

**AMENDMENT NO. 1 TO
TEXAS DEPARTMENT OF RURAL AFFAIRS
CONTRACT NO. DRS010146 FOR
CDBG DISASTER RECOVERY NON-ENTITLEMENT GRANT PROGRAM**

STATE OF TEXAS

COUNTY OF TRAVIS

SECTION 1

The Texas Department of Rural Affairs, an agency of the State of Texas, hereinafter referred to as "TDRA", and the County of Polk, hereinafter referred to as "Grantee", do hereby contract and agree to amend their original executed contract, as initially executed by the Executive Director of TDRA effective August 3, 2010, for the performance of disaster recovery activities.

SECTION 2

The parties hereto agree to amend the contract identified in Section 1 above by deleting in its entirety the first paragraph of SECTION 4, CONTRACT AMOUNT and FUNDING ALLOCATION, and replacing it with the following:

SECTION 4. CONTRACT AMOUNT and FUNDING ALLOCATION

Notwithstanding any other provision of this Contract, the total of all payments and other obligations incurred by TDRA under this Contract shall not exceed the sum of Six Million Seven Hundred Seventy-Five Thousand Seven Hundred Fifty-Eight Dollars (\$6,775,758), reflecting the total allocation of disaster recovery funds to Grantee. This contract allocation includes a maximum of \$461,300 for engineering/architectural services, and a maximum of \$306,333 for planning/project delivery costs that will be distributed in the manner described below.

SECTION 3

The parties hereto agree to amend the contract identified in Section 1 above by deleting in its entirety Exhibit A, Performance Statement, and replacing it with the Performance Statement that is attached to this amendment as Exhibit A, and hereby made a part of the contract. Exhibit A consists of four (4) pages.

SECTION 4

The parties hereto agree to amend the contract identified in Section 1 above by deleting in its entirety Exhibit B, the Budget, and replacing it with the Budget that is attached to this amendment as Exhibit B, and hereby made a part of the contract. Exhibit B consists of three (3) pages.

SECTION 5

The parties hereto agree to amend the contract identified in Section 1 above by deleting in its entirety Exhibit E, Project Implementation Schedule, and replacing it with revised Exhibit E that is attached hereto and made a part of this contract. Exhibit E consists of three (3) pages.

SECTION 6

The parties hereto agree to amend the contract identified in Section 1 above by revising SECTION 22. SPECIAL CONDITIONS, to include the following:

V. Use of Local Funds. Prior to TDRA's release of funds, Grantee shall submit to TDRA documentation (i.e., a resolution or executed contract) of its local funding commitment of \$4,865,800 for completion of the project funded under this Contract.

SECTION 7

The parties hereto agree that this amendment shall become effective on the date of signature of this amendment by TDRA.

SECTION 8

The parties hereto agree that all of the terms of the contract identified in Section 1 above shall remain in effect and shall continue to govern except to the extent that they conflict with the terms of this amendment.

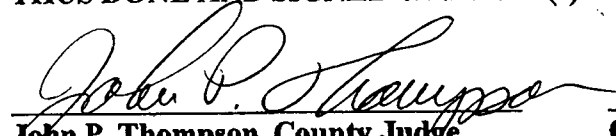
SECTION 9

The parties hereto agree that nothing in this amendment shall be construed as authorizing any violation of federal, state or local laws or regulations as they pertain to the contract identified in Section 1 above.

SECTION 10

By the signing of this amendment, the parties hereto expressly understand and agree that this amendment shall become a part of the contract identified above in Section 1 above as though it were set forth word for word therein.

THUS DONE AND SIGNED on the date(s) below:



John P. Thompson, County Judge
County of Polk

Charles S. (Charlie) Stone, Executive Director
Texas Department of Rural Affairs

10/12/2010

Date

Date

This contract amendment is not effective unless signed by the Executive Director of the Texas Department of Rural Affairs, or his authorized designee.

AMENDMENT NO. 1**EXHIBIT A****CONTRACT NO. DRS010146****PERFORMANCE STATEMENT****County of Polk**

Grantee shall carry out the following activities in the target area identified in its 2008 Texas CDBG Disaster Recovery Supplemental Grant application to aid areas most impacted and distressed by Hurricanes Ike or Dolly. The persons to benefit from the activities described in this Performance Statement must be receiving service or a benefit from the use of the new or improved facilities and activities for the contract obligations to be fulfilled. Grantee shall ensure that the amount of funds expended for each activity described does not exceed the amount specified for such activity in Exhibit B, Budget.

