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COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY (CDBG-DR)
MUNICIPAL RECOVERY PLANNING PROGRAM (MRP)

AMENDMENT C TO THE SUBRECIPIENT AGREEMENT
BETWEEN THE
PUERTO RICO DEPARTMENT OF HOUSING
AND THE
MUNICIPALITY OF VEGA BAJA
Contract No. 2021-DR0263
Amendment No. 2021-DR0263C



This **AMENDMENT C TO THE SUBRECIPIENT AGREEMENT ("AMENDMENT C")** is entered into this 27 day of September, 2023, 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 L.P.R.A. § 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 Guaynabo, Puerto Rico; and the **Municipality of Vega Baja ("Subrecipient")**, a local government legal entity, with principal offices at Vega Baja, Puerto Rico, represented herein by its Mayor, Marcos Cruz Molina, of legal age, married, and resident of Vega Baja, Puerto Rico; collectively the "**Parties**".

I. RECITALS AND GENERAL AWARD INFORMATION

WHEREAS, on June 14, 2021, the PRDOH and the Subrecipient executed a Subrecipient Agreement, Contract Number **2021-DR0263 ("Agreement")**, for **SIX HUNDRED TWELVE THOUSAND EIGHT DOLLARS AND THIRTY-NINE CENTS (\$612,008.39)** for the Subrecipient to undertake its activities under the **Municipal Recovery Planning Program ("Program")**. The Parties agreed on a performance period of **twelve (12) months** from the date of the execution of the Agreement ending on **June 13, 2022**.

WHEREAS, on June 2, 2022, the PRDOH and the Subrecipient executed an **Amendment A** to the Agreement, Contract Number **2021-DR0263A ("Amendment A")**. Via Amendment A, the **PERIOD OF PERFORMANCE** and **END DATE** of the Agreement were extended for an additional term of **eight (8) months**, resulting in a new performance period of **twenty (20) months** from the date of the execution of the Agreement ending on **February 13, 2023**. Amendment A did not affect the overall budget amount of the Agreement.

WHEREAS, on February 6, 2023, the Parties executed the **AMENDMENT B**, registered as Contract Number **2021-DR0263B ("AMENDMENT B")**, to extend the **PERIOD OF PERFORMANCE** and **END DATE** of the Agreement for an additional period of **eight (8) months**, for a new performance period of **twenty-eight (28) months** from the date of the execution of the Agreement ending on **October 13, 2023**. Modifications to the **General Award Information** table in **Section I** of the Agreement and changes to **Section II. ATTACHMENTS**, **Section V. EFFECTIVE DATE AND TERM**, **Section X. COMPLIANCE WITH FEDERAL STATUTES, REGULATIONS AND THE TERMS AND CONDITIONS OF THE FEDERAL AWARD AND ADDITIONAL PRDOH REQUIREMENTS**, **Section XII. CDBG-DR POLICIES AND PROCEDURES**, **Section XXXI. SYSTEM FOR AWARD MANAGEMENT (SAM) REGISTRATION** and **Section XXXII. LIMITATIONS PENDING ENVIRONMENTAL CLEARANCE** of the Agreement were incorporated via **AMENDMENT B**. Updated versions of **Exhibit D** (Budget), **Exhibit F** (HUD General Provisions and Other Federal Statutes, Regulations, and PRDOH Requirements), and **Exhibit H** (Subrogation and Assignment Provisions) were incorporated to the Agreement. A new **Exhibit I** (Non-Conflict of Interest Certification) was also

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incorporated. The total authorized budget and all other provisions of the original Agreement remained unaltered.

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 C** 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 C**.

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

II. TERMS AND CONDITIONS

A. SAVINGS CLAUSE

The information included in this **AMENDMENT C** 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 C**. 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 goal of the Program is for the Municipalities to envision a potential future and develop a plan for recovery and resilience for all populations within their Municipality. In order to achieve the Program goals, the Parties acknowledge and agree that it is necessary to extend the **PERIOD OF PERFORMANCE** and **END DATE** of the Agreement for an additional period of **six (6) months**, for a new performance period of **thirty-four (34) months** from the date of the execution of the Agreement ending on **April 13, 2024**. Modifications to the **General Award Information** table in **Section I** of the Agreement and changes to **Section V. EFFECTIVE DATE AND TERM** of the Agreement are being incorporated via this **AMENDMENT C** to accommodate the aforementioned modification.

Furthermore, an updated version of **Section XIII. FORCE MAJEURE** is being incorporated into the Agreement. All other provisions of the original Agreement, including the total authorized budget remain unaltered.

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

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PUERTO RICO DEPARTMENT OF HOUSING
CDBG-DR Grantee

By: William O. Rodríguez Rodríguez
William O. Rodríguez Rodríguez (Sep 27, 2023 19:25 EDT)
Name: William O. Rodríguez Rodríguez
Title: Secretary

MUNICIPALITY OF VEGA BAJA
Subrecipient

By: Marcos Cruz Molina
Name: Marcos Cruz Molina
Title: Mayor



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**MUNICIPAL RECOVERY PLANNING PROGRAM
NON-CONFLICT OF INTEREST CERTIFICATION
MUNICIPALITY OF VEGA BAJA**

The Subrecipient certifies that to the best of its knowledge:

1. No public servant of this executive agency has a pecuniary interest in this agreement, contract, purchase, or commercial transaction.
2. No public servant of this executive agency has requested me or accepted from me, directly or indirectly, for him (her), for any member of his family unit or for any person, gifts, bonuses, favors, services, donations, loans or anything else of monetary value.
3. No public servant (s) requested or accepted any good of economic value, linked to this transaction, from any person of my entity as payment for performing the duties and responsibilities of their employment.
4. No public servant has requested from me, directly or indirectly, for him (her), for any member of his or her family unit, or for any other person, business, or entity, something of economic value, including gifts, loans, promises, favors or services in exchange for the performance of said public servant is influenced in my favor or of my entity.
5. I have no kinship relationship, within the fourth degree of consanguinity and second of affinity, with any public servant who has the power to influence and participate in the institutional decisions of this executive agency.

"I hereby certify under penalty of perjury that the foregoing is complete, true, and correct."

Marcos Cruz Molina

Signature

Date

Marcos Cruz Molina
Printed Name

Mayor
Municipality of Vega Baja
Position