PRDOH Requirements), and **Exhibit H** (Subrogation and Assignment Provisions). A new Exhibit,

Exhibit I (Non-Conflict of Interest Certification), was incorporated by reference into the Agreement. Also, the term of the Agreement was extended to **December 31, 2025**.

WHEREAS, as per Section IX (A) 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, this **AMENDMENT D** does not 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 enter into this **AMENDMENT D**.

WHEREAS, the Subrecipient has the legal power and authority to enter into this **AMENDMENT D** 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 D**, the Subrecipient assures the 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 D** subject to the following:

II. TERMS AND CONDITIONS

A. SAVINGS CLAUSE

The information included in this **AMENDMENT D** serves the purpose of modifying and amending certain terms and conditions under the Agreement, as established in the following sections B and C of this **AMENDMENT D**. All other provisions of the original Agreement, including its exhibits, shall continue to be in full force and effect.

B. SCOPE OF THE AMENDMENT

The Subrecipient requested an increase of the budget allocated for Construction Services, after realizing that the construction costs related to project PR-CRP-000030 have substantially increased. The Subrecipient's request established the reasonableness for the requested budget increase due to the current situation of substantial increments in materials costs, transportation costs, and labor costs. Therefore, the Parties agreed to increase the Total Authorized Budget of the Agreement by twenty-three million nine hundred fifteen thousand and seventy dollars with twenty-three cents (**\$23,915,070.23**). Said amount is being allocated to the Construction Services budget item. As a result, the Maximum Authorized Budget associated with the Construction Services budget item is being increased to forty million seven hundred seven thousand two hundred seven dollars (**\$40,707,207.00**), while the new Total Authorized Budget for the Agreement is being increased to forty-four million nine hundred five thousand two hundred forty-one dollars with nineteen cents (**\$44,905,241.19**). Subsequently, **Exhibit D** (Budget) and **Exhibit E** (Funds Certification) are being amended.

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C. AMENDMENTS

a. The Parties wish to amend the **GENERAL AWARD INFORMATION** table in **Section I** of the Agreement as follows:

CDBG-DR Grantee Federal Award Identification Number:	Unique Entity ID #: FFMUBT6WCM1
CDBG-DR Grantee Federal Award Date:	September 20, 2018
Federal Award Project description:	See Exhibit A ("Scope of Work")
Subrecipient Contact Information:	Hon. José C. Aponte Dalmau Mayor Municipality of Carolina PO Box 8 Carolina, PR 00986
Subrecipient Unique Identifier:	Unique Entity ID #: DE37L8G4Q8M7
Subaward Period of Performance:	Start Date: Effective Date, as defined in Section V of the Agreement, as amended. End Date: December 31, 2025
Funds Certification:	Date: May 25, 2021 Authorized Amount: \$20,990,170.96 Funds Allocation: CDBG-DR "R02M27CR-DOH-LM" CDBG-DR "R02M27CR-DOH-UN" Account Number: 6090-01-000 Exhibit E ("Funds Certification") ----- Date: November 28, 2022 Authorized Amount: \$23,915,070.23 Funds Allocation: CDBG-DR "R02M27CR-DOH-LM" CDBG-DR "R02M27CR-DOH-UN" Account Number: 6090-01-000 Exhibit E-I ("Funds Certification")

- b. **Exhibit D** (Budget) of the Agreement is being modified by an updated version of the **Exhibit D** (Budget) hereto incorporated by reference into the Agreement (See **Attachment I**).
- c. **Exhibit E-I** (Funds Certification) hereto incorporated by reference into the Agreement (See **Attachment II**).

III. SEVERABILITY

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

IV. SECTION HEADINGS AND SUBHEADINGS

The section headings and subheadings contained in this **AMENDMENT D** are included for convenience only and shall not limit or otherwise affect the terms of the Agreement, and

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shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this **AMENDMENT D**.

V. COMPTROLLER REGISTRY

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

VI. 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 concerning the Agreement, as amended.

VII. 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.

VIII. COMPLIANCE WITH INSURANCE & BONDING REQUIREMENTS

PRDOH will execute this **AMENDMENT D** conditioned to the submission by the Subrecipient of the required insurance policies within **thirty (30)** calendar days of the signing of this **AMENDMENT D**. **Failure to comply with the submission of the insurance policies may result in the withholding of reimbursements or the termination of the Agreement.**

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

PUERTO RICO DEPARTMENT OF HOUSING CDBG-DR Grantee

By: William O. Rodríguez Rodríguez
William O. Rodríguez Rodríguez (Dec 1, 2022 12:15 AST)
Name: William O. Rodríguez Rodríguez
Title: Secretary

MUNICIPALITY OF CAROLINA Subrecipient

By: JCA
JCA (Dec 1, 2022 12:05 AST)
Name: José C. Aponte Dalmau
Title: Mayor

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EXHIBIT D

BUDGET

CITY REVITALIZATION PROGRAM

MUNICIPALITY OF CAROLINA

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1. Total Allocation and Authorized Budget

- a) The Puerto Rico Department of Housing (PRDOH) designated to the Municipality of Carolina (the "Subrecipient") a total allocation amount of \$44,905,241.19 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.

2. Distribution of Authorized Maximum Budget

- a) The maximum budget amount shall be distributed in the following six (6) items:

Item Id	Item Name:	Maximum Authorized Budget
1	Subrecipient Self-Performed Services	\$544,964.40
2	Professional Services (Contracted)	\$3,643,069.79
3	Construction Services (Contracted)	\$40,707,207.00
4	Publications	\$10,000.00
5	Equipment	\$0.00
6	Operational Costs	\$0.00

Total Authorized Budget: \$44,905,241.19

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.

END OF DOCUMENT



GOVERNMENT OF PUERTO RICO
DEPARTMENT OF HOUSING

**ATTACHMENT II
EXHIBIT E-I**

Contract Code: 863-d
Type: StandAloneSRA_V2
Original Registered Code: 2021-DR0038

CERTIFICATION OF FUNDS

Requested on behalf: CDBG-DR Director

The Finance Division certifies the availability of the following funds:

Contracting Of: MUNICIPALITY OF Carolina
Source of Funds: 14.228 CDBG Funds
For: Amendment D to 2021-DR0038
Amount: \$23,915,070.23

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The breakdown and grant of the certified funds is as follows:

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Grant	Area / Project	Activity Code	Category Description	Account	Amount
B-18-DP-72-0001	MultiSector	r02m27cr-doh-lm	M - Program Subsidy	6090-01-000	\$16,740,549.16
B-18-DP-72-0001	MultiSector	r02m27cr-doh-un	M - Program Subsidy	6090-01-000	\$7,174,521.07
					<u>\$23,915,070.23</u>

The above distribution of funds is subject to changes and will be allocated in accordance with the executed agreement within the parties. These funds do not affect the Puerto Rico Department of Housing (PRDOH) operational budget, and are available to be use.

If you have any questions, feel free to contact us at (787)274-2527.

Cesar Candelario Signed Date - 11/28/2022
Electronic Approval
Budget Manager

Nilda Baez Signed Date - 11/28/2022
Electronic Approval
Finance Director

*This transaction does not represent an overcharge of the account herein.



CAROLINA-CRP-AMENDMENT D

Final Audit Report

2022-12-01

Created:	2022-11-30
By:	Radames Comas Segarra (rcomas@vivienda.pr.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAFeYEHG9h2Ky1YOEgnOSAmLvhNgft7nH

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-  Signer w.rodriquez@vivienda.pr.gov entered name at signing as William O. Rodríguez Rodríguez
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