As a result of Hurricane Ike on September 13, 2008, the county's water plant and public shelters failed to function. The failure to function was due to loss of normal electrical power service for several days. The failure of these facilities to function threatened the public health, safety, and welfare of all served by these facilities due to lack of a potable water supply and compromised emergency services. The county is in need of adequately-sized generators that will serve as a backup power supply to operate these facilities.

Also, as a result of Hurricane Ike, several county roads and bridges were submerged by flood waters that overwhelmed the existing drainage system and caused the road to fail to function as the primary access for the area. The failure of the road to function threatened the public health, safety, and welfare of all served by the road due to standing water on the road and impeded emergency vehicle access. The county is in need of infrastructure improvements including road and bridge repair, and provision of adequate drainage infrastructure to ensure roadway function.

Water Facilities-1a**Wakefield Water Plant**

Grantee shall purchase and install one (1) one hundred twenty-five kilowatt (125 kW) permanently-affixed, propane-fueled generator with automatic transfer switch and associated appurtenances. Grantee shall construct a slab for generator mounting and perform site work associated with construction. Construction shall take place at the Wakefield Water Plant located on FM 357. In addition, grantee shall purchase and install one (1) sixty kilowatt (60 kW) permanently-affixed, propane-fueled generator with automatic transfer switch and associated appurtenances. Grantee shall construct a slab for generator mounting and perform site work associated with construction. Construction shall take place at the remote well site located approximately two (2) miles north of the Wakefield Water Plant. Installation of these backup generators will ensure continuous operation of the water plant and uninterrupted water service.

These activities shall benefit six hundred sixty-five (665) persons, of which two hundred seventy (270), or forty percent (40%), are of low to moderate income.

Street Improvements-4Union Springs Road

Grantee shall remove and replace bridge pilings, abutments, beams, traffic railing, bridge slab, and roadway approaches. Construction shall take place on Union Springs Road southeast of Hooks Road, outside of Corrigan, Texas. The repairs will restore access to the area and ensure the function of the road and bridge.

These activities shall benefit six hundred sixty-five (665) persons, of which two hundred seventy (270), or forty percent (40%), are of low to moderate income.

Walnut Ridge Road

Grantee shall remove and replace bridge pilings, abutments, beams, traffic railing, bridge slab, and roadway approaches. Construction shall take place on Walnut Ridge Road at Choates Creek, outside of Livingston, Texas. The repairs will restore access to the area and ensure the function of the road and bridge.

These activities shall benefit two thousand three hundred sixty-five (2,365) persons, of which seven hundred eighty-two (782), or thirty-three percent (33%), are of low to moderate income.

Lakeside Village

Grantee shall remove approximately sixty linear feet (60 l.f.) existing culverts and re-grade approximately sixty linear feet (60 l.f.) of drainage ditch. Grantee shall purchase and install thirty-five linear feet (35 l.f.) of ten-foot by five-foot (10 ft. x 5 ft.) box culverts including headwalls and wingwalls, and replace five hundred square yards (500 s.y.) of pavement. Construction shall take place on Lake Village Drive at Villagebrook Drive. The repairs will restore access to the area and ensure the function of the road.

These activities shall benefit two thousand nine hundred ninety-one (2,991) persons, of which nine hundred eighty-eight (988), or thirty-three percent (33%), are of low to moderate income.

Bird Road

Grantee shall remove sixty linear feet (60 l.f.) of existing culverts and re-grade approximately sixty linear feet (60 l.f.) of drainage ditch. Grantee shall purchase and install thirty-five linear feet (35 l.f.) of ten-foot by six-foot (10 ft. x 6 ft.) box culverts including headwalls and wingwalls, and replace five hundred square yards (500 s.y.) of pavement. Construction shall take place on Bird Road at State Highway 146. The repairs will restore access to the area and ensure the function of the road.

These activities shall benefit one thousand two hundred seventy-two (1,272) persons, of which four hundred seventy-seven (477), or thirty-seven percent (37%), are of low to moderate income.

Neighborhood Facilities/Community Centers-6

Grantee shall purchase and install permanently-affixed generators with automatic transfer switches and associated appurtenances. Grantee shall construct slabs at each location for generator mounting, access drives, and perform site work associated with construction. Construction shall take place at the following locations:

<u>Location</u>	<u>Generator Size</u>
Big Sandy Independent School District (ISD) 401 Wildcat Drive	one (1) two hundred fifty kilowatt (250 kW) diesel-fueled generator, and one (1) one hundred twenty-five kilowatt (125 kW) diesel-fueled generator
Goodrich Junior High School Building 234 Katie Simpson Drive, Goodrich, Texas	one (1) two hundred fifty kilowatt (250 kW) diesel-fueled generator
Livingston Junior High School Building 1801 US Highway 59 South, Livingston, Texas	one (1) one thousand one hundred kilowatt (1,100 kW) diesel-fueled generator
Onalaska Elementary School Building 304 FM 356, Onalaska, Texas	one (1) two hundred fifty kilowatt (250 kW) diesel-fueled generator
Leggett ISD Building At the intersection of FM 942 and Freeman Road	one (1) two hundred fifty kilowatt (250 kW) diesel-fueled generator

Installation of the backup generators will ensure continuous operation of the buildings as a public shelter.

