

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-092

Approving the EPA Assistance Grant Amendment Extension for the Clean-Up of 1949 SE Division

The Multnomah County Board of Commissioners Finds:

- a. On September 10, 2003 the county was awarded a Federal EPA Grant in the amount of \$200,000 with a County matching requirement of \$40,000 for a total of \$240,000 to clean up a certain tax foreclosed property, the former gas station at 1949 SE Division. The project period of the Grant was 1/01/2004 to 01/30/2006.
- b. The County entered into an intergovernmental agreement (IGA) with the City of Portland; to oversee the environmental clean up under the City's Brownfield's Program. The City contracted with Hahn and Associates to complete the environmental testing and clean-up.
- c. Due to numerous delays occurring before the actual clean-up could start and after additional contamination was discovered, an extension of the grant period was requested of the EPA and obtained to extend the project period to 1/30/2007 and the IGA was extended to 12/31/2006. The City completed its work on 12/31/2006 and the County is now overseeing the project.
- d. The County obtained an exemption from the public contracting rules to keep Hahn and Associates working on the project and entered into a contract with them for further testing and sampling work. The EPA granted a second extension through 9/30/2007. In 2007, the Oregon DEQ directed that more testing and sampling work be done at an adjacent property, which work was done in the Summer of 2007; and also in December 2007.
- e. In late 2007, the EPA granted a third extension through June 30, 2008. Hahn and Associates contract with the County was amended and the firm conducted the testing and sampling work mentioned above. However, to date there has not been a final determination made by DEQ and the agency has requested further analysis of the test results and or additional in field work.
- f. The County needs to have the remaining EPA grant funds available to help fund the County's contractor performance of additional consulting or testing services as necessary to comply with DEQ's requirements.

- g. In light of these developments, the EPA has granted a fourth extension through June 30, 2009, a copy of the EPA Grant Fourth Amendment extension is attached identified as Exhibit A.
- h. The extension of the time period for the Assistance Grant from EPA provides the County and our contractor the time to complete any additional services as necessary to assist the County in obtaining a "No Further Action" letter from the DEQ.
- i. The County has approximately \$38,000 left of EPA grant funds.

The Multnomah County Board of Commissioners Resolves:

- 1. The Chair is authorized to execute the EPA Grant Fourth Amendment in substantially the form as the attached Exhibit A; extending the grant period until June 30, 2009.

ADOPTED this 26th day of June, 2008.

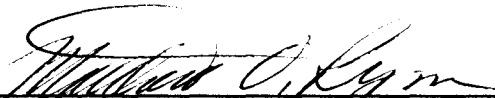


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair


REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Dept. of Community Services

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		ASSISTANCE ID NO.		DATE OF AWARD 05/28/2008	
			PRG	DOC ID		AMEND#
			BF - 97068501 - 4			MAILING DATE 05/28/2008
			TYPE OF ACTION No Cost Amendment			
PAYMENT METHOD:			ACH# X0234			
RECIPIENT TYPE: County			Send Payment Request to: Las Vegas Finance Center FAX # 702-798-2423			
RECIPIENT: Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208 EIN: 93-6002309			PAYEE: Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208			
PROJECT MANAGER Gary Thomas P.O. Box 2716 Portland, OR 97208 E-Mail: Phone: 503-988-3580		EPA PROJECT OFFICER Mike Slater 805 SW Broadway, Suite 500, ECL-000 Portland, OR 97205 E-Mail: Slater.Mike@epa.gov Phone: 503-326-5872		EPA GRANT SPECIALIST Kathy Tsing-Choy Grants Administration Unit, OMP-145 E-Mail: Tsing-Choy.Kathy@epa.gov Phone: 206-553-4688		
PROJECT TITLE AND EXPLANATION OF CHANGES BF-97068501-0 Multnomah County This amendment extends time to 06/30/2009.						
BUDGET PERIOD 01/01/2004 - 06/30/2009		PROJECT PERIOD 01/01/2004 - 06/30/2009		TOTAL BUDGET PERIOD COST \$240,000.00		
				TOTAL PROJECT PERIOD COST \$240,000.00		
<p align="center">NOTICE OF AWARD</p> <p>Based on your application dated 07/08/2003, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$0. EPA agrees to cost-share 83.33% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$200,000. 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.</p>						
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 Environmental Cleanup 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 Katherine Tsing-Choy, Grants Specialist		DATE 05/28/2008		
AFFIRMATION OF AWARD						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE		TYPED NAME AND TITLE Ted Wheeler, Chair, Board of County Commissioners		DATE		

EPA Funding Information

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 200,000	\$ 0	\$ 200,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 40,000	\$	\$ 40,000
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 240,000	\$ 0	\$ 240,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 101(39) CERCLA: Sec. 104(k)(3)	40 CFR PART 31

[illegible]

Budget Summary Page: Special Needs Housing for the Physically Disabled

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$16,750
2. Fringe Benefits	\$0
3. Travel	\$350
4. Equipment	\$0
5. Supplies	\$500
6. Contractual	\$218,400
7. Construction	\$0
8. Other	\$4,000
9. Total Direct Charges	\$240,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient 16.67 % Federal 83.33 %)	\$240,000
12. Total Approved Assistance Amount	\$200,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$0
15. Total EPA Amount Awarded To Date	\$200,000

Administrative Conditions

Condition number 15 and 16 are ADDED:

15. Reimbursement Limitation

If the recipient expends more than the amount of federal funding in its EPA approved budget in anticipation of receiving additional funds from EPA, it does so at its own risk. EPA is not legally obligated to reimburse the recipient for costs incurred in excess of the EPA approved budget.

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

All Programmatic Conditions Remain the Same

END OF ASSISTANCE AGREEMENT NO. BF-970685-01-4