

**AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT WITH THE
COMMUNITIES FOUNDATION OF OKLAHOMA FOR ADMINISTRATION OF THE
EMERGENCY RENTAL ASSISTANCE PROGRAM FUNDED THROUGH THE
AMERICAN RESCUE PLAN (“ERA2”)**

This Amendment No. 4 dated JUNE 20TH, 2023, is made between the City of Oklahoma City (“City”) and Communities Foundation of Oklahoma (“Contractor”), collectively the “Parties.”

WHEREAS, on March 11, 2021, due to the COVID-19 pandemic, the federal government approved additional emergency rental assistance for persons facing imminent homelessness (“ERA2”), through Section 3201 of Subtitle B of Title III of the American Rescue Plan Act of 2021 (“ARPA”). The City was approved to receive \$15,559,933.50 in ERA2 funds, which was received in several tranches. Additionally, because of the demonstrated need in our community, the City also received reallocations of funding from other jurisdictions; and

WHEREAS, Amendment Nos. 1, 2 and 3 to this Agreement were required to address payments to CFO as new funds were received from the federal government and to address newly revised ERA2 guidance from the U.S. Department of the Treasury (“Treasury”) in relation to administration of ERA2 funds; and

WHEREAS, as allowed by guidance from Treasury, all ERA2 funds remaining in the City’s possession after October 1, 2022, may be used for housing stability services for very low-income families, which Treasury defines the same as housing stability services; and

WHEREAS, CFO has met this threshold, therefore, all remaining unobligated ERA2 funds shall be used for eligible housing stability services for very low-income families; and

WHEREAS, to date, CFO has made eligibility determinations for applicants for all ERA 1 and ERA2 funds, however, all future eligibility determinations shall be made by the City Manager or his designee; therefore, CFO will no longer function as a subrecipient of the federal funding but will henceforth be considered a City contractor; and

WHEREAS, as a contractor rather than a subrecipient, CFO’s responsibility to document administrative expenses is no longer required and the City can pay a flat fee for CFO’s services. It is the desire of the parties to amend this Agreement to reflect that distinction.

NOW THEREFORE, it is mutually agreed by and between the Parties to amend the Agreement as follows:

All terms and provisions of the November 9, 2021 Agreement, with Amendment No. 1, Amendment No. 2, and Amendment No. 3 between the City and Contractor, shall remain the same and in full force and effect except for the following amendments indicated by underlining and strike-throughs:

2. COMPENSATION

Direct Costs:

~~Contractor shall be compensated its direct costs. Direct costs may include salaries, wages and benefits of employees directly performing services related to the administration of the ERA2 program; materials, supplies, printing, shipping, mailing; costs of contacting landlords and utilities/other service providers; and other costs incurred in the direct performance of administering the ERA2 program.~~

Indirect Costs:

~~Contractor may be compensated for its indirect costs in accordance with the Department of the Treasury's FAQ No. 29. Should Contractor invoice the City for indirect costs, it may do so only in accordance with the guidance from the Department of the Treasury and applicable federal statutes and regulations related thereto.~~

Total Costs:

~~The total amount of compensation for performance of all duties set forth in this Agreement shall not exceed \$2,623,937.67. Contractor shall invoice the City on or after July 1, 2023, in an amount equal to \$312,447.64 for all remaining services to be provided under this Agreement. All remaining services provided pursuant to this Agreement shall be for only housing stability services for very low-income families, as decided by the City Manager or his designee. Contractor shall invoice the City for work performed/costs incurred and shall set forth on each invoice the number of hours spent administering the ERA2 program including the rate of pay and number of hours worked per employee, costs of required mailings, materials, printing, etc., indicating the number of certified mailings for which the City is being charged and any other miscellaneous costs which shall be specifically itemized on each invoice.~~

{Signature Page to Follow}

APPROVED BY the Mayor and City Council of the City of Oklahoma City this 20TH day of
JUNE, 2023.

The City of Oklahoma City

ATTEST

Amy K. Simpson
City Clerk



David Holt

Mayor

Reviewed as to form and legality.

Rita E. Douglas Gally
Assistant Municipal Counselor

CONTRACTOR

Communities Foundation of Oklahoma

By:

Teresa Rose
Teresa Rose, Executive Director

State of Oklahoma)
) SS.
County of Oklahoma)

This instrument was acknowledged before me on the 6th day of June, 2023, by
Teresa Rose as Executive Director of Communities Foundation of Oklahoma.

ARM
Notary Public
Commission No.: 18006781

My Commission expires: 9 July 2026