In addition, grantee shall purchase and install one (1) one hundred twenty-five kilowatt (125 kW) permanently-affixed, natural gas-fueled generator with automatic transfer switch and associated appurtenances. Grantee shall construct a slab for generator mounting and perform site work associated with the construction. Grantee shall construct a kitchen addition, Heating, Ventilating, and Air Conditioning (energy star-HVAC) system, and perform site work associated with construction. Construction shall take place at the Dunbar Gym located at 1103 Dunbar Avenue, in Livingston, Texas. Installation of the backup generator and building additions will ensure adequate needs for continuous operation of the campus as a public shelter.

These activities shall benefit forty-one thousand one hundred thirty-three (41,133) persons, of which sixteen thousand five hundred forty-three (16,543), or forty percent (40%), are of low to moderate income.

Polk County Commerce Center

Grantee shall construct a new college campus building including a conference center ranging in size from thirty thousand square feet to sixty thousand square feet (30,000 – 60,000 s.f.), parking facility, and shall perform site work associated with construction. Construction shall take place on Trade Days Boulevard off of the Highway 59 Bypass in Livingston, Texas. Construction of the campus building will ensure adequate needs of the campus as a public shelter.

These activities shall benefit thirty-seven thousand six hundred ninety-one (37,691) persons, of which fifteen thousand one hundred fifty-nine (15,159), or forty percent (40%), are of low to moderate income.

Specially Authorized Public Facilities and Improvements-14

IAH Detention Facility

Grantee shall purchase and install two (2) five hundred kilowatt (500 kW) permanently-affixed, diesel-fueled generators with automatic transfer switches and associated appurtenances. Grantee shall construct pads for generator mounting and perform site work associated with construction. Construction shall take place at the detention facility located at FM 350 South outside of Livingston, Texas. Installation of the backup generators will ensure continuous operation of the detention facility.

These activities shall benefit one thousand fifty-six (1,056) persons, of which one thousand fifty-six (1,056), or one hundred percent (100%), are of low to moderate income.

Engineering-30

Grantee shall ensure the amount of TDRA funds expended for all eligible project-related engineering services, including preliminary and final design plans and specifications, all interim and final inspections, and all special services, does not exceed the amount specified for engineering in Exhibit B, Budget.

Planning / Project Delivery-33

Grantee shall ensure the amount of TDRA funds expended for all eligible project-related "planning / project delivery" administration activities, including the required annual program compliance and fiscal audit, does not exceed the amount specified for Planning / Project Delivery in Exhibit B, Budget.

AMENDMENT NO. 1

EXHIBIT B

CONTRACT NO. DRS010146

BUDGET

County of Polk

<u>LINE CATEGORIES</u>	<u>CONTRACT FUNDS</u>	<u>OTHER FUNDS</u>	<u>TOTAL</u>
1a. Water Facilities	\$ 87,000	\$ -0-	\$ 87,000
1b. Sewer Facilities	\$	\$	\$
2. Solid Waste Disposal Facilities	\$	\$	\$
3. Other Public Utilities (Gas)	\$	\$	\$
4. Street Improvements	\$ 1,034,900	\$ -0-	\$ 1,034,900
5. Flood and Drainage Facilities	\$	\$	\$
5a. Flood and Drainage – Debris Removal	\$	\$	\$
6. Neighborhood Facilities/ Community Centers	\$,320,725	\$ 4,618,000 ^{1,2}	\$ 8,938,725
7. Senior Centers	\$	\$	\$
8. Centers for the Handicapped/ Sheltered Workshops	\$	\$	\$
9. Parks, Playgrounds, and Other Recreational Facilities	\$	\$	\$
10. Fire Protection Facilities and Equipment	\$	\$	\$
11. Parking Facilities	\$	\$	\$
12. Pedestrian Malls and Walkways	\$	\$	\$
13. Specially Authorized Assistance to Privately Owned Utilities	\$	\$	\$
14. Specially Authorized Public Facilities and Improvements	\$ 565,500	\$ -0-	\$ 565,500
15. Public Services (LIMITED TO 15% OF REQUEST)	\$	\$	\$
16. Interim Assistance	\$	\$	\$

