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TO: Michael C. Van Milligen
FROM: Deron L. Muehring, Civil Engineer *DM*
SUBJECT: Economic Development Administration Grant – Amendment to Financial Assistance Award Revising Project Schedule and Budget
DATE: December 1, 2017

BACKGROUND

In June of 2012, the City Council adopted Resolution 142-12, approving the City's application for funding for the Bee Branch Creek Restoration Project made available for cities and counties that received a Federal Disaster Declaration in 2011 through the U.S. Economic Development Administration (EDA) Disaster Relief Program.

On August 8, 2013 the EDA awarded the City of Dubuque \$1,227,138 for the Bee Branch Disaster Resiliency Project (a.k.a. the Upper Bee Branch – Channel, Streets, & Utilities Project).

In order to receive the \$1,227,138.00 federal award, it was necessary for the City to acknowledge and agree to comply with the grant provisions within 30 days of the award notice. Thus, the Financial Assistance Award was signed by Mayor Roy D. Buol, the City's Authorized Representative, and returned to the EDA solidifying the federal funding obligation for the Upper Bee Branch Creek - Channel, Streets, & Utilities Project.

On October 6, 2014 the City Council passed Resolution 306-14 authorizing the City Manager to also act as an authorized representative on the EDA grant agreement with the authority to execute any documents required by the agreement as the EDA may reasonably request.

DISCUSSION

The EDA Financial Assistance Award established both the timeline and budget for the EDA portion of the Upper Bee Branch Creek – Channel, Streets, & Utilities Project. While all of the EDA-funded improvements had been completed prior to the established construction completion deadline of September 1, 2017, all retainage associated with those improvements are yet to be released. Therefore, adjusting the project construction completion date is warranted.



United States Department of Commerce
Economic Development Administration
Denver Regional Office
1244 Speer Boulevard, Suite 431
Denver, Colorado 80204

November 17, 2017

In reply refer to:
Award No. 05-79-05290

Honorable Mayor Roy Buol
City of Dubuque
50 W. 13th Street
Dubuque, Iowa 52001-4864

Dear Mayor Buol:

Enclosed are two copies of Amendment No. 3 to the Financial Assistance Award for revising Special Award Condition No. 1 - Project Development Schedule - the completion of construction date and the authorized grant end date for the above cited award. Your agreement to the terms and conditions of the award should be indicated by the signature of your principal official on each of the signed copies of the Amendment to Financial Assistance Award. One of the executed copies should be returned to Angela B. Martinez, Regional Director, EDA Denver Regional Office, 1244 Speer Blvd., Suite 431, Denver, CO 80204. If not signed and returned within 30 days of receipt, EDA may declare the Award Amendment null and void.

Please do not make any commitments in reliance on this amendment until you have carefully reviewed and accepted the terms and conditions. Any commitments entered into prior to obtaining the approval of EDA in accordance with its regulations and requirements will be at your own risk.

Sincerely,

A handwritten signature in cursive script that reads "Angela B. Martinez".

Angela B. Martinez
Regional Director

Enclosures

GRANT COOPERATIVE AGREEMENT

**AMENDMENT TO
FINANCIAL ASSISTANCE AWARD**

CFDA NO. AND PROJECT TITLE
11.307; Economic Adjustment

AWARD NUMBER
05-79-05290

RECIPIENT NAME
City of Dubuque

AMENDMENT NUMBER
3

STREET ADDRESS
50 W. 13th Street

EFFECTIVE DATE
November 17, 2017

CITY, STATE, ZIP CODE
Dubuque, IA 52001-4864

EXTEND WORK COMPLETION TO
April 8, 2018

BUREAU 20	FUND 40	FCFY 13	PROJECT-TASK 00	ORGANIZATION 05	OBJECT CLASS 41 10 00 00
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COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$ 1,227,138.00	\$ 0.00	\$ 0.00	\$ 1,227,138.00
RECIPIENT SHARE OF COST	\$ 24,026,407.00	\$ 0.00	\$ 0.00	\$ 24,026,407.00
TOTAL ESTIMATED COST	\$ 25,253,545.00	\$ 0.00	\$ 0.00	\$ 25,253,545.00

REASON(S) FOR AMENDMENT

This Amendment will revise the the Project Schedule and Budget. Special Award Condition No. 1, Project Development Time Schedule, is revised to extend the project completion of construction date to January 8, 2018 and the authorized grant end date to April 8, 2018.

All other terms and conditions of the Financial Assistance Award shall remain in full force and effect.

This Amendment approved by the Grants Officer is issued in triplicate and constitutes an obligation of Federal funding. By signing the three documents, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. Upon acceptance by the Recipient, two signed Amendment documents shall be returned to the Grants Officer and the third document shall be retained by the Recipient. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally terminate this Amendment.

- Special Award Conditions
- Line Item Budget
- Other(s): _____

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER Angela B. Martinez, Regional Director <i>Angela B. Martinez</i>	DATE 11/27/17
TYPED NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL Roy Buol, Mayor <i>Roy D. Buol</i>	DATE 12/4/17

AMENDMENT TO SPECIAL AWARD CONDITIONS
U.S. DEPARTMENT OF COMMERCE
Economic Development Administration (EDA)

Provision 1 of the Special Award Conditions for Financial Assistance Award Number 05-79-05290 are hereby amended as follows:

- 1. **PROJECT DEVELOPMENT TIME SCHEDULE:** The Recipient agrees to the following Project development time schedule:

Return of the Affirmed Financial Assistance Award.....30 days
Start of Construction By.....April 30, 2016
Completion of Construction By.....January 8, 2018
Authorized Grant End DateApril 8, 2018

Project Closeout – All Project closeout documents, including final financial information and any required program reports, shall be submitted to the Government not more than 90 days after the date the Recipient accepts the completed Project from the contractor(s).

The Recipient shall pursue diligently the development of the Project so as to ensure completion of the Project and submission of closeout documents within this time schedule. Moreover, the Recipient shall notify the Government in writing of any event which could delay substantially the achievement of the Project within the prescribed time limits. The Recipient further acknowledges that failure to meet the development time schedule may result in the Government’s taking action to terminate the Award in accordance with the regulations set forth at 15 CFR 14.62 or 15 CRF 24.43, as applicable (codified by 53 Federal Register 8048, 8087 March 11, 1988).

Except to the extent modified herein, all terms and conditions of the Award shall remain in full force and effect.