

Assistance Award/Amendment

U.S. Department of Housing
and Urban Development
Office of Administration

CITY OF NEWBERG
OFFICE RECORDER INDEX NO. 1897

1. Assistance Instrument ☐ Cooperative Agreement ☒ Grant		2. Type of Action ☒ Award ☐ Amendment	
3. Instrument Number B-01-SP-OR-0751	4. Amendment Number	5. Effective Date of this Action 1/14/02	6. Control Number
7. Name and Address of Recipient City of Newberg P.O. Box 970 Newberg, OR 97132 EIN: 93-6002221		8. HUD Administering Office Community Planning and Development	
10. Recipient Project Manager Duane R. Cole (503) 537-1207		9. HUD Government Technical Representative Janice Smith (202) 708-3773	
11. Assistance Arrangement ☐ Cost Reimbursement ☐ Cost Sharing ☒ Fixed Price	12. Payment Method ☐ Treasury Check Reimbursement ☐ Advance Check ☒ Automated Clearinghouse	13. HUD Payment Office Chief Financial Officer	
14. Assistance Amount		15. HUD Accounting and Appropriation Data	
Previous HUD Amount \$		15a. Appropriation Number 861/30162 Year 2001	
HUD Amount this action \$498,900.00		15b. Reservation number EID-01-	
Total HUD Amount \$498,900.00		Amount Previously Obligated \$	
Recipient Amount \$		Obligation by this action \$498,900.00	
Total Instrument Amount \$498,900.00		Total Obligation \$498,900.00	

16. Description

This EDI-Special Project Grant will be used for a renovation project.

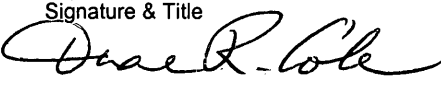
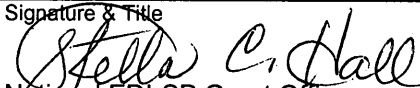
This Award consists of the following items which are appended to and hereby made part of this Award:

(A) Cover Page - HUD Form 1044

(B) Grant Agreement

Special Conditions:

Please contact Doug Carlson - HUD - Oregon State Office environmental officer at (503) 326-2701 concerning environmental review. **NO FUNDS** may be drawdown prior to environmental release of funds approval.

17. ☒ Recipient is required to sign and return three (3) copies of this document to the HUD Administering Office		18. ☐ Recipient is not required to sign this document.	
19. Recipient (By Name) Duane R. Cole		20. HUD (By Name) Stella Hall	
Signature & Title  City Manager	Date (mm/dd/yyyy) 10/16/2001	Signature & Title  National EDI-SP Grant Officer	Date (mm/dd/yyyy) 1/14/02

FY 2001 EDI-SPECIAL PROJECT NO. B-01-SP-OR-0751

GRANT AGREEMENT

This Grant Agreement between the Department of Housing and Urban Development ("HUD") and the City of Newberg ("the Grantee") is made pursuant to the authority of Public Law 106-554 (the FY 2001 Appropriations Act for HUD and other agencies) and House Report 106-1033 (the Conference Report on the Appropriations Act). The original grant amount was reduced by 0.22% pursuant to the same FY 2001 Omnibus Act, which mandated a government wide rescission. The Grantee's application package, as may be amended by the provisions of this Grant Agreement, is hereby incorporated into this Agreement.

In reliance upon and in consideration of the mutual representations and obligations hereunder, HUD and the Grantee agree as follows:

Subject to the provisions of the Grant Agreement, HUD will make grant funds in the amount of \$498,900.00 available to the Grantee.

The Grantee agrees to abide by the following:

ARTICLE I. HUD Requirements.

The Grantee agrees to comply with the following requirements for which HUD has enforcement responsibility.

A. The grant funds will only be used for activities described in the application, which is incorporated by reference and made part of this Agreement as may be modified by Article VII (A) of this Grant Agreement.

B. EQUAL OPPORTUNITY REQUIREMENTS

The grant funds must be made available in accordance with the following:

1. For projects involving housing, the requirements of the Fair Housing Act (42 U.S.C. 3601-20) and implementing regulations at 24 CFR Part 100; Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR Part 107.
2. The requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR Part 1.

3. The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at 24 CFR Part 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8.
 4. The requirements of 24 CFR 5.105(a) regarding equal opportunity as well as the requirements of Executive Order 11246 (Equal Employment Opportunity) and the implementing regulations issued at 41 CFR Chapter 60.
 5. For those grants funding construction covered by 24 CFR 135, the requirements of section 3 of the Housing and Urban Development Act of 1968, (12 U.S.C. 1701u) which requires that economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, be given to low- and very low-income persons and to businesses that provide economic opportunities for these persons.
 6. The requirements of Executive Orders 11625 and 12432 (concerning Minority Business Enterprise), and 12138 (concerning Women's Business Enterprise). Consistent with HUD's responsibilities under these Orders, the Grantee must make efforts to encourage the use of minority and women's business enterprises in connection with grant funded activities. See 24 CFR Part 85.36(e) , which describes actions to be taken by the Grantee to assure that minority business enterprises and women business enterprises are used when possible in the procurement of property and services.
 7. Where applicable, Grantee shall maintain records of its efforts to comply with the requirements cited in Paragraphs 5 and 6 above.
- C. The Grantee agrees to assume all of the responsibilities for environmental review and decision making and actions, as specified and required in regulations issued by the Secretary pursuant to the Multifamily Housing Property Disposition Reform Act of 1994 and published in 24 CFR Part 58.

