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|--|---|---|--|---|
|    | <b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b><br><br><b>Cooperative Agreement</b> |   | <b>GRANT NUMBER (FAIN):</b> 99T90901<br><b>MODIFICATION NUMBER:</b> 0<br><b>PROGRAM CODE:</b> BF   | <b>DATE OF AWARD</b><br>08/07/2019  |
|  |   |   | <b>TYPE OF ACTION</b><br>New   | <b>MAILING DATE</b><br>08/14/2019   |
|  |   |   | <b>PAYMENT METHOD:</b><br>ASAP   | <b>ACH#</b><br>90813  |
|  |   |   | <b>RECIPIENT TYPE:</b><br>Municipal  |   |
| <b>RECIPIENT:</b><br>City of Pittsburg<br>65 Civic Avenue<br>Pittsburg, CA 94565<br>EIN: 94-6000395  |   | <b>PAYEE:</b><br>City of Pittsburg<br>65 Civic Avenue<br>Pittsburg, CA 94565  |  |   |
| <b>PROJECT MANAGER</b><br>Sara Bellafronte<br>65 Civic Avenue<br>Pittsburg, CA 94565<br>E-Mail: <a href="mailto:sbellafronte@ci.pittsburg.ca.us">sbellafronte@ci.pittsburg.ca.us</a><br>Phone: 925-252-4109  |   | <b>EPA PROJECT OFFICER</b><br>Nova Blazej<br>75 Hawthorne Street, LND-2-1<br>San Francisco, CA 94105<br>E-Mail: <a href="mailto:blazej.nova@epa.gov">blazej.nova@epa.gov</a><br>Phone: 415-972-3846 |  | <b>EPA GRANT SPECIALIST</b><br>Darlene Fernandez<br>Grants Branch, MSD-6<br>E-Mail: <a href="mailto:fernandez.darlene@epa.gov">fernandez.darlene@epa.gov</a><br>Phone: 415-972-3664 |
| <b>PROJECT TITLE AND DESCRIPTION</b><br>BROWNFIELDS MULTI-PURPOSE COOPERATIVE AGREEMENT<br>This agreement will provide funding for the City of Pittsburg, California to conduct a range of activities associated with the planning, assessment, and cleanup of brownfield sites in the City of Pittsburg's waterfront, downtown and manufacturing core (Opportunity Zone). The city will conduct: cleanup plans, workshops, and revitalization plans and workshops. Brownfields are real property, the expansion, development or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.<br><br>This assistance agreement provides federal funding in the amount of \$800,000. See terms and conditions.  |   |   |  |   |
| <b>BUDGET PERIOD</b><br>10/01/2019 - 10/31/2024  | <b>PROJECT PERIOD</b><br>10/01/2019 - 10/31/2024                                | <b>TOTAL BUDGET PERIOD COST</b><br>\$840,000.00   | <b>TOTAL PROJECT PERIOD COST</b><br>\$840,000.00   |   |
| <b>NOTICE OF AWARD</b>   |   |   |  |   |
| Based on your Application dated 01/29/2019 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$800,000. EPA agrees to cost-share 95.24% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$800,000. 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><br>U.S. EPA, Region 9<br>Grants Branch, MSD-6<br>75 Hawthorne Street<br>San Francisco, CA 94105  |   |   | <b>ORGANIZATION / ADDRESS</b><br>U.S. EPA, Region 9<br>Land, Chemicals & Redevelopment Division, LND-1<br>75 Hawthorne Street<br>San Francisco, CA 94105 |   |
| <b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  |   |   |  |   |
| Digital signature applied by EPA Award Official Carolyn Truong - Grants Management Officer   |   |   |  | <b>DATE</b><br>08/07/2019   |

## EPA Funding Information

| FUNDS                         | FORMER AWARD | THIS ACTION       | AMENDED TOTAL     |
|-------------------------------|--------------|-------------------|-------------------|
| EPA Amount This Action        | \$           | \$ 800,000        | \$ 800,000        |
| EPA In-Kind Amount            | \$           | \$                | \$ 0              |
| Unexpended Prior Year Balance | \$           | \$                | \$ 0              |
| Other Federal Funds           | \$           | \$                | \$ 0              |
| Recipient Contribution        | \$           | \$ 40,000         | \$ 40,000         |
| State Contribution            | \$           | \$                | \$ 0              |
| Local Contribution            | \$           | \$                | \$ 0              |
| Other Contribution            | \$           | \$                | \$ 0              |
| <b>Allowable Project Cost</b> | <b>\$ 0</b>  | <b>\$ 840,000</b> | <b>\$ 840,000</b> |

| Assistance Program (CFDA)   | Statutory Authority    | Regulatory Authority                  |
|---|------------------------|---------------------------------------|
| 66.818 - Brownfields Multipurpose Assessment<br>Revolving Loan Fund<br>and Cleanup Cooperative Agreements | CERCLA: Sec. 104(k)(4) | 2 CFR 200<br>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 |
| -         | 1909QE0176 | 19 | E4           | 09Q2AG7             | 000D79    | 4114         | G900NY00     |                   | 400,000                   |
| -         | 1909QE0176 | 19 | E4           | 09Q2AG7             | 000D79XBP | 4114         | G900OR00     |                   | 400,000                   |
|           |            |    |              |                     |           |              |              |                   | 800,000                   |



