



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

Texas Community Development Block Grant Program

Amendments

Administrator Workshop



Introduction

• What is a Grant Agreement Amendment?

The screenshot displays a web-based form for requesting a grant agreement amendment. On the left is a navigation sidebar with categories like 'Award', 'Amendment', and 'Tools'. The main form area includes a header for 'Amendment #', a 'Purpose of Amendment' field, and a 'Justification' field. Below these are two exhibit sections: 'Exhibit A' and 'Exhibit B'. 'Exhibit A' contains three checkboxes: 'Request to change Performance Statement / Scope of Work', 'Request Change to Timeline', and 'Request Change to Special Condition'. 'Exhibit B' contains one checkbox: 'Request Change to Budget'. The interface is clean and professional, with a blue and white color scheme.

What is a grant agreement Amendment?

A grant agreement amendment is a change in the terms of the grant agreement throughout the course of administering a TxCDBG grant.

Requested changes to the grant agreement may be related to the project in one or more of the following categories:

- Performance Statement,
- Budget,
- Agreement Period Extensions,
- and Special Conditions changes in very rare circumstances.

Why would an Amendment be required?

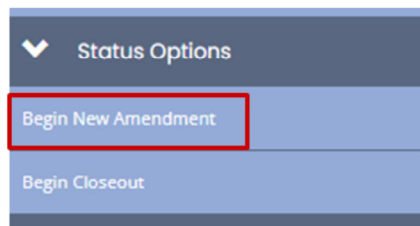
Agreements are awarded based on the information presented in the original application.

- Changes to the original project can come up for any number of reasons.
- Adjustments for final quantities after work has been completed would usually require a performance statement amendment.
- Bids coming in too high could trigger changes to the budget and performance statement amendments.
- We have seen in recent years with COVID many unforeseen challenges from material shortages, labor shortages, which have caused numerous delays.



Beginning an Amendment Request

- Communication - Contact your Grant Specialist for project updates and technical assistance.
- TDA-GO Status Change



Problem solving and creative Solutions require communication. Prior to submitting an amendment that may require major changes to a project TDA encourages Grant Recipients to communicate with their Grant Specialist for technical assistance. This communication can help identify the most appropriate amendment request that addresses the most likely programmatic concerns. However, this technical assistance is not an approval; TDA does not approve amendments to an agreement prior to the full amendment request documentation being submitted.

When you are ready to begin the formal request, change the status of the TDA-GO grant by selecting “Begin New Amendment”.

Please note: while the grant is in an amendment-related status, there are certain actions that are not available. If the amendment request is not related to the budget, consider beginning a blank Payment Request form that can be completed while the amendment is being processed.



Beginning an Amendment

Amendment #

Purpose of Amendment *

To edit and save data on this page, the status must first be changed under Status Options by clicking the

0 of 100

Justification - Please explain why this Amendment is necessary. *

0 of 4000

Exhibit A

Check the box for each section of the Agreement where revisions are proposed.

A. Request to change Performance Statement / Scope of Work

C. Request Change to Timeline

D. Request Change to Special Condition

Exhibit B

Request Change to Budget

Each amendment request requires a purpose and a justification. These statements do not need to be lengthy, but should explain why the requested changes are necessary and appropriate, and anticipate any concerns that TDA is likely to have with the requested changes. For technical explanations and justifications of project feasibility an engineer's letter may also be attached.

The Amendment Request Form also has options for the type of amendment, and additional fields will appear requiring additional information for each amendment type.

- Revision to Original Project
- Additional Work
- Substitute Project

There are three main reasons a performance Statement Change would be needed;

Revising the Original Project

- may be approved if the resulting benefit is the same need identified in the application
- If it alters the original application score to the degree that the project would not have been recommended for funding, the amendment request will not be approved
- Major reductions in the scope of the proposed work can result in grant reduction or termination.
- The change must meet all environmental review requirements

Adding Additional Work

- If there are remaining funds identified, the GR may request to expand the scale of the current project
- The GR may also request to add a separate project listed in the original application as a community need.



PS: Requests for Substitute Project

TDA will generally NOT approve requests to add a different project or new project that was not identified in the application under community needs.

Further information can be found in Chapter 11, Section 11.1 of the Implementation Manual.

