

**AMENDMENT NO: 5
TO AGREEMENT
BETWEEN
CITY OF MINOT AND PROGRAM ADMINISTRATOR**

This Amendment No: 5 is made and entered into this 1st day of July, 2016 to the Agreement between CDM Smith Inc. (CDM Smith) ("Program Administrator") and City of Minot ("OWNER") dated May 6, 2013, ("the Agreement").

WHEREAS, PROGRAM ADMINISTRATOR and OWNER entered into the Agreement for Community Development Block Grant Disaster Recovery Management Services for Minot CDBG-DR Allocation #2, and

WHEREAS, the parties desire to amend the Agreement so as to amend the scope of work, time periods of performance and payment, and/or responsibilities of OWNER; and

WHEREAS, the Agreement provides that any amendments shall be valid only when expressed in writing and signed by the parties.

NOW THEREFORE, in consideration of the mutual understandings and Agreements contained herein, the parties agree to amend the Agreement as follows:

1. The Basic Services of PROGRAM ADMINISTRATOR as described in the Agreement are amended and supplemented as follows:

Acquisition activity project delivery services are increased under this contract; for those services originally to be provided under HUD Allocation #1 contract.

2. The responsibilities of OWNER as described in the Agreement are amended and supplemented as follows:

The City activity budgets will be decreased in the same amount, allowing for the Acquisition project delivery services in this contract.

3. The time periods for the performance of PROGRAM ADMINISTRATOR's services as set forth in the Agreement are amended and supplemented as follows:

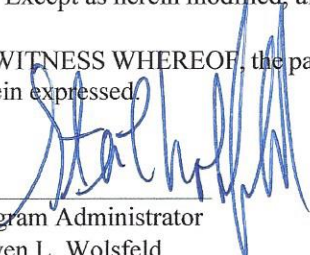
The contract end date is extended to October 29, 2016.

4. The payment for services rendered by PROGRAM ADMINISTRATOR shall be as set forth below:

The current contract amount is \$6,871,705 and is hereby increased by \$240,000 to a new not to exceed contract upper limit of \$7,111,705 per Attachment #1.

5. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this amendment on the date indicated above for the purpose herein expressed.



Program Administrator
Steven L. Wolsfeld
Vice President
DATE: July 5, 2016



City of Minot
Chuck Barney
Mayor
DATE: July 5, 2016

City of Minot, ND
Community Development Block Grant Disaster Recovery
Management Services-Allocation #2

Amendment No. 5 - Attachment No.1

Scope of Services

CDM Smith

June 30, 2016

Task 1: Buyout Program Services

CDM Smith will provide continued services to complete the current housing buyout program. Services include:

- community and applicant informational workshops
- application intake
- eligibility determination
- third-party verifications of other sources of funds
- assessment and verification of duplication of benefits
- environmental reviews
- file documentation
- appraisals
- title work
- property owner negotiations
- coordination and conducting of property closings
- award calculations and allocations
- assistance with the procurement of contractors for demolition
- payment processing
- development of RFP's for demolition contractors
- CDBG-DR program requirement related compliance oversight of the demolition contractors

1.1 Relocation Services for Buyout Program

Continued relocation services are to be provided in accordance with 49 CFR Part 24 Uniform Relocation Assistance and Real Property Act Acquisition for Federal and Federally-Assisted Programs Act also known as the Uniform Act.

1.1.1 Residential Relocation Services

Eligibility for relocation assistance shall begin on the date of a notice of intent to acquire or at the initiation of negotiations, whichever occurs first. Promptly after the initiation of negotiations, those eligible for relocation assistance will be notified in writing of their eligibility for applicable relocation assistance.

For residential displacements the notice shall include information on at least one and preferably three or more comparable replacement dwellings. These comparable dwellings will also be used in determining the maximum replacement housing payment for which the occupant may qualify.

Owner-occupants can receive up to four residential relocation benefits:

- *Replacement Housing Payment
- *Costs Incidental to the Purchase of a Replacement Property
- *Interest Differential
- *Moving Costs

Tenants can be eligible for the following relocation benefits:

- *Rental Supplement Payment
- Or
- Down Payment and Costs Incident to Purchase
- *Moving

The replacement housing payment or rental supplement payment will be determined for each dwelling unit. After obtaining the City's approval for the payment, the Relocation Specialist will meet in person with the occupants and present the payment in writing. At this meeting, the benefits, the eligibility requirements and the time frames will be explained.

The occupants will be assisted in locating replacement dwellings as well as filing claims for relocation benefits. In addition the Relocation Specialist will provide Advisory Assistance including providing information on financing, pros and cons of buying versus renting and pitfalls of which they need to be aware.

1.1.2 Landlord Re-Establishment

Persons who own real estate, being acquired for the project, which they lease to others, may be eligible to receive a payment not to exceed \$10,000 to assist them in re-establishing a replacement rental property.

Each owner who falls into the category will be met with to determine eligibility. If it is determined the real estate owner may qualify for the payment, detailed information will be provided, as to the requirements to receive the payment and assist the owner in claiming benefits.

1.1.3 Personal Property Move

There may be certain instances where a person may not occupy the real estate but has personal property that needs to be moved due to the project. These persons are eligible for the payment of the actual, reasonable and necessary costs to move that personal property.

The Relocation Specialist will work the owner of the personal property to explain their potential eligibility, their responsibilities and time frames for completing the move.

