



**COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY (CDBG-DR)
NON-FEDERAL MATCH PROGRAM**

**SUBRECIPIENT AGREEMENT
BETWEEN THE
PUERTO RICO DEPARTMENT OF HOUSING
AND THE
PUERTO RICO NATIONAL GUARD**



This **SUBRECIPIENT AGREEMENT** (hereinafter, the "Agreement") is entered into this 1st day of July, 2021, by and between the **PUERTO RICO DEPARTMENT OF HOUSING** (the "**PRDOH**"), a public agency of the Government of Puerto Rico created under Act No. 97, of June 10, 1972, as amended, 3 LPRA § 441 *et seq.*, known as the "Department of Housing Organic Act" (the "Organic Act"), with principal offices at 606 Barbosa Ave., San Juan, Puerto Rico, 00918, represented herein by its Secretary, Hon. William O. Rodríguez Rodríguez, of legal age, attorney, single, and resident of San Juan, Puerto Rico; and the **PUERTO RICO NATIONAL GUARD** (the "**Subrecipient**"), with principal offices at San Juan, Puerto Rico, represented herein by the Adjutant General, Major General José J. Reyes Peredo, of legal age, married, and resident of Carolina, Puerto Rico, collectively the "Parties".

I. RECITALS AND GENERAL AWARD INFORMATION

WHEREAS, on September 2017, Hurricanes Irma and María made landfall in Puerto Rico causing catastrophic island wide damage, knocking out power, water, and telecommunications for the entire island and its island municipalities. Hurricane María caused major structure and infrastructure damage to family homes, businesses and government facilities triggering the displacement of thousands of residents of the Island from their homes and jobs.

WHEREAS, under the Continuing Appropriations Act, 2018, and Supplemental Appropriations for Disaster Relief Requirements Act, 2017, signed into law September 8, 2017 (Pub. L. 115-56), \$1.5 billion were allocated by the U.S. Department of Housing and Urban Development (**HUD**) for disaster recovery assistance to the Government of Puerto Rico under the CDBG-DR Program. These funds are intended to provide financial assistance to address unmet needs that arise and that are not covered by other sources of financial aid.

WHEREAS, on February 9, 2018, a Notice was published in the Federal Register, Vol. 83, No. 28 (83 FR 5844), that allocated \$1.5 billion for disaster recovery assistance to the Government of Puerto Rico.

WHEREAS, under the Bipartisan Budget Act of 2018, signed into law February 9, 2018 (Pub. L. 115-123), an additional \$8.22 billion were appropriated by Congress for disaster recovery assistance to the Government of Puerto Rico under CDBG-DR.

WHEREAS, pursuant to a letter dated February 23, 2018, sent by former Governor of Puerto Rico to the Hon. Benjamin Carson, Secretary of HUD, the PRDOH is the governmental agency designated as grantee of the CDBG-DR funds allocated to the Government of Puerto Rico.

WHEREAS, on August 14, 2018, an additional allocation of \$8.22 billion for recovery was allocated to Puerto Rico under Federal Register Vol. 83, No. 157, (83 FR 40314).

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WHEREAS, on September 20, 2018, the Governor of Puerto Rico and the Secretary of HUD signed Grant Agreement Number B-17-DM-72-0001; allowing PRDOH access to \$1,507,179,000 in CDBG-DR funding obligated under Pub. L. 115-56.

WHEREAS, under the Additional Supplemental Appropriations for Disaster Relief Act of 2019, signed into law June 6, 2019 (Pub. L. 116-20), an additional \$277 million were appropriated by Congress for disaster recovery assistance to the Government of Puerto Rico under CDBG-DR.

WHEREAS, on January 27, 2020, an additional allocation of \$277 billion for unmet infrastructure recovery needs was allocated to Puerto Rico under Federal Register Vol. 85, No. 17, (85 FR 4681). With these allocations of funding, the PRDOH aims to lead a transparent, comprehensive recovery to benefit the residents of Puerto Rico. PRDOH holds accountability and is committed to the responsible, efficient, and transparent administration of CDBG-DR grant funding.

WHEREAS, on February 21, 2020, the Governor of Puerto Rico and the Secretary of HUD signed Grant Agreement Number B-18-DP-72-0001; allowing PRDOH access to \$1,700,000,000 in CDBG-DR funding, obligated under Pub. L. 115-123.