Project Substitution

- TDA will not approve requests to add a different or new project or activity that was not identified in the application,
- Failure of the Grant Recipient to do due diligence in identifying the need for the proposed project is not grounds for an alternative project or location, and at TDA's discretion, may result in grant reduction or termination.
 - Examples:
 - The city wants to change sewer lines to a different street (location) because the proposed street's sewer lines had already been replaced.
 - DRP – removing street because it was later determined other streets are more dilapidated.

There are only a few exceptions to this policy, which are outlined in Chapter 11 on the TxCDBG Project Implementation Manual.



Performance Statement Amendment

- Summary
- Revised performance statement with track changes
- Proposed CDBG Performance Statement Revisions Form (8 questions)

The screenshot shows a web application interface for submitting an amendment. On the left is a navigation menu with categories: Award, Agreement Certification, Grant Overview, Amendment, Status Options, Submit Amendment Request, Amendment Request Cancelled, and Tools. Under the 'Amendment' category, two items are highlighted with yellow boxes: 'Amendment Request Form' (with a question mark icon) and 'Proposed CDBG Performance Statement Revisions' (with a document icon). The main content area is titled 'Exhibit A' and contains a form for requesting changes. It includes a checkbox for 'Request to change Performance Statement / Scope of Work', a text area for a 'Brief summary of requested changes', a '0 of 2000' character count, and instructions to use Microsoft Word track changes and click a 'HERE' link (highlighted in green) to generate track changes. At the bottom, there is a 'Please upload Performance Statement Track Changes HERE' section with a 'Browse' button (highlighted in red) and a 'Drag Files Here' option.

A change to the Performance Statement requires the most specific information.

- First describe in a few words what the requested changes are meant to accomplish – there is no need to repeat the justification. Some grants will have two or more changes to the performance statement, and this field should be able to distinguish the requests. For example: revise project location by adding Grant Street, or revise quantities based on awarded bid.
- A “Track Changes” version of the Performance Statement is required. Use the link marked here in green to generate a copy of the current Performance Statement. Be sure to enable the “track changes” feature and make all requested edits. Then upload the revised document in the field marked here in red.
- Finally, a second form will appear in the left menu column with eight CDBG-specific questions that must be answered for each Performance Statement amendment – the two required forms are marked here in yellow.



PS: Minor or Significant?

- Minor Amendment – simple approval
- Significant Amendment – citizen participation and formal document execution

Is This a Minor Amendment?	
1. Will the project as requested serve substantially the same beneficiaries as the current Performance Statement? <input type="checkbox"/> no change in beneficiaries, regardless of quantities; <input type="checkbox"/> increase in beneficiaries, but no new Benefit Area; or <input type="checkbox"/> decrease in beneficiaries of less than or equal to 25%—based on number of persons or households. AND <input type="checkbox"/> does not remove a section of the project to create two or more non-contiguous Benefit Areas.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Are the activities' categories the same as the current Performance Statement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Does the project still solve the same problem identified in the current Performance Statement?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If the answer to all three questions is Yes , respond "No" to Question 1 on the <i>Proposed CDBG Performance Statement Revisions</i> page If the answer to any question is No , public participation is required.	

The first question on the Proposed CDBG Performance Statement Revisions page asks whether the amendment is a significant amendment; and questions two through four confirm and document that decision.

Chapter 11 of the TxCDBG Project Implementation Manual includes the chart shown here to help determine whether the requested change is minor or significant.

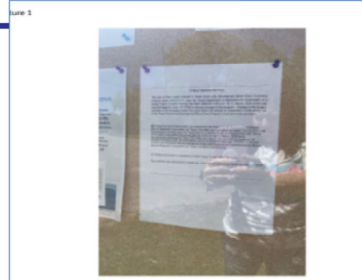
For Minor amendments, if the request is approved no additional action by the Grant Recipient is required to become effective. The people assigned as Authorized Official, Project Director, and Consultant will receive an email notification of the approval, and the status of the grant will be returned to Grant Executed.

For Significant amendments, if the request is approved, the amendment document must be executed by both the Grant Recipient and TDA executive staff. We require public participation for these larger changes to allow the residents of the Grant Recipient's jurisdiction to have an opportunity to comment on the proposed changes.