- D. Administrative requirements of OMB Circular A-133 "Audits of States, Local governments and Non-Profit Organizations."
- E. For State and Local Governments, the Administrative requirements of 24 CFR Part 85, including the procurement requirements of 24 CFR Part 85.36, and the requirements of OMB Circular A-87 regarding Cost Principles for State and Local Governments. For Non-Profits, the Administrative requirements of 24 CFR Part 84, including the procurement requirements of 24 CFR Part 84.40, and OMB Circular A-122 regarding Cost Principles for Non-Profit Institutions. For Institutions of Higher Education the applicable OMB Circular regarding Cost Principles is A-21.
- F. The regulations at 24 CFR Part 87, related to lobbying, including the requirement that the Grantee obtain certifications and disclosures from all covered persons.
- G. Restrictions on participation by ineligible, debarred or suspended persons or entities as described in Executive Order 12549 and at CFR 24 Part 5.105(c).
- H. The Uniform Relocation Act as implemented by regulations at 49 CFR Part 24.
- I. The Grantee will comply with all accessibility requirements under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8, where applicable.

ARTICLE II. Conditions Precedent to Draw Down.

The Grantee may not draw down grant funds until the following actions have taken place:

- A. The Grantee and HUD have executed a contract.
- B. The Grantee has received and approved any certifications and disclosures required by 24 CFR 87.100 concerning lobbying and by 24 CFR 24.510(b) regarding ineligibility, suspension and debarment.
- C. Any other preconditions listed in Article VII (C) of this Grant Agreement.

ARTICLE III. Draw Downs.

- A. A request by the Grantee to draw down grant funds under the Voice Response Access system or any other payment system constitutes a representation by the Grantee that it and all participating parties are complying with the terms of this Grant Agreement.
- B. The Grantee will be paid on an advance basis provided that the Grantee minimizes the time elapsing between transfer of the grant funds and disbursement for project purposes and otherwise follows the requirements of 24 CFR Part 85 and Treasury Circular 1075 (31 CFR Part 205).
- C. Before the Grant Agreement is signed, the Grantee may incur cost for activities which are exempt from environmental review under 24 CFR Part 58 and may charge the costs to the grant.

ARTICLE IV. Progress Reports.

The Grantee shall submit to the Grant Officer a progress report every six months after the effective date of the Grant Agreement. Progress reports shall include reports on both performance and financial progress and shall conform with 24 CFR 85.40 and 85.41 or 24 CFR Sections 84.50 through 84.53, as applicable. Additional information required or increased frequency of reporting as may be described in Article VII (C).

- A. The performance reports must contain the information required under 24 CFR Part 85.40(b) (2) or 24 CFR Part 84.51(a), as applicable including a comparison of actual accomplishment to the objectives indicated in the approved application, the reasons for slippage if established objectives were not met, and additional pertinent information including explanation of significant cost overruns.
- B. Financial reports shall be submitted on Standard Form 269 and the following: for construction costs, form 271; for non-construction costs, a breakdown in costs similar to the line items in the application budget.
- C. No grant payments will be approved for projects with overdue progress reports.

ARTICLE V. Project Close-out.

- A. The Grantee shall initiate project close-out within 30 days of project completion by submitting to HUD the Financial Status Report.
(Form 269A). Grantee shall indicate in Block 12 of SF 269A: "Ready to initiate project close-out." HUD will then send close-out documents to the Grantee. At HUD's option, the Grantee may delay initiation of project close-out until the resolution of any HUD monitoring findings. If HUD exercises this option the Grantee must promptly resolve the findings.
- B. The Grantee recognizes that the close-out process may entail a review by HUD to determine compliance with the Grant Agreement by the Grantee and all participating parties. The Grantee agrees to cooperate with any review in any way possible, including making available records requested by HUD and the project for on-site HUD inspection.
- C. Within 90 days of project completion, the Grantee shall provide to HUD the following documentation., in the format approved by HUD.
 - 1. A Certification of Project Completion.
 - 2. A Grant Close-out Agreement.
 - 3. A final financial report giving the amount and types of project costs charged to the grant (that meet the allowability and allocability requirements of OMB Circular A-122 or A-87 as applicable, including the "necessary and reasonable" standard); a certification of the costs; and the amounts and sources of other project funds.
 - 4. A final performance report providing a comparison of actual accomplishments with each of the project commitments and objectives in the approved application, the reasons for slippage if established objectives were not met and additional pertinent information including explanation of significant cost overruns.
- D. The Grantee agrees that the grant funds are allowable only to the extent that the project costs, meeting the standard of OMB Circular A-122. A-87 or A-21 as applicable, equal the grant amount plus other sources of project funds provided.

- E. When HUD has determined that the grant funds are allowable, the activities were completed as described by the Grant Agreement, and all Federal requirements were satisfied, HUD and the Grantee will sign the Close-out Agreement.

ARTICLE VI. Default.

A default under this Grant Agreement shall consist of using grant funds for a purpose other than as authorized by this Agreement, any noncompliance with legislative, regulatory, or other requirements applicable to the Agreement, any other material breach of this Agreement, or any material misrepresentation in the application submissions.

ARTICLE VII. Additional Provisions.

A. Project Description. The project is as described in the application with the following changes: NONE

B. Changes or Clarification to the Application Related to Participating Parties: NONE

C. Special Conditions: The grantee shall carry out such environmental review procedures as are recommended by the HUD – Oregon State Office environmental officer, prior to HUD's release of grant funds.

U.S. Department of Housing and
Urban Development

City of Newberg


Authorized Signature

Grant Officer
Title

1/14/02
Date


Authorized Signature

City Manager
Title

Oct. 16, 2001
Date