



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Grants Management Division

m e m o r a n d u m

TO: Elizabeth Tyler, AICP, City Planner/Director

FROM: John Schneider, Manager, Grants Management Division

DATE: December 20, 2005

SUBJECT: **Second Amendment to a City of Urbana Community Development Block Grant Subrecipient Agreement (Family Service of Champaign County Project No. 0405-07)**

Description

Included on the agenda for the December 27, 2005 meeting of the Urbana Community Development Commission is a Second Amendment to the City of Urbana Community Development Block Grant Subrecipient Agreement (Family Service of Champaign County Project No.0405-07). The Amendment would extend the termination date of the agreement for an additional five (5) months.

Issues

The issue is whether the Commission should recommend approval of the proposed Amendment to the Urbana City Council.

Background

On May 23, 2004, the Urbana City Council passed Resolution No. 2004-04-006R approving the *City of Urbana and Urbana HOME Consortium Annual Action Plan FY 2004-2005*.

The FY04/05 Annual Action Plan provided \$12,000 for Family Service of Champaign County to renovate their facility's restrooms and make them more accessible for disabled persons. The agreement called for the project to begin on May 2, 2004 and terminate on December 31, 2005.

In the fall of 2004, Family Service staff informed the City of Urbana that it was unable to raise the balance of funds required for this renovation project. Family Service requested that the City of Urbana consider changing the scope of work for the project from restroom renovation to replacing windows. The window replacement project was within Family Service's current budget.

The Community Development Commission considered the amendment at their January 2005 regular meeting and the Urbana City Council approved the amendment at their March 21, 2005 meeting, which extended the agreement to December 31, 2005. In the fall of 2005, Family Service staff informed the City of Urbana of a delay in starting the project, due to their bidding

process for the project, and requested that the agreement be extended for an additional five (5) months, from December 31, 2005 to May 1, 2006.

Options

1. Recommend that the Urbana City Council approve the proposed amendment.
2. Recommend that the Urbana City Council approve the proposed amendment, with amendments.
3. Do not recommend that the Urbana City Council approve the proposed amendment.

Fiscal Impacts

This amendment would not have any direct fiscal impact because funding for this project was budgeted as part of the FY 2004/05 Annual Action plan process.

The City of Urbana has met its Community Development Block Grant (CDBG) timeliness test. Extending the termination date for this project will not have a negative impact on the City's required expenditure of CDBG funds.

Recommendations

Community Development staff recommends that the Community Development Commission forward the proposed Amendment to the Urbana City Council for approval.

Memorandum Prepared By:

Kelly Hartford
Grants Coordinator II
Grants Management Division

Attachments:

- (1) Second Amendment to a City of Urbana Community Development Block Grant Subrecipient Agreement (Family Service of Champaign County Project No. 0405-07)
- (2) An Ordinance Approving a Second Amendment to a City of Urbana Community Development Block Grant Subrecipient Agreement (Family Service of Champaign County Project No. 0405-07)

SUBRECIPIENT NAME: Family Service of Champaign County
PROJECT NO. 0405-07

**A SECOND AMENDMENT
TO A CERTAIN AGREEMENT BETWEEN THE CITY OF URBANA
AND FAMILY SERVICE OF CHAMPAIGN COUNTY**

This Agreement is made this _____ day of January, 2006, between the City of Urbana, an Illinois Municipal Corporation (hereinafter referred to as the "City"), and Family Service of Champaign County, an Illinois Not-For-Profit Organization (hereinafter referred to as the "Subgrantee").

WITNESSETH:

WHEREAS, the City has been designated as an "Entitlement" by the U. S. Department of Housing and Urban Development under provisions of the Housing and Community Development Act of 1974, as amended, and the City has received an entitlement of funds during the period July 1, 2005 - June 30, 2006, pursuant to the Community Development Block Grant Program (hereinafter referred to as the "CDBG Program"); and

WHEREAS, the Urbana City Council adopted a CDBG Program and budget which authorized funding for bathroom renovation at Family Service of Champaign County; and

WHEREAS, the City has the right and authority under said CDBG Program to extend the effective date of CDBG Agreements; and

WHEREAS, on May 3, 2004, the Urbana City Council passed Resolution No. 2004-04-006R approving the City of Urbana and Urbana HOME Consortium Annual Action Plan for Program Year 2004-2005.

WHEREAS, on March 21, 2005, the Urbana City Council passed Ordinance No. 2005-03-035 amending the City of Urbana and Urbana HOME Consortium Annual Action Plan for Program Year 2004-2005.