PS: Evidence of Public Participation

- Public Hearing Notice
 - Copy of published newspaper notice
 - Photos of posted notice with affidavit (Form A101)
- Resolution



If citizen participation is required, provide:

- Evidence of public hearing notice. This means
 - A copy of the Newspaper publication, or
 - Photos and/or screen shots of the posted notice supported by an Affidavit (Form A101). These photos should clearly show not only what was posted, but where. You may need two photos, with one taken some distance away to show the posting location in context. Please review Chapter 1 of the TxCDBG Implementation Manual to ensure you have complied with all documentation requirements for citizen participation.
- A local governing body Resolution approving the requested change to the grant agreement.



PS: Revised Beneficiaries

Determine Beneficiaries for the revised project:

- Consistent methodology / justification
- Consistent survey questionnaires, as applicable

2. Do the proposed revisions change the project beneficiaries? *

Yes, a new Benefit Area has been identified. Note: changing the Benefit Areas of the approved grant is a significant request. Please contact TDA prior to preparing the Amendment Request.

Yes, a number of beneficiaries would change within the existing Benefit Area(s).

Yes, a Benefit Area is proposed to be removed from the project

No Change to Benefit Area

Beneficiary support documentation

Select drag files here

Survey Packet

Generally, a change in the locations of a project that is not jurisdiction-wide will have a correlated change in beneficiaries.

The beneficiary information is established for the project with the original application – the supporting documentation can be supplemented to reflect the updated work, but cannot be disregarded.

The grant recipient must use the same method for determining beneficiaries for the application and any amendment. Meaning that, if the original application identified beneficiaries based on homes directly connected to the improved water line, the amendment must also include only the directly connected homes.

Any surveys for area benefit projects cannot be replaced to improve the previously submitted survey totals. However, direct benefit surveys for yardline installation or housing rehabilitation can be replaced with information for the current residents.



PS: Revised Beneficiary Documentation

If adding beneficiaries include:

- New survey tab;
- Complete address list, identifying addresses that have been added and;
- Questionnaires for addresses added.

To increase the beneficiaries for a benefit area, the following is required:

- A new survey tab, calculating all beneficiaries for the revised project.
- A complete address list, with both the original addresses and clearly identified new addresses.
- Questionnaires for the newly added addresses only.



PS: Revised Beneficiary Documentation

If reducing beneficiaries include:

- Original approved survey tab
- Proposed reduced survey tab
- Original address list, striking addresses to be removed

For amendments that decrease beneficiaries within a benefit area, provide both the original and proposed survey tabs. In addition, mark up the original address list to indicate which addresses are to be removed.



PS: Maps

- Location changes require 2 maps
 - Map of Requested change, tracked – must show all current locations AND mark deletions / additions
 - Proposed Project map, after revision – clean map to replace Figure A1

4. Do the proposed revisions change the following elements (select all that apply): *

a) the locations as identified on the Grant Agreement Figure / Project Map? Any change to the Grant Agreement Figure / Project Map must be identified.

County Code	Census Tract ####.#	1	2	3	4	5	6
<input type="text"/>	<input type="text"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Map of requested change, tracked *Drag Files Here*

Proposed project map, after revision *Drag Files Here*

One common error we see relates to amended locations. For each Performance Statement request, review the current Figure A1 of the grant agreement. If this map no longer accurately identifies the project, you must mark item a for Question 4. Then two maps are required to support the amendment.

The Map of requested change must clearly indicate project locations that are added, deleted, and unchanged. Chapter 11 includes best practices for color coding this map for clear communication.

The Proposed project map is a new map that shows only the revised project is all requested changes are approved. This map will replace Figure A1, contractually requiring the locations as shown in this map.

For projects with multiple benefit areas, this Proposed Project Map must include not only the area being revised, but all other benefit areas included in the project. Otherwise the amendment may inadvertently remove the other areas from the grant agreement altogether.

This item also requires updated census information for accurate HUD reporting

– you can find the original data in the application.

