

U. S. Department of Housing and Urban Development



Community Planning and Development

Region VIII, Denver
1670 Broadway Street
Denver, Colorado 80202-4801

Phone: 303-672-5414
Fax: 303-672-5028
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September 12, 2019

Mr. Roger Tinklenberg, Interim Director
Community Development Department
Commerce City
7887 E 60th Avenue
Commerce City, CO 80022

Dear Mr. Tinklenberg:

Congratulations! The City's 2019 Annual Action Plan is approved. Along with the approval of your plans, we are pleased to transmit to you the Fiscal Year (FY) 2019 Community Development Block Grant (CDBG) Number **B-19-MC-08-0016** funds in the amount of \$428,484 for Commerce City, CO. The program year for Commerce City begins on October 1, 2019.

Enclosed are two original CDBG Grant Agreements, which constitute the contracts between the Department of Housing and Urban Development (HUD) and Commerce City, CO. In order to establish your Line of Credit to reflect the FY 2019 grant, it will be necessary for you to execute and return one original copy and retain one for the City's records.

You are reminded that there are restrictions on certain activities until you complete the Environmental Review Procedures for the CDBG Programs (24 C.F.R. Part 58). Funds for such activities may not be obligated or expended unless the release of funds has been approved in writing by HUD. A request for the release of funds and certification (Form 7015.15) must be submitted to HUD. Appropriate forms can be found at the HUD Exchange on the web (www.hudexchange.info). Certain activities identified in Part 58.34 may be considered exempt from the release of funds process and no written approval from HUD is necessary. You are further reminded that acceptance of the plan does not establish that plan activities are eligible and meet a national objective. HUD verifies activities for program compliance by monitoring, audits and other reviews. We also encourage continuation and expansion of your efforts to provide contracting opportunities to minority- and women-owned businesses in the implementation of your CPD program activities.

If you have any questions or need assistance in connection with this letter or other items related to CPD Programs, please contact Christopher Day, Senior Community Planning and Development Representative, at 303-675-1656, or via email at christopher.s.day@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katy Burke', with a long horizontal flourish extending to the right.

Katy Burke
Regional Director

Enclosure

Cc: Ms. Cheryl Steinberg, CDBG Coordinator
Community Development Department
Commerce City
7887 E. 60th Ave
Commerce City, CO 80022

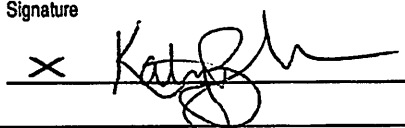
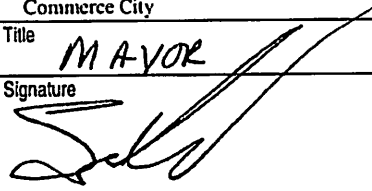
Funding Approval/AgreementTitle I of the Housing and Community
Development Act (Public Law 930383)

HI-00515R of 20515R

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Community Development Block Grant ProgramOMB Approval No. 2506-0193
exp 5/31/2018

1. Name of Grantee (as shown in item 5 of Standard Form 424) City of Commerce City	3a. Grantee's 9-digit Tax ID Number 846006924	3b. Grantee's 9-digit DUNS Number 088448345
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) 7887 E 60th Ave Commerce City, CO 80022	4. Date use of funds may begin 10/01/2019	
	5a. Project/Grant No. 1 B-19-MC-08-0016	6a. Amount Approved \$428,484.00
	5b. Project/Grant No. 2	6b. Amount Approved

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Katy Burke		Grantee Name (Contractual Organization) Commerce City	
Title CPD Director		Title MAYOR	
Signature 	Date 09/12/2019	Signature 	Date (mm/dd/yyyy) 9-23-19
7. Category of Title I Assistance for this Funding Action: Entitlement, Sec 106(b)	8. Special Conditions (check one) <input type="checkbox"/> None <input checked="" type="checkbox"/> Attached	9a. Date HUD Received Submission 08/15/2019 9b. Date Grantee Notified 09/12/2019 9c. Date of Start of Program Year 10/01/2019	10. check one <input checked="" type="checkbox"/> a. Orig. Funding Approval <input type="checkbox"/> b. Amendment Amendment Number
11. Amount of Community Development			
Block Grant		FY (2019)	FY (2018)
a. Funds Reserved for this Grantee		\$428,378.00	\$ 106.00
b. Funds now being Approved			\$.00
c. Reservation to be Cancelled (11a minus 11b)			
12a. Amount of Loan Guarantee Commitment now being Approved N/A	12b. Name and complete Address of Public Agency N/A		
Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency		
	Title		
	Signature N/A		

HUD Accounting use Only

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153											
	176											
			Y					Project Number		Amount		
			Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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8. Special Conditions.

- (a) The period of performance for the funding assistance specified in the Funding Approval ("Funding Assistance") shall begin on the date specified in item 4 and shall end on September 1, 2026. The Grantee shall not incur any obligations to be paid with such assistance after September 1, 2026.
- (b) The Recipient shall attach a schedule of its indirect cost rate(s) in the format set forth below to the executed Agreement that is returned to HUD. The Recipient shall provide HUD with a revised schedule when any change is made to the rate(s) described in the schedule. The schedule and any revisions HUD receives from the Recipient shall be incorporated herein and made a part of this Agreement, provided that the rate(s) described comply with 2 CFR part 200, subpart E.

<u>Administering Department/Agency</u>	<u>Indirect cost rate</u>	<u>Direct Cost Base</u>
_____	_____ %	_____
_____	_____ %	_____
_____	_____ %	_____
_____	_____ %	_____
_____	_____ %	_____

Instructions: The Recipient must identify each agency or department of the Recipient that will carry out activities under the grant, the indirect cost rate applicable to each department/agency (including if the de minimis rate is used per 2 CFR §200.414(f)), and the type of direct cost base to which the rate will be applied (for example, Modified Total Direct Costs (MTDC)). Do not include indirect cost rates for subrecipients.

- (c) In addition to the conditions contained on form HUD 7082, the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS); the System for Award Management (SAM.gov.); the Federal Funding Accountability and Transparency Act as provided in 2 CFR part 25, Universal Identifier and General Contractor Registration; and 2 CFR part 170, Reporting Subaward and Executive Compensation Information.
- (d) The grantee shall ensure that no CDBG funds are used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For the purposes of this requirement, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport or

highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

- (e) The Grantee or unit of general local government that directly or indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.
- (f) E.O. 12372-Special Contract Condition - Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.
- (g) CDBG funds may not be provided to a for-profit entity pursuant to section 105(a)(17) of the Act unless such activity or project has been evaluated and selected in accordance with Appendix A to 24 CFR 570 - "Guidelines and Objectives for Evaluating Project Costs and Financial Requirements." (Source - P.L. 113-235, Consolidated and Further Continuing Appropriations Act, 2015, Division K, Title II, Community Development Fund).