



**CITY OF PORTLAND**  
OFFICE OF MANAGEMENT AND FINANCE  
Sam Adams, Mayor  
Kenneth L. Rust, Chief Administrative Officer  
Jennifer Sims, Director & Chief Financial Officer

Andrew Scott, Manager  
Financial Planning Division  
Financial Services  
1120 S.W. Fifth Avenue, Rm. 1250  
Portland, Oregon 97204-1912  
(503) 823-5707  
FAX (503) 823-5384  
TTY (503) 823-6868

February 9, 2010

183569

To: Grace Uwagbae  
Mayor's Office

From: Eileen Roe, Grants & Contracts Office

Subject: Bureau of Environmental Services –  
U.S. Environmental Protection Agency  
Innovative Wet Weather Infrastructure Project

Council Agenda: scheduled for March 3, 2010

BES would like to accept an amendment to an existing EPA grant for the Innovative Wet Weather Infrastructure Project, adding \$817,000 to the award, for a new grant total of \$3,475,200.

Enclosed is the assistance amendment document that requires the Mayor's signature on the page marked with a red flag. The EPA submission date for this amendment prevents waiting for the acceptance ordinance adoption to request the Mayor's signature on the required document.

Please email me at [eroe@ci.portland.or.us](mailto:eroe@ci.portland.or.us) when the documents are ready to be picked up or if there are questions.

Thank you.

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*An Equal Opportunity Employer*

*To help ensure equal access to programs, services and activities, the Office of Management & Finance will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities upon request.*



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February 10, 2010

183569

COPY

To: Dennis Harper  
City Attorney's Office

From: Eileen Roe, Grants & Contracts Office

Subject: Bureau of Environmental Services –  
U.S. Environmental Protection Agency  
Innovative Wet Weather Infrastructure Project

Tentative Council date for acceptance ordinance: March 3, 2010

BES would like to accept an amendment to an existing EPA grant for the Innovative Wet Weather Infrastructure Project, adding \$817,000 to the award, for a new grant total of \$3,475,200.

The EPA submission date for this amendment prevents waiting for the acceptance ordinance adoption to request the Mayor's signature on the required document. Your office reviewed and stamped the amendment agreement on February 5, 2010, and I delivered it this morning to the Mayor's Office for his signature.

Enclosed is the acceptance ordinance that requires the City Attorney's approval. We would greatly appreciate it if your office could review and approve the ordinance by Thursday afternoon (February 11), so it can continue through the process to get on the March 3<sup>rd</sup> Council calendar.

In accordance with procedure, please review the ordinance and email me at [eroe@ci.portland.or.us](mailto:eroe@ci.portland.or.us) or call (3-6819) when the document is ready to be picked up from your office or if there are questions.

Thank you.


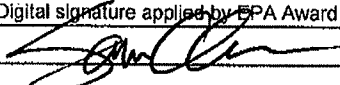
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183569

XP - 97045801 - 5 Page 1

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>		ASSISTANCE ID NO.		DATE OF AWARD 01/29/2010	
			PRG	DOC ID		AMEND#
			XP - 97045801 - 5			MAILING DATE 02/05/2010
			TYPE OF ACTION Revision: Scope & Increase			
RECIPIENT TYPE: Municipal		Send Payment Request to: Las Vegas Finance Center FAX # 702-798-2423				
RECIPIENT: City of Portland 1120 SW 5th Ave, Rm 1250 Portland, OR 97204 EIN: 93-6002236		PAYEE: City of Portland 1120 SW 5th Ave, Rm 1250 Portland, OR 97204				
PROJECT MANAGER Eileen Roe 1120 SW 5th Ave, Rm 1250 Portland, OR 97204 E-Mail: eroe@cl.portland.or.us Phone: 503-823-6819		EPA PROJECT OFFICER Joel Salter 805 SW Broadway, Ste 500, OOO Portland, OR 97205 E-Mail: Salter.Joel@epamail.epa.gov Phone: 503-326-2653		EPA GRANT SPECIALIST Greg Luchey 1200 Sixth Ave, Suite 900, OMP-145 Seattle, WA 98101 E-Mail: Luchey.Greg@epa.gov Phone: 206-553-2967		
<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> Innovative Wet Weather Infrastructure Project  This amendment changes the agreement as follows: Adds \$817,000 of EPA funding, extends the project/budget period to 09/30/2012 and approves the revised budget submitted with the application signed on 12/11/2009. Review terms and conditions for changes.						
BUDGET PERIOD 08/01/2002 - 09/30/2012		PROJECT PERIOD 08/01/2002 - 09/30/2012		TOTAL BUDGET PERIOD COST \$6,350,094.00	TOTAL PROJECT PERIOD COST \$6,350,094.00	
<b>NOTICE OF AWARD</b>  Based on your application dated 12/11/2009, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$817,000. EPA agrees to cost-share 53.10% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$3,475,200. 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.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			ORGANIZATION / ADDRESS U.S. EPA, Region 10 Office of Water and Watersheds 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Aminia Nolan, Manager - Grants and Interagency Agreements Unit		DATE 01/29/2010		
<b>AFFIRMATION OF AWARD</b> BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE 		TYPED NAME AND TITLE Sam Adams, Mayor		DATE 2.10.10		

