

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Grant Agreement</b>	<b>GRANT NUMBER (FAIN):</b> 00E02969 <b>MODIFICATION NUMBER:</b> 0 <b>PROGRAM CODE:</b> L9	<b>DATE OF AWARD</b> 06/07/2021
		<b>TYPE OF ACTION</b> New	<b>MAILING DATE</b> 06/14/2021
		<b>PAYMENT METHOD:</b> ASAP	<b>ACH#</b> 50040
		<b>RECIPIENT TYPE:</b> Municipal	
<b>RECIPIENT:</b> CTY BEN HAR - City of Benton Harbor 200 East Wall Street Benton Harbor, MI 49022 <b>EIN:</b> 38-6004537		<b>PAYEE:</b> City of Benton Harbor 200 East Wall Street Benton Harbor, MI 49022	
<b>PROJECT MANAGER</b> Jason Marquardt 95 West Main Street Benton Harbor, MI 49022 <b>E-Mail:</b> jmarquardt@abonmarche.com <b>Phone:</b> 269-926-4565		<b>EPA PROJECT OFFICER</b> Andrew Bielanski 77 West Jackson Blvd., WS-15J Chicago, IL 60604 <b>E-Mail:</b> Bielanski.Andrew@epa.gov <b>Phone:</b> 312-886-0208	
<b>EPA GRANT SPECIALIST</b> Karen Sykes Assistance Section, MA-10J <b>E-Mail:</b> Sykes.Karen@epa.gov <b>Phone:</b> 312-886-7571			
<b>PROJECT TITLE AND DESCRIPTION</b> City of Benton Harbor Lead Service Lines Replacement Project  The agreement assists Benton Harbor, Michigan to develop and implement improvement investments through projects that will reduce lead exposure in drinking water by replacing hundreds of lead service lines in Benton Harbor, Michigan.			
<b>BUDGET PERIOD</b> 04/01/2021 - 04/01/2025	<b>PROJECT PERIOD</b> 04/01/2021 - 04/01/2025	<b>TOTAL BUDGET PERIOD COST</b> \$6,174,444.00	<b>TOTAL PROJECT PERIOD COST</b> \$6,174,444.00
<b>NOTICE OF AWARD</b>  Based on your Application dated 03/23/2021 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$5,557,000.00. EPA agrees to cost-share 90.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$5,557,000.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>		<b>AWARD APPROVAL OFFICE</b>	
<b>ORGANIZATION / ADDRESS</b> U.S. EPA Region 5 Mail Code MCG10J 77 West Jackson Blvd. Chicago, IL 60604-3507		<b>ORGANIZATION / ADDRESS</b> EPA R5, Water Division R5 - Region 5 77 West Jackson Blvd., W-15J Chicago, IL 60604-3507	
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>			
<b>Digital signature applied by EPA Award Official</b> William Massie - Chief, Acquisition and Assistance Branch			<b>DATE</b> 06/07/2021

## EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$0	\$5,557,000	\$5,557,000
EPA In-Kind Amount	\$0	\$0	\$0
Unexpended Prior Year Balance	\$0	\$0	\$0
Other Federal Funds	\$0	\$0	\$0
Recipient Contribution	\$0	\$617,444	\$617,444
State Contribution	\$0	\$0	\$0
Local Contribution	\$0	\$0	\$0
Other Contribution	\$0	\$0	\$0
Allowable Project Cost	\$0	\$6,174,444	\$6,174,444

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.443 - Reducing Lead in Drinking Water (SDWA 1459B)	Safe Drinking Water Act: Sec. 1459B	2 CFR 200, 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2105PKX003	20	E4	05P3	000BL9	4102	-	-	\$5,557,000
									\$5,557,000

## Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$6,174,444
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$6,174,444
10. Indirect Costs: 0.00 % Base null	\$0
11. Total (Share: Recipient <u>10.00</u> % Federal <u>90.00</u> %)	\$6,174,444
12. Total Approved Assistance Amount	\$5,557,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$5,557,000
15. Total EPA Amount Awarded To Date	\$5,557,000

## **Administrative Conditions**

### **National Administrative Terms and Conditions**

#### **General Terms and Conditions**

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-november-12-2020-or-later>.

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

#### **A. Correspondence Condition**

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): [rtpfc-grants@epa.gov](mailto:rtpfc-grants@epa.gov) and Karen Sykes @ [region5closeouts@epa.gov](mailto:region5closeouts@epa.gov)
- MBE/WBE reports (EPA Form 5700-52A): Krista Galvin @ [region5closeouts@epa.gov](mailto:region5closeouts@epa.gov)
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications:  
**Andrew Bielanski - [bielanski.andrew@epa.gov](mailto:bielanski.andrew@epa.gov)**

#### **B. Pre-Award Costs**

In accordance with 2 CFR 1500.9, the recipient may charge otherwise allowable pre-award costs (both Federal and non-Federal matching shares) incurred from **April 1, 2021** to the actual award date provided that such costs were contained in the approved application and all costs are incurred within the approved budget period.

