

ARF-661

**REGULAR SESSION AGENDA**

Date: 06/22/2010

**EPA Stag Grant Amendment****Submitted By:** County Judge**Department:** County Judge**Type of Item:** Consent**Renewal Agreement/** Yes**Appointment:****Reviewed by County** No**Attorney's Office:****Multiple Originals Y/N?:** 2Item #: ~~94~~ 18B  
County Judge

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**Information****SUMMARY OF ITEM**

Take all appropriate action to Accept Amendment to the EPA FY05 State & Tribal Assistance Grant for the benefit of Fort Bend Fresh Water Supply District #1 water and wastewater infrastructure project, extending the terms of the grant through December 31, 2011 and authorize County Judge to process all necessary documentation.


**SPECIAL HANDLING**

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**Attachments**Link: [EPA Stag Grant Amendment](#)

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6-24-10 copy received

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>		ASSISTANCE ID NO.			<b>DATE OF AWARD</b> 06/10/2010  <b>MAILING DATE</b> 06/10/2010  <b>ACH#</b> 66904	
			PRG	DOC ID	AMEND#		
			XP -	96609501	- 1		
			TYPE OF ACTION No Cost Amendment				
<b>RECIPIENT TYPE:</b> County			<b>Send Payment Request to:</b> Las Vegas Finance Center				
<b>RECIPIENT:</b> Fort Bend County 301 Jackson Street Richmond, TX 77469 EIN: 74-6001969			<b>PAYEE:</b> Fort Bend County 301 Jackson Street Richmond, TX 77469				
<b>PROJECT MANAGER</b>		<b>EPA PROJECT OFFICER</b>		<b>EPA GRANT SPECIALIST</b>			
Wendell L. Barnes, P.E. <i>David C. Dybala</i> 301 Jackson Street <i>55 Waugh Dr. #800</i> Richmond, TX 77469 <i>Houston 77007</i> E-Mail: barneswl@c-b.com <i>claudia.dybala@jacobs.com</i> Phone: 713-869-7900		Henry Liao 1445 Ross Avenue, Suite 1200, 6WQ-AP Dallas, TX 75202-2733 E-Mail: Liao.Henry@epamail.epa.gov Phone: 214-665-7149		Jeraldine Englerth Grant Programs Section, 6MD-CG E-Mail: Englerth.Jeraldine@epamail.epa.gov Phone: 214-665-7402			
<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> Fort Bend County Water Infrastructure Improvements This amendment extends the Budget and Project period to 12/31/2011. Additional time is needed to complete the project because it encountered unanticipated environmental conditions at the project site when the Environmental Information Document was developed. Administrative Conditions have been updated.							
<b>BUDGET PERIOD</b> 10/01/2005 - 12/31/2011		<b>PROJECT PERIOD</b> 10/01/2005 - 12/31/2011		<b>TOTAL BUDGET PERIOD COST</b> \$874,728.00		<b>TOTAL PROJECT PERIOD COST</b> \$874,728.00	
<b>NOTICE OF AWARD</b>  Based on your application dated 08/01/2005, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$. EPA agrees to cost-share <u>55.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$481,100. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.							
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>				<b>AWARD APPROVAL OFFICE</b>			
<b>ORGANIZATION / ADDRESS</b>				<b>ORGANIZATION / ADDRESS</b>			
Grant Programs Section, 6MD-CG 1445 Ross Avenue, Suite 1200 Dallas, TX 75202-2733				U.S. EPA, Region 6 Water Quality Protection Division (6WQ) 1445 Ross Avenue Dallas, TX 75202-2733			
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>							
<b>SIGNATURE OF AWARD OFFICIAL</b>		<b>TYPED NAME AND TITLE</b>			<b>DATE</b>		
Digital signature applied by EPA Award Official 		Jerri Englerth, Grants Specialist			06/10/2010		
<b>AFFIRMATION OF AWARD</b>							
<b>BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION</b>							
<b>SIGNATURE</b>		<b>TYPED NAME AND TITLE</b>			<b>DATE</b>		
		The Honorable Robert E. Herbert, Ph.D., County Judge			6-22-2010		