APPROVED AS TO FORM

  
 CITY ATTORNEY  
 2/5/10

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
	1010MYG017	10	E4C	10M0HHM	202B51E	4192			817,000
									817,000

## Budget Summary Page

Table A - Object Class Category (Non-construction)		Total Approved Allowable Budget Period Cost
1. Personnel		\$928,637
2. Fringe Benefits		\$300,902
3. Travel		\$1,000
4. Equipment		\$0
5. Supplies		\$211,410
6. Contractual		\$810,215
7. Construction		\$3,981,430
8. Other		\$116,500
9. Total Direct Charges		\$6,350,094
10. Indirect Costs: % Base		\$0
11. Total (Share: Recipient <u>46.90</u> % Federal <u>53.10</u> %.)		\$6,350,094
12. Total Approved Assistance Amount		\$3,475,200
13. Program Income		\$0
14. Total EPA Amount Awarded This Action		\$817,000
15. Total EPA Amount Awarded To Date		\$3,475,200

### **Administrative Conditions**

Administrative Conditions changes:

#### **15. Federal Financial Report (FFR)**

Recipients shall submit final Federal Financial Reports (FFR), Standard Form 425 (SF-425), 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 30.62 and 40 CFR 31.43 if the recipient does not comply with this term and condition.

#### **16. Trafficking Victims Protection Act of 2000**

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.

All Other Administrative Conditions Remain the Same

### **Programmatic Conditions**

#### **INFRASTRUCTURE CONDITIONS:**

##### **NEPA**

The U.S. Environmental Protection Agency (EPA) is responsible for compliance with the National Environmental Policy Act (NEPA) promulgated under 40 Code of Federal Regulations (CFR), Part 6. As a recipient of EPA Special Appropriations Act grant funds, the Grantee agrees to furnish information and otherwise cooperate with EPA and the - specific State agency - in any evaluation pursuant to 40 CFR

Part 6. This includes compliance with the NEPA analyses and findings specified in the Categorical Exclusion (CATEX) and/or the Finding of No Significant Impact (FONSI).

The Grantee agrees that the project construction shall be undertaken in accordance with the results of the completed NEPA analyses and findings. This includes, but is not limited to, the implementation of mitigation measures, stipulations, and other requirements EPA identifies as necessary to mitigate the potential environmental impacts of the project as well as ensure compliance with all applicable Executive Orders and "cross-cutters" (e.g., the Endangered Species Act, the National Historic Preservation Act, etc.).

Upon completion of the project, the Grantee agrees to provide EPA written confirmation that the Federally funded project was designed and constructed in conformance with the EPA NEPA document (e.g., CATEX or FONSI). In the event the recipient fails to comply with this condition, EPA may implement the remedies contained in 40 CFR Section 31.43.

#### **EPA Guidance Requirements**

This grant is subject to all requirements listed in the 6/17/08 Guidance for Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY (2008 & 2009) Appropriations Act.

#### **Quarterly Performance Reports**

The recipient shall submit quarterly performance reports, which are due 30 calendar days after the end of each Federal fiscal quarter. (Federal fiscal quarters end the last day of March, June, September, and December.) Reports shall be submitted to the EPA Project Officer and may be provided electronically.

In accordance with 40 CFR Part 30.51(d) and 40 CFR Part 31.40, as appropriate, the recipient agrees to submit performance reports that include brief information on each of the following areas:

- (a) A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period;
- (b) The reasons for slippages if established outputs/outcomes were not met;
- (c) Additional pertinent information, including when appropriate, analysis and information of cost overruns or high unit costs.

In addition to the periodic performance reports, the recipient shall immediately notify the EPA Project Officer of developments that have a significant impact on the award-supported activities. In accordance with 40 CFR Part 30.51(f) and 40 CFR Part 31.40(d), as appropriate, the recipient agrees to inform the EPA Project Officer as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

#### **Final Performance Report**

In addition to the periodic performance reports, the recipient shall submit a final performance report, which is due no later than 90 calendar days after the expiration or termination of the award. The report shall be submitted to the EPA Project Officer and may be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. After completion of the project, the EPA Project Officer may waive the requirement for a final performance report if the EPA Project Officer deems such a report is inappropriate or unnecessary.

All Other Programmatic Conditions remain the same

End of Assistance Agreement No. XP-97045801-5

183569

Award Condition Text