## **Programmatic Conditions**

### **A. PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORT**

In accordance with [2 CFR 200.329](#), the recipient agrees to submit performance reports that include brief information on each of the following areas: 1) A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period; 2) The reasons why established outputs/outcomes were not met; and 3) Additional pertinent information, including, when appropriate, analysis and explanation of cost overruns or high-unit costs. Additionally, the recipient agrees to inform EPA as soon as problems, delays, or adverse conditions which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan are known.

Project Officers will provide an outline of the semi-annual and final report requirements regarding performance and progress.

If a project start date falls within a defined reporting period the recipient must report for that period by the given due date. This semi-annual reporting schedule shall be repeated for the duration of the award agreement.

Requests for extensions of reporting requirements must be managed in a manner so as to ensure that Federal funding is expended, and associated programs are implemented in full accordance with U.S. statutory and public policy requirements under [2 CFR 200.300 – 200.309](#). Requests are to be made to the Project Officer in writing at least 14 days prior to when the report is due.

Project Officers will provide a sample of reporting measures and/or elements 45 days after the final award package and 45 days after all applicable quality assurance measures have been met and approved.

The final project report will include all categories of information required for semi-annual reporting, including a final remediation/replacement and follow-up monitoring actions description. The final project report will also include: a narrative summary of the project or activity, the successes and lessons learned for the entire project. Results including specific outputs and outcomes detailed in the project workplan (including any sustainability commitments), and final replacement/remediation results and improvements as calculations. To the extent possible, final calculations should be based on the actual number and types of remediations/replacements completed under the implementation of the award. This description should include a measurement on population impact using a framework that demonstrate resource allocation measures and the extent in which they directly and indirectly contribute to the reduction in lead exposure via drinking water to the community. The final report shall be submitted to the EPA Project Officer within 120 days after the project period end date or termination of the assistance agreement. A template for the final report is available through the regional points of contact.

#### **Frequency of Performance Reports**

The recipient agrees to submit, semi-annually, performance reports electronically to the EPA

Project Officer within 30 days after the reporting period (every six-month period).

The reporting periods are June 30th and December 31st.

## **B. CYBERSECURITY GRANT CONDITION FOR OTHER RECIPIENTS**

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition. If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.332(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

## **C. FINAL APPROVED WORKPLANS AND MODIFICATIONS**

Recipient agrees to carry out the project in accordance with the final approved workplan. Recipients are required to report deviations from budget or project scope or objective and must request prior written approval from the EPA Award Official or Grants Management Officer.

## **D. DAVIS-BACON (DB)**

For the purposes of this term and condition, each recipient of the grant award under SDWA 1459B shall provide reasonable assurance that all laborers and mechanics employed in the performance of the project for which the assistance is provided, including those employed by contractors or subcontractors, will be paid wages at rates not less than those prevailing on

similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the `Davis-Bacon Act'). Recipients with questions regarding when DB applies, obtaining the correct DB wage determinations, DB contract provisions, or DB compliance monitoring, should contact the EPA Project Officer for guidance.

## **E. SIGNAGE REQUIRED**

### **Signage Requirements**

The recipient is required to place a sign at construction sites supported under this award displaying the EPA logo in a manner that informs the public that the project is funded in part or wholly by the EPA. The sign must be placed in a visible location that can be directly linked to the work taking place and must be maintained in good condition throughout the construction period.

Recipients are required to comply with the sign specifications provided by the EPA Office of Public Affairs (OPA) available at: <https://www.epa.gov/grants/epa-logo-seal-specifications-signage-produced-epa-assistance-agreement-recipients>. If the EPA logo is displayed along with the logos of other participating entities, the EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with a statement indicating that the recipient received financial assistance from EPA for the project. As provided in the sign specifications from OPA, the EPA logo is the preferred identifier for assistance agreement projects and use of the EPA seal requires prior approval from the EPA. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer in the communication. Instructions for contacting OPA is available at: <https://www.epa.gov/stylebook/using-epa-seal-and-logo>.

State agencies and agencies of political subdivisions of states must comply with [2 CFR 200.323](#), Procurement of recovered materials when procuring signage for projects funded by EPA assistance agreement. EPA encourages other recipients to use recycled or recovered materials when procuring signs.

Signage costs are considered an allowable cost under this assistance agreement provided that the costs associated with signage are reasonable. Additionally, to increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to translate the language on signs (excluding the EPA logo or seal) into the appropriate non-English language(s). The costs of such translation are allowable, provided the costs are reasonable.

### **Public or Media Events**

The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days'

notice.

## F. USE OF LOGOS

If the EPA logo is appearing along with logos from other participating entities on websites, outreach materials, or reports, it must not be prominently displayed to imply that any of the recipient or subrecipient's activities are being conducted by the EPA. Instead, the EPA logo should be accompanied with a statement indicating that the **City of Benton Harbor** received financial support from the EPA under an Assistance Agreement. More information is available at: <https://www.epa.gov/stylebook/using-epa-seal-and-logo#policy>