## **AWARD NOTICE**

### **ATTENTION: EPA ASSISTANCE RECIPIENT**

Enclosed are two copies of an assistance agreement or amendment that have been electronically signed by EPA's Award Official. This agreement should be properly reviewed, signed and dated. Please have your designated representative affirm your organization's intent to carry out the agreement by completing the information under the "Affirmation of Award" section of the award documents. After making the affirmation, the designated representative must return one of the award documents to U.S. EPA, Region 6, Grant Programs Section, 6MD-CG, 1445 Ross Avenue, Dallas, TX 75202 within 21 days of receipt in order for grant funds to be made available for draw down.

Failure to return the affirmed award document to EPA within 21 days may result in the termination of your award. If you have any questions, please contact the EPA Grant Specialist named on the assistance agreement/amendment.

**COUNTY JUDGE  
RECEIVED**

**JUN 15 2010**

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 481,100	\$	\$ 481,100
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 393,628	\$	\$ 393,628
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 874,728	\$ 0	\$ 874,728

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.606 - Surveys - Studies - Investigations and Special Purpose Grants	Consolidated Appropriations Act of 2005 (PL 108-447)	40 CFR PART 31

[illegible]

<b>Approved Budget</b>	
<b>Program Element Classification (Construction)</b>	<b>Approved Allowable Budget Period Cost</b>
1. Administration Expense	\$0
2. Preliminary Expense	\$0
3. Land Structure, Right Of Way	\$0
4. Architectural Engineering Basic Fees	\$20,000
5. Other Architectural Engineering Fees	\$15,000
6. Project Inspection Fees	\$60,000
7. Land Development	\$0
8. Relocation Expenses	\$0
9. Relocation Payments to Individuals & Bus.	\$0
10. Demolition and Removal	\$779,728
11. Construction and Project Improvement	\$0
12. Equipment	\$0
13. Miscellaneous	\$0
14. Total (Lines 1 thru 13)	\$874,728
15. Estimate Income	\$0
16. Net Project Amount (Line 14 minus 15)	\$874,728
17. Less: Ineligible Exclusions	\$0
18. Add: Contingencies	\$0
19. Total (Share: Recip <u>45.00%</u> Fed <u>55.00%</u> )	\$874,728
20. TOTAL APPROVED ASSISTANCE AMOUNT	\$481,100

## **Administrative Conditions**

The following Conditions are updated:

5. Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit an annual Federal Financial Report (SF-425) to EPA no later than 90 days following the end of the reporting quarter.

The following reporting period end dates shall be used for interim reports: 3/31, 6/30, 9/30, or 12/31.

At the end of the project, the recipient must submit a final Federal Financial Report to EPA no later than 90 calendar days after the end of the project period. The form is available on the internet at <http://www.epa.gov/ocfo/finservices/forms.htm>. All FFRs must be submitted to the Las Vegas Finance Center: US EPA, LVFC, PO Box 98515, Las Vegas, NV 89193, or by Fax to: 702-798-2423.

The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

EPA may take enforcement actions in accordance with 40 CFR 31.43 if the recipient does not comply with this term and condition.

8. In accordance with OMB Circular A-133, which implements the single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit a copy of the SF-SAC and a Single Audit Report Package. **For fiscal periods 2002 to 2007 recipients are to submit hardcopy to the following address:**

Federal Audit Clearinghouse  
1201 East 10<sup>th</sup> Street  
Jeffersonville, IN 47132

**For fiscal periods 2008 and beyond the recipient MUST** submit a copy of the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the 2008 and beyond Single Audit Submissions you will need to visit the Federal Audit Clearinghouse Web site:  
<http://harvester.census.gov/fac/>

The following Conditions are added:

18. Payment to consultants. EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2010, the limit is \$596.00 per day and \$74.50 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel

reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 31.36(j) or 30.27(b).

19. Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

20. EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its EPA approved budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk.

21. To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.

b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.

c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

Prohibition Statement - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

## **Programmatic Conditions**

All Programmatic Conditions Remain the Same