

## Amendment Number 2

**Project Name:** Wastewater System Improvements

This amendment is made and entered into by and between the State of Oregon, acting by and through the Oregon Infrastructure Finance Authority of the Oregon Business Development Department (“OBDD”), and the City of John Day (“Recipient”), and amends the Grant Contract between Recipient and OBDD, Project Number P18011, dated 15 April 2019, (as amended, “Contract”) for the above-named Project. Capitalized terms not defined in this amendment have the meanings assigned to them by the Contract.

**Recital:** The purpose of this amendment is to extend the Project Completion Date, modify the project description, and modify the project budget to include additional funding sources.

**The parties agree to:**

1) Amend Section 4.A (Effective Date; Project Completion Deadline) of the Contract as follows (deletion in ~~strike through~~, addition in double underline):

A. This Contract shall become effective on the date (“Effective Date”) this Contract is fully executed and approved as required by applicable law. The approved grant activities **must be completed within 24 months** from the Effective Date 31 July 2021 (“Project Completion Deadline”).

2) Remove Exhibit D (Project Description) and replace it with this new Exhibit D:

Recipient shall complete final design of a new wastewater treatment facility in accordance with the City’s 2018 Wastewater Facilities Plan. The design shall include the purchase of a Package Treatment Plant (“PTP”), which Recipient shall undertake only after securing the balance of funds necessary for purchase of the plant and construction of related improvements. Recipient must complete the CDBG and Water/Wastewater funded portion of the project in the following chronological order:

1. Complete a USDA-approved Preliminary Engineering Report and secure USDA “Letter of Eligibility”;
2. After completing step (1) and securing additional CDBG or other sufficient funds in Spring 2021, Recipient shall purchase PTP facility and receive detailed treatment plant specifications necessary to complete final site design; and
3. Complete final design of treatment plant improvements, and secure DEQ and USDA approval.

Recipient shall also complete environmental assessments to the satisfaction of CDBG and USDA Rural Development.

2) Remove Exhibit E (Project Budget) and replace it with this new Exhibit E:

<b>EXHIBIT E - PROJECT BUDGET &amp; SPECIAL CONDITIONS</b>				
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Budget Line Items	OBDD CDBG Grant P18001	OBDD Water/Wastewater Fund Y21006 (Contract)	Other Funds – Local Match	Estimated Totals
Design /	\$235,500	\$60,000	\$138,500	<u>\$ 433,500</u>
Environmental Review	\$0	\$0	\$30,000	<u>\$30,000</u>

Grant	\$0	\$0	\$25,000	\$ 25,000
Project	\$0	\$15,000	\$0	\$ 15,000
Legal Fees	\$0	\$30,000	\$6,500	\$ 6,500
Package Treatment* Plant	\$0	\$2,395,000*	\$2,264,500	\$4,659,500
<b>Total</b>	<b>\$235,500</b>	<b>\$ 2,500,000</b>	<b>\$ 2,464,500</b>	<b>**\$ 5,200,000</b>

Special Conditions:

\*No Financing Proceeds for the “Package Treatment Plant Procurement”\*\* budget line item above of this Contract will be eligible for approval for disbursement until Recipient receives the balance of funds necessary for the Project and facility including a) receiving an award for construction costs from the USDA or another funder capable of covering the Project’s facility construction costs (approximately \$7.4 million); and b) receiving CDBG Grant #2 (pending approval) or receiving other sufficient funding.

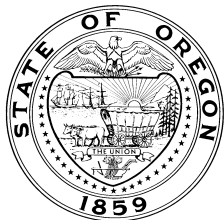
\*\* This estimated budget total of \$5.2 million does not include the facility costs for housing the Package Treatment Plant.

OBDD will have no obligation under this amendment, unless within 60 days after receipt, the Recipient delivers to OBDD the following items, each in form and substance satisfactory to OBDD and its Counsel:

- (i) this amendment duly executed by an authorized officer of the Recipient; and
- (ii) such other certificates, documents, opinions and information as OBDD may reasonably require.

SIGNATURE PAGE FOLLOWS

Except as specifically provided above, this amendment does not modify the Contract, and the Contract shall remain in full force and effect during the term thereof. This amendment is effective on the date it is fully executed and approved as required by applicable law.



**STATE OF OREGON**  
acting by and through its  
Oregon Infrastructure Finance Authority  
of the Business Development Department

775 Summer Street NE Suite 200  
Salem OR 97301-1280  
Phone 503-798-5076

By: \_\_\_\_\_  
Edward Tabor, Manager  
Programs & Incentives

Date: \_\_\_\_\_



**CITY OF JOHN DAY**

450 E Main Street  
John Day OR 97845-1238  
Phone 541-575-0028

By: \_\_\_\_\_  
The Honorable Ron Lundbom  
Mayor of John Day

Date: \_\_\_\_\_

**APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:**

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Not required by OAR 137-045-0050