

**FIRST AMENDMENT TO
THE SUB-RECIPIENT AGREEMENT BETWEEN CITY OF MINOT (GRANTEE) AND
PROJECT BEE (SUB-RECIPIENT)
FOR THE CDBG-NATIONAL DISASTER RESILIENCE PROGRAM**

THIS FIRST AMENDMENT to the Subrecipient Agreement between the City of Minot (Grantee) and Project Bee (Subrecipient) for National Disaster Resilience Program funding to develop a Family Homeless Shelter with 6 (six) emergency shelter units for low and moderate-income (LMI) households is made and entered into effective as of 20 day of December, 2021 (the “Amendment Effective Date”), by and between the Grantee and Subrecipient (each a “Party” and collectively “the Parties”).

WHEREAS, the City and Subrecipient entered into a Subrecipient Agreement (the “Agreement”) to use National Disaster Resilience Program funding to develop a Family Homeless Shelter with 6 (six) emergency shelter units for low and moderate-income (LMI) households on November 23, 2021; and

WHEREAS, the Parties desire to now amend the Agreement in the manner reflected herein to designate the Grantee’s primary contract manager as The NDR Program Manager; and

WHEREAS, the Parties also desire to amend the Period of Performance, Performance Goals, and other Timelines under the Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein, the Parties, intending to be legally bound, hereby agree as follows, effective as of the Amendment Effective Date first written above:

The paragraphs on Pages 2-3 of the Agreement regarding the “Contract Manager” is hereby deleted and replaced in its entirety with the following:

A. Contract Manager

The NDR Program Manager will serve as the Grantee’s primary contract manager for this project. The NDR Program Manager may designate a day-to-day contract manager for the project. All reports, notices, and other communications required under or related to this subrecipient agreement shall be directed to the individuals identified below. The NDR Program Manager will be the final approver of project draw requests, notices to terminate the contract as provided herein, and will approve all changes except those that increase the total contract amount which must be approved by the NDR Program Manager and the Minot City Council.

City of Minot Contract Manager:
NDR Program Manager, City of Minot
Address: P.O. Box 5006, Minot, ND 58703
Phone: 701-857-4709

Project Bee:
Project Contract Manager: Elizabeth Larson,
Executive Director, Project BEE
Address: 400 E. Central Ave., Suite 302
Phone: 701-838-1812
Email: Liz@projectbeend.org

The paragraph on Page 5 of the Agreement regarding the “Period of Performance” and “Performance Goals and Timelines” are hereby deleted and replaced in their entirety with the following:

F. Period of Performance

The period of performance for all activities assisted and funded by this Agreement shall commence on the execution date of the initial Agreement by the Grantee and be completed by May 31, 2023 except for those activities required for closeout which shall be completed by July 15, 2023 and those activities required for compliance with the National Objective shall be completed by the end of the Affordability Period.

G. Performance Goals and Timelines

The Sub-recipient shall complete the activities required under this Agreement in accordance with the following timeframes and performance goals associated with each of the activities with dates to be adjusted as required through the environmental review process. If necessary, dates will automatically be adjusted based on the date of issuance by HUD of the RROF:

<u>TASK</u>	<u>TIMELINE</u>	<u>DELIVERABLE</u>
Development and Completion of Plans and Specification	January 1-31, 2022	Approved Plans and Specifications
Procure Bids	February 1 -- March 15, 2022	Bid Opening
Selection of Contractor	March 15 – March 31, 2022	Contract Award
Notice to Proceed	April 30, 2022	Notice to Proceed Letter
Completion of Construction	May 31, 2023	Punch List and Final Payment
Construction Project Close-out	July 15, 2023	Completed Close Out Documents
Compliance with National Objective	Affordability Period	Quarterly Reports

Additionally, the Subrecipient must attend a mandatory kick-off meeting with the Grantee within 28 days of the signed contract.

This Amendment may be executed in one or more facsimile, electronic or original counterparts, each of which shall be deemed an original and both of which together shall constitute the same instrument.

All terms and provisions of the Agreement not amended hereby, either expressly or by necessary implication, shall remain in full force and effect. From and after the date of this Amendment, all references to the term “Agreement” in this Amendment or the original Agreement shall also include the terms contained in the First and Second Amendments to the original Agreement. To the extent there should be any conflict between the terms of the Agreement and the Amendments to the agreement, the terms and provisions of the most recent Amendment shall govern and control.

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment to the Agreement effective as of the Amendment Effective Date.

Project BEE

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

On this 6th day of December, 2021 before me personally appeared Elizabeth Larsen, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

JESSICA LUCY BIEL
Notary Public
State of North Dakota
My Commission Expires October 20, 2024

Jessica Lucy Biel

Notary Public, Ward County,
North Dakota.

My Commission Expires: October 20, 2024

City of Minot

Jean Sima
Mayor

STATE OF NORTH DAKOTA)
) ss
COUNTY OF Ward)

On this 20 day of December, 2021 before me personally appeared _____, known to me to be the person who is described in, and who executed the within and foregoing instrument and who acknowledged to me that he executed the same.

(seal)

ANNA SCHRAEDER
Notary Public
State of North Dakota
My Commission Expires Aug. 6, 2025

Anna Schraeder
Anna Schraeder

Notary Public, Ward County,
North Dakota.

My Commission Expires: August 6, 2025

JESSICA LUCY BIEL
Notary Public
State of North Dakota
My Commission Expires October 30, 2024

JESSICA LUCY BIEL
Notary Public
State of North Dakota
My Commission Expires October 30, 2024