WHEREAS, on April 18, 2005, the Urbana City Council passed Ordinance No. 2005-04-055 approving an Amendment to a City of Urbana Community Development Block Grant Program Agreement (Family Service of Champaign County Project No. 0405-07).

WHEREAS, the City and the AGENCY desire to amend said Amendment to the Agreement to clarify certain conditions of said Agreement.

NOW, THEREFORE, for and in consideration of the premises and of the mutual covenants and agreements herein contained, the parties agree as follows:

1. Section 11 of the Agreement is hereby amended to replace the existing Section 11 with a new Section 11 as follows:

The Subgrantee represents to the City that the Project shall begin construction after December 1, 2005 and terminate no later than May 1, 2006.

2. ATTACHMENT B - ASSURANCES, Item 7, is hereby amended to include the following:

- E. Labor Standards. The requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, Sections 103 & 107 of Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) and all other applicable Federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The Subgrantee agrees to comply with the Copeland Anti-Kick Back Act (18 U.S.C. 874 *et seq.*) and its implementing regulations of the U.S. Department of Labor at 29 CFR Part 5. The Subgrantee shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the Grantee for review upon request.
- F. Guidelines for Energy Management / Energy Star. Guidelines have been established regarding energy management using Energy Star and are recommended by both the Dept. Housing & Urban Development and the Illinois Department of Commerce and Economic Opportunity and subgrantees are encouraged to follow these guidelines.
- G. Copyrights. If this contract results in any copyrightable material or inventions, the Grantee and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for governmental purposes.
- H. Patent Rights. Agencies shall use standard patent rights clause specified in “rights to Inventions made by Non-Profit Organizations and Small Business Firms” (37 CFR Part 401), when providing support for research and development.
- I. Clean Air/Clean Water. The Subrecipient agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:
 - a. Clean Air Act, 42 U.S.C. , 7401, *et seq.*;
 - b. Federal Water Pollution Control Act, as amended, 33 U.S.C., 1251, *et seq.*, as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder;
 - c. Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50, as amended.

J. Disbarment & Suspension. Federal agencies shall not award assistance to applicants that are debarred or suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549. Agencies shall establish procedures for the effective use of the List of Parties Excluded from Federal Procurement or Nonprocurement programs to assure that they do not award assistance to listed parties in violation of the Executive Order. Agencies shall also establish procedures to provide for effective use and/or dissemination of the list to assure that their grantees and subgrantees (including contractors) at any tier do not make awards in violation of the nonprocurement debarment and suspension common rule.

3. The CDFA Number for this project is CFDA 14.218 and is incorporated by reference herein.

4. All other provisions of said Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, and have caused this instrument to be executed by their duly authorized officials and corporate seals affixed hereto, all on the day and year first above written.

CITY

SUBGRANTEE

By: _____

By: _____

Attest: _____

Attest: _____

SEAL

SEAL

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SECOND AMENDMENT TO A CITY OF URBANA
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AGREEMENT

(FAMILY SERVICE OF CHAMPAIGN COUNTY
PROJECT NO. 0405-07)

WHEREAS, on May 3, 2004, the Urbana City Council passed Resolution No. 2004-04-006R approving the City of Urbana and Urbana HOME Consortium Annual Action Plan for Program Year 2004-2005 authorizing certain activities under the Housing Rehabilitation Program.

WHEREAS, on March 21, 2005, the Urbana City Council passed Ordinance No. 2005-03-035 amending the City of Urbana and Urbana HOME Consortium Annual Action Plan for Program Year 2004-2005.

WHEREAS on April 18, 2005, the Urbana City Council passed Ordinance No. 2005-07-055 approving said Agreement with the Subgrantee; and

WHEREAS, due to new considerations with regard to the renovation of windows at Family Service of Champaign County, the City and Family Service of Champaign County now desire to make a Second amendment to the CDBG Agreement to extend the effective date of the Agreement; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That the City of Urbana hereby approves A SECOND AMENDMENT TO A CITY OF URBANA COMMUNITY DEVELOPMENT BLOCK GRANT SUBRECIPIENT AGREEMENT (FAMILY SERVICE OF CHAMPAIGN COUNTY PROJECT NO. 0405-07), a copy of which is attached hereto and incorporated herein by reference, and authorizes the Mayor of the City of Urbana to execute the same on behalf of the City of Urbana.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Laurel Lunt Prussing, Mayor