WHEREAS, according to the approved current Action Plan, Puerto Rico intends to undertake the Non-Federal Match Program (hereinafter, the "**Program**"). The focus of the Program is to utilize CDBG-DR funds to provide the non-federal cost share match for eligible subrecipients under Federal grant programs. The approved current Action Plan allocated a total budget of **one thousand seven hundred million dollars with zero cents (\$1,700,000,000.00)** to this Program.¹ PRDOH will dedicate **one million six hundred eighty-four thousand nine hundred forty-three dollars and seventy-one cents (\$1,684,943.71)** under this Agreement to meet the non-federal cost share obligation for activities outlined in **Exhibit C** ("Budget").² The Subrecipient will perform the services included in the **Exhibit A** ("Scope of Work") under this Agreement.

WHEREAS, the CDBG-DR funds made available for use by the Subrecipient under this Agreement constitute a Subaward of the PRDOH's Federal Award, the use of which must be in accordance with requirements imposed by Federal statutes, regulations, and the terms and conditions of the PRDOH's Federal Award.

WHEREAS, the PRDOH has the legal power and authority, in accordance with its enabling statute, the Organic Act, the federal laws and regulations creating and allocating funds to the CDBG-DR program and the current Action Plan, to issue and award the subaward, enter and perform under this Agreement.

WHEREAS, the Subrecipient, in accordance with its enabling statute, Act No. 62 of June 23, 1969, as amended, 25 LPRA § 2001 et seq., known as the "Military Code of Puerto Rico", as amended, has the legal power and authority to enter into this Agreement and has agreed to undertake the corresponding administrative responsibilities under the Program. By signing this Agreement, the Subrecipient assures PRDOH that Subrecipient shall comply with all the requirements described herein.

¹ The PRDOH executed an Interagency Agreement with the Puerto Rico Private Partnership Authority on behalf of the Office for Recovery, Reconstruction, and Resiliency (COR3), Contract No. 2020-DR0038, as amended by Contract No. 2020-DR0038A, to provide access to information Subrecipient has already provided COR3.

² As additional projects are obligated by the FEMA PA Program and deemed eligible for CDBG-DR funding, additional projects may be incorporated at such later date as the Parties may agree to in a signed amendment to this Agreement.

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GENERAL AWARD INFORMATION

The Subaward from PRDOH to the Subrecipient contemplated hereunder is for carrying out a portion of the Federal Award described in Section I above; thus, a federal assistance relationship is created with the Subrecipient. This Agreement shall be updated to reflect any changes to the Federal Award and the following award information.

CDBG-DR Grantee Federal Award Identification Number:	PRDOH DUNS number: 125967484
CDBG-DR Grantee Federal Award Date:	September 20, 2018
Federal Award project description:	See Exhibit A for "Scope of Work"
Subrecipient Contact Information:	Major General José J. Reyes Peredo Adjutant General Puerto Rico National Guard PO Box 9023786 San Juan, PR 00902-3786 (787) 731-3633 jose.j.reyes4.mil@mail.mil
Subrecipient Unique Identifier:	DUNS number: 831010207
Subaward Period of Performance:	Start Date: Effective Date, as defined in Section V of this Agreement. End Date: Thirty-six (36) months from Start Date
Funds Certification:	Dated: June 9, 2021 Authorized Amount: \$1,684,943.71 Funds Allocation: CDBG-DR "R02I21FEM-DOH-LM" CDBG-DR "R02I21FEM-DOH-UN" Account Number: 6090-01-000 See Exhibit D for "Funds Certification"

NOW, THEREFORE, in consideration of the need for recovery from Hurricanes Irma and María and the premises and mutual covenants described herein, the Parties mutually agree to the terms described in this Agreement.

TERMS AND CONDITIONS

II. ATTACHMENTS

The following attachments are incorporated into this Agreement by reference and are hereby made part of this Agreement:

Exhibit A	Scope of Work
Exhibit B	Timelines and Performance Goals
Exhibit C	Budget
Exhibit D	Funds Certification
Exhibit E	HUD General Provisions and Other Federal Statutes, Regulations, and PRDOH Requirements
Exhibit F	Special Conditions
Exhibit G	Subrogation and Assignment Provisions

All Attachments hereto are fully incorporated herewith such that the terms and conditions of the Attachments shall be as binding as any terms and conditions of this executed written Agreement. Should any inconsistency appear between the Attachments and this Agreement, the Agreement shall prevail.