1.1.4 General Relocation Duties

The Relocation Specialist will assist the occupants as needed in the completion of all paperwork necessary to claim relocation benefits and documentation necessary to support such claims.

When delivering an offer of relocation benefits, the Relocation Specialist will also deliver an advisory 90-day notice to vacate. This notice advises the occupant that they will have at least 90 days from that particular date before they are required to move from the acquired site. At the time the City acquires the site, the Relocation Specialist will send the occupants a final 30-day notice to vacate. This notice must give the occupants at least 30 additional days to remain in possession of the site. The final vacate date cannot be less than 90 days from the date the occupant received the original 90-day advisory notice.

The displacees have one year from the date they vacate the acquired property to meet the qualification criteria for receiving relocation benefits. Displaced persons are also allowed an additional six months to claim benefits beyond the one year qualification time frame. The Relocation Specialist will provide services as needed to ensure all displaced persons receive relocation advisory services throughout the 18 month period that extend beyond the vacate date.

Relocation claims will be reviewed by another Relocation Specialist or manager prior to submittal for payment. This is part of the QA/QC process on the project. When the relocation process is complete, the City will be provided a completed file containing all of the relocation contact logs, reports and claims.

Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced received consistent treatment and the duplication of functions is minimized.

Task 2: Acquisition Program Services

CDM Smith will continue to provide a comprehensive housing acquisition program. Services to be continued include:

- community and applicant informational workshop
- application intake
- eligibility determination
- third-party verifications of other sources of funds
- assessment and verification of duplication of benefits
- environmental reviews
- file documentation
- appraisals
- title work
- property owner negotiations
- coordination and conducting of property closings
- award calculations and allocations
- assistance with the procurement of contractors for demolition
- payment processing
- development of RFP's for demolition contractors

- CDBG-DR program requirement related compliance oversight of the demolition contractors

2.1 Relocation Services for Involuntary Acquisition Program

All services are to be provided in accordance with 49 CFR Part 24 Uniform Relocation Assistance and Real Property Act Acquisition for Federal and Federally-Assisted Programs Act also known as the Uniform Act.

2.1.1 Residential Relocation Services

Eligibility for relocation assistance shall begin on the date of a notice of intent to acquire or at the initiation of negotiations, whichever occurs first. Promptly after the initiation of negotiations, those eligible for relocation assistance will be notified in writing of their eligibility for applicable relocation assistance.

For residential displacements the notice shall include information on at least one and preferably three or more comparable replacement dwellings. These comparable dwellings will also be used in determining the maximum replacement housing payment for which the occupant may qualify.

Owner-occupants can receive up to four residential relocation benefits:

- *Replacement Housing Payment
- *Costs Incidental to the Purchase of a Replacement Property
- *Interest Differential
- *Moving Costs

Tenants can be eligible for the following relocation benefits

- *Rental Supplement Payment
- Or
- Down Payment and Costs Incident to Purchase
- *Moving

The replacement housing payment or rental supplement payment will be determined for each dwelling unit. After obtaining the City's approval for the payment, the Relocation Specialist will meet in person with the occupants and present the payment in writing. At this meeting, the benefits, the eligibility requirements and the time frames will be explained.

The occupants will be assisted in locating replacement dwellings as well as filing claims for relocation benefits. In addition the Relocation Specialist will provide Advisory Assistance including providing information on financing, pros and cons of buying versus renting and pitfalls of which they need to be aware.

2.1.2 Landlord Re-Establishment

Persons who own real estate, being acquired for the project, which they lease to others, may be eligible to receive a payment not to exceed \$10,000 to assist them in re-establishing a replacement rental property.

Each owner who falls into the category will be met with to determine eligibility. If it is determined the real estate owner may qualify for the payment, detailed information will be provided, as to the requirements to receive the payment and assist the owner in claiming benefits.

2.1.3 Personal Property Move

There may be certain instances where a person may not occupy the real estate but has personal property that needs to be moved due to the project. These persons are eligible for the payment of the actual, reasonable and necessary costs to move that personal property.

The Relocation Specialist will work the owner of the personal property to explain their potential eligibility, their responsibilities and time frames for completing the move.

2.1.4 General Relocation Duties

The Relocation Specialist will assist the occupants as needed in the completion of all paperwork necessary to claim relocation benefits and documentation necessary to support such claims.

When delivering an offer of relocation benefits, the Relocation Specialist will also deliver an advisory 90-day notice to vacate. This notice advises the occupant that they will have at least 90 days from that particular date before they are required to move from the acquired site. At the time the City acquires the site, the Relocation Specialist will send the occupants a final 30-day notice to vacate. This notice must give the occupants at least 30 additional days to remain in possession of the site. The final vacate date cannot be less than 90 days from the date the occupant received the original 90-day advisory notice.

The displacees have one year from the date they vacate the acquired property to meet the qualification criteria for receiving relocation benefits. Displaced persons are also allowed an additional six months to claim benefits beyond the one year qualification time frame. The Relocation Specialist will provide services as needed to ensure all displaced persons receive relocation advisory services throughout the 18 month period that extend beyond the vacate date.

Relocation claims will be reviewed by another Relocation Specialist or manager prior to submittal for payment. This is part of the QA/QC process on the project. When the relocation process is complete, the City will be provided a completed file containing all of the relocation contact logs, reports and claims.

Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced received consistent treatment and the duplication of functions is minimized.