Budget Summary Page

| Table A - Object Class Category<br>(Non-construction)              | Total Approved Allowable<br>Budget Period Cost |
|--|--|
| 1. Personnel   | \$56,458                                       |
| 2. Fringe Benefits   | \$20,542                                       |
| 3. Travel  | \$8,000  |
| 4. Equipment   | \$0  |
| 5. Supplies  | \$2,000  |
| 6. Contractual   | \$753,000                                      |
| 7. Construction  | \$0  |
| 8. Other   | \$0  |
| 9. Total Direct Charges  | \$840,000                                      |
| 10. Indirect Costs: % Base <u>See term and condition</u>           | \$0  |
| 11. Total (Share: Recipient <u>4.76</u> % Federal <u>95.24</u> %.) | \$840,000                                      |
| 12. Total Approved Assistance Amount                               | \$800,000                                      |
| 13. Program Income   | \$0  |
| 14. Total EPA Amount Awarded This Action                           | \$800,000                                      |
| 15. Total EPA Amount Awarded To Date                               | \$800,000                                      |

## **Administrative 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-october-1-2018>

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. Federal Financial Reporting (FFR)**

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to **September 30** of each calendar year to the U.S. EPA Las Vegas Finance Center (LVFC). The FFR will be submitted electronically to [lvfc-grants@epa.gov](mailto:lvfc-grants@epa.gov) no later than **December 30** of the same calendar year. The form with instructions can be found on LVFC's website at <https://www.epa.gov/financial/grants>.

### **B. Procurement**

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with 2 CFR Part 200.319. In accordance 2 CFR Part 200.323 the grantee and subgrantee(s) must perform a cost or price analysis in connection with applicable procurement actions, including contract modifications.

*State recipients must follow procurement procedures as outlined in 2 CFR Part 200.317.*

### **C. Six Good Faith Efforts 40 CFR Part 33, Subpart C**

Pursuant to 40 CFR Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

## D. Utilization of Disadvantaged Business Enterprises

### General Compliance, 40 CFR Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR Part 33.

### Fair Share Objectives, 40 CFR Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR Section 33.411 some recipients may be exempt from the fair share objective requirements as described in 40 CFR Part 33, Subpart D. Recipients should work with their DBE coordinator if they think their organization may qualify for an exemption.

The dollar amount of this assistance agreement, or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA, exceeds the Simplified Acquisition Threshold as defined by the Federal Acquisition Regulation. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the [California State Water Resources Control Board \(CSWRCB\)](#) as follows:

|              | MBE | WBE |
|--------------|-----|-----|
| Construction | 2%  | 1%  |
| Equipment    | 2%  | 1%  |
| Services     | 2%  | 1%  |
| Supplies     | 2%  | 1%  |

The recipient accepts the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as [CSWRCB](#).

### Negotiating Fair Share Objectives/Goals, Section 33.404

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator, Elizabeth Armour at [Armour.Elizabeth@epa.gov](mailto:Armour.Elizabeth@epa.gov), within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120-day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

### Contract Administration Provisions, 40 CFR Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR Section 33.302.

### Bidders List, 40 CFR Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR Section 33.501 (b) and (c) for specific requirements and exemptions.

## **E. MBE/WBE Reporting**

### **General Compliance, 40 CFR Part 33, Subpart E – Reporting Condition**

MBE/WBE reporting is required annually for the life of the grant. Reporting is required for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the “Other” category, that exceed the Simplified Acquisition Threshold as defined by the Federal Acquisition Regulation, including amendments and/or modifications.

Based on EPA’s review of the planned budget, this award meets the conditions above and is subject to Disadvantaged Business Enterprise (DBE) Program reporting requirements. Conversely, the recipient must submit to the [GrantsRegion9@epa.gov](mailto:GrantsRegion9@epa.gov) a justification and budget detail within 21 days of the award date demonstrating that this award is not subject to the DBE reporting requirements.

The recipient agrees to complete and submit a “MBE/WBE Utilization under Federal Grants, Cooperative agreements” report (EPA Form 5700-52A) on an annual basis. All procurement actions that are reportable, not just that portion which exceeds the Simplified Acquisition Threshold.

When completing the annual report, recipients are instructed to check the box titled “annual:” in section 1B of the form. For the final report, recipients must check the box indicated for the “last report” of the project in section 1B of the form. Annual reports are due by October 30<sup>th</sup> of each year. Final reports are due by October 30<sup>th</sup> or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to [GrantsRegion9@epa.gov](mailto:GrantsRegion9@epa.gov) and assigned EPA Grants Specialist. The current EPA Form 5700-52A is located at <https://www.epa.gov/grants/epa-form-5700-52a-united-states-environmental-protection-agency-minority-business>.

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Effort requirements as described in 40 CFR Part 33, Subpart C, and Fair Share Objectives negotiation as described in 40 CFR Part 33, Subpart D.

### **F. Indirect Costs**

The Cost Principles under 2 CFR Part 200, Subpart E apply to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

## **Programmatic Conditions**

Please see ATTACHMENT A, City of Pittsburg, BF-99T90901-0, FY19 Multipurpose Cooperative Agreement for Programmatic Terms and Conditions.

**END OF DOCUMENT**