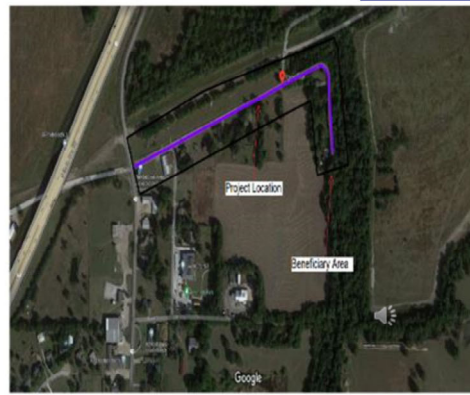


PS: Maps (Original & Revised)

Original Map



Revised Map



Having good maps is integral for the Amendment process. Here is an example of the two required maps.

In the map on the left, we can see two lines marked in purple. These streets were included in the original application, and remain unchanged in the proposed project. Two other lines are marked in orange, indicating streets from the original application that will be removed by this amendment. This provides the grant specialist with a very clear picture of how much of the project is being changed, what changes to anticipate for beneficiaries, and whether the revision makes sense in context.

The map on the right is clear documentation of the revised project, including both the project location and benefit area, ready to be uploaded as Figure A1.



PS: Environmental Review

- Environmental Review Preparer certifies the Performance Report Re-evaluation

- AO acknowledges the re-evaluation on the amendment PS Revisions form

Each Performance Statement change must address the environmental review process.

If an environmental review has not yet been completed, or if the changes are significant enough to warrant a new environmental review being conducted, select the appropriate statement.

If an environmental review has been approved, the Environmental Review Re-Evaluation must be completed, no matter how minor the requested changes. The re-evaluation is completed through a form on the Environmental Review Performance Report document and must be certified by the Environmental Review Preparer. This is part of the Environmental Review Record. If the original preparer is not available, the person certifying must be a certified TxCDBG administrator.

Coming back to the amendment request documentation, the Authorized Official must check the box on Question 5 to confirm that the re-evaluation is complete and the previous environmental clearance remains valid.



PS: Work Method

- Communicate the plan for completing the work.
- Submit relevant MSR / change orders

The screenshot shows a web interface for an 'Amendment' process. On the left, there is a sidebar with two items: 'Amendment Request Form' with a question mark icon, and 'Proposed CDBG Performance Statement Revisions' with a document icon. The main content area displays a question: '7. How will the work be completed? *'. Below the question are three radio button options: 'The work is included in an existing vendor / service provider contract', 'The work will be added by change order to an existing vendor / service provider contract', and 'A new vendor / service provider contract must be procured'. A speaker icon is visible in the bottom right corner of the screenshot area.

Information is also required to explain how the work described in the amendment will be completed.

Be sure that any relevant Materials and Services Reports have been submitted. If the proposed amendment is related to a construction change order, the relevant Materials and Services Report must be accepted and the change order entered before submitting the amendment request.



Budget Amendment

Amendment

Amendment Request Form

Status Options

Amendment Request Submitted

Amendment Request Cancelled

Tools

Landing Page

Add/Edit People

Status History

Attachment Repository

Exhibit B

Request Change to Budget

Cost Category	Current Agreement Amount	Requested Change *	Proposed Amount	Change as Percent of Total
03K	\$100,000.00	\$ 20,000	\$120,000.00	20.00 %
03L	\$200,000.00	\$ -30,000	\$170,000.00	-15.00 %
14A	\$0.00	\$ 10,000	\$10,000.00	%
Admin	\$30,000.00	\$	\$30,000.00	0.00 %
Engineering	\$30,000.00	\$	\$30,000.00	0.00 %
	\$0	\$ 0	\$0.00	0.00 %
Total	\$360,000.00	\$0.00	\$360,000.00	0.00 %

Looking now at other types of amendments, a grant recipient may request a change to the grant agreement budget, Exhibit B.

This type of amendment does not require an uploaded track changes document. Instead complete the Requested Change column of the amendment budget table.

Enter the amounts of grant funding to be revised. Enter positive numbers in the row for budget item requested to be increased; **enter negative numbers** for the budget item proposed to be decreased.

Note that, in Exhibit B, the total match commitment is identified but not assigned to a specific cost category. No Budget Amendment is necessary to expend matching funds in any eligible category, even if the actual amount per category differs from the recommendation in the grant application.