<u>LINE</u>	<u>CATEGORIES</u>	<u>CONTRACT FUNDS</u>	<u>OTHER FUNDS</u>	<u>TOTAL</u>
17.	Rehabilitation of Private Properties (Housing)	\$	\$	\$
17a.	Rehabilitation of Private Properties (Water Service)	\$	\$	\$
17b.	Rehabilitation of Private Properties (Sewer Service)	\$	\$	\$
17c.	Rehabilitation – Housing Reconstruction	\$	\$	\$
17d.	Rehabilitation – Emergency Repairs	\$	\$	\$
18.	Rehabilitation of Public Residential Structures	\$	\$	\$
19.	Public Housing Modernization	\$	\$	\$
19a.	Homeownership Assistance	\$	\$	\$
19b.	Affordable New Housing	\$	\$	\$
20.	Clearance Demolition Activities	\$	\$	\$
21.	Historic Preservation	\$	\$	\$
22.	Removal of Architectural Barriers	\$	\$	\$
23.	Code Enforcement	\$	\$	\$
24.	Acquisition	\$	\$	\$
25.	Relocation Payments & Assistance	\$	\$	\$
26.	Economic Development Loan	\$	\$	\$
27.	Economic Devel. Interest Subsidy	\$	\$	\$
28.	Economic Devel. Loan Guarantee	\$	\$	\$
29.	Special Activities by Local Devel Corporations, Etc.	\$	\$	\$
30.	Engineering/Architectural Serv. (Total for all construction accounts)	\$ 461,300	\$ 247,800 ³	\$ 709,100
31.	Planning Study (NOT TO EXCEED 16%)	\$	\$	\$
31a.	COG Planning	\$	\$	\$

<u>LINE</u>	<u>CATEGORIES</u>	<u>CONTRACT FUNDS</u>	<u>OTHER FUNDS</u>	<u>TOTAL</u>
32.	General Administration	\$	\$	\$
32a.	COG Administration	\$	\$	\$
33.	Planning / Project Delivery	\$ 306,333	\$ -0-	\$ 306,333
	TOTALS	\$ <u>6,775,758</u>	\$ <u>4,865,800^{1,2,3}</u>	\$ <u>11,641,558</u>

¹EDA Funds- \$3,752,200

²Polk County Local Funds- \$865,800

³EDA Funds \$247,800

AMENDMENT NO. 1

EXHIBIT E

PROJECT IMPLEMENTATION SCHEDULE

County of Polk

County of Polk - Overall Grantee Schedule

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Engineer's PM																										
<u>Engineering Activities</u>																										
Complete Preliminary Eng. / Arch.																										
Complete Design Survey																										
Complete Plans and Specs																										
Bid and Award Construction Contract																										
Start Construction																										
Construction Complete																										

Water Facilities-1a - Wakefield Water Plant (125 kW Generator & 60 kW Generator)

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Engineer's PM																										
<u>Engineering Activities</u>																										
Complete Preliminary Engineering																										
Complete Design Survey																										
Complete Plans and Specs																										
Bid and Award Construction Contract																										
Start Construction																										
Construction Complete																										

Neighborhood Facilities/ Community Centers-6 – Polk County Commerce Center

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Engineer's PM																										
<u>Engineering Activities</u>																										
Complete Preliminary Engineering																										
Complete Design Survey																										
Complete Plans and Specs																										
Bid and Award Construction Contract																										
Start Construction																										
Construction Complete																										

Specially Authorized Public Facilities-14 – IAH Detention Facility (2-500 kW Generators)

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Engineer's PM																										
<u>Engineering Activities</u>																										
Complete Preliminary Engineering																										
Complete Design Survey																										
Complete Plans and Specs																										
Bid and Award Construction Contract																										
Start Construction																										
Construction Complete																										

Street Improvements-4 – County Bridge and Street Improvements

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Engineer's PM																										
<u>Engineering Activities</u>																										
Complete Preliminary Engineering																										
Complete Design Survey																										
Complete Plans and Specs																										
Bid and Award Construction Contract																										
Start Construction																										
Construction Complete																										

Neighborhood Facilities/ Community Centers-6 – School/ Public Shelter Backup Generators

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
Engineer's PM																										
<u>Engineering Activities</u>																										
Complete Preliminary Engineering																										
Complete Design Survey																										
Complete Plans and Specs																										
Bid and Award Construction Contract																										
Start Construction																										
Construction Complete																										