Budget Amendment

- Minor amendment:
 - revises **no more than 20%** of the total grant amount
 - consistent project scope / objective
- Cost Category Thresholds within application guide limits
 - administration – not permitted
 - engineering – requires Significant Amendment

A Grant Recipient may request to transfer funds between budget categories identified in the budget without triggering a Significant amendment if:

- the cumulative dollar amount of transfers among budget categories is less than or equal to 20% of the total amount of the agreement; and
- the transfer of budgeted funds will not change the scope or objective of the project(s) funded through the TxCDBG agreement.

In addition, requests to transfer funds to administration or engineering line items must be within the limits provided in the application guide for the relevant grant competition. These transfers must also be requested before the final construction inspection reported on the Certificate of Construction Completion..



Extension Amendment

- Extenuating circumstances beyond the Grant Recipient's control.
- Adequate progress is required, and special conditions may be applied.
- Application Progress Thresholds not waived.

Current Date	Proposed Date
01/01/2023	06/01/2023

Total number of extensions requested to date for this project, including this one: 1

Describe the extenuating circumstances beyond the control of the Grant Recipient that will prevent completion of the project within the explanation must address extenuating circumstances since the previous extension request was submitted.

A third type of grant amendment is the Change to Timeline, also known as a grant period extension request.

Rarely, extenuating circumstances beyond the control of the Grant Recipient may prevent the completion of agreement activities within the prescribed agreement period, or the grant recipient may add additional work to the project. TDA may consider an extension to the grant agreement period, but is not obligated to approve such a request. TxCDBG funds expire if not used within a given time period, and TDA's review will balance stewardship of the limited grant funds with support for the grant recipient's project.

Generally, TDA does not recommend submitting an extension request more than 90 days prior to the current grant period end date, to ensure the most accurate timeline is considered. However, please inform your grant specialist as soon as you know that additional time will be needed.

TDA will not consider an extension for grants that have not received environmental clearance within the original grant period; and if other progress milestones are not met, special conditions may be added to the agreement to ensure compliance with the revised timeline.

Approval of an Extension amendment does not waive the progress thresholds required for new grant applications.



Submitting the Amendment

- Upload any additional supporting documentation
- Authorized Official Certification **new**
- Status Change

The screenshot shows a web interface for submitting an amendment. On the left is a navigation menu with 'Amendment' selected. The main content area is titled 'Additional supporting Documents' and contains a 'Description' field, an 'Upload' button, and a 'Certification' section. The certification section has a checkbox and a table for the Authorized Official's signature, title, and date.

Signature of Authorized Official	Title	Date
Mary Sue	Authorized Official	06/04/2024

Once all required information is entered and documentation uploaded, you may submit the amendment request. Any documentation necessary to explain the request and not uploaded elsewhere, such as an engineer's justification letter, may be added at the bottom of the screen.

TDA recently revised the submittal procedure to include a certification by the Authorized Official, similar to the action required to submit the original application. The AO must log in to the TDA-GO system to review the amendment request and complete the certification. Using the revised procedure, either local staff or a consultant may submit the amendment request form once certified. Use the left navigation bar and scroll down to the Status Options section and click **Submit Amendment Request**.

The grant specialist and management will review your request and contact the certified administrator with any questions or concern.

For Minor Amendments: You will be notified of approval via email and the status of the grant will be returned to Grant Executed. No further action is required.



Executing the Significant Amendment

- Generate and review the Grant Amendment document
- Execute the amendment, save the page
- Change the status

Click here to generate Grant Amendment [Grant Amendment](#)

Authorized Signatory.
Each person signing the Agreement Amendment certifies that he or she is authorized by the Department or Grant Recipient to bind the party on whose behalf they are signing to the terms and conditions in the Agreement Amendment.
This Agreement Amendment is executed by the Parties in their capacities as stated below.
By checking this box, I agree to use electronic signatures. Furthermore, I confirm that I have signature authority to execute this document and it is an electronic representation of my signature for all purposes when used on documents, including legally binding contracts just the same as a pen-and-paper signature.

Signature of Grant Recipient Authorized Official	Title	Date
<input type="checkbox"/>		
Signature of TDA Authorized Official	Title	Date
<input type="checkbox"/>		

[Send Amendment to TDA for Signature](#)

For Significant Amendments, the amendment will be routed to the Authorized Official for execution. The AO, PD, and Consultant will be notified by email when this occurs.

- navigate to the Amendment Certification Form. Click the link marked above in green to generate the pdf grant amendment document. Review to ensure you agree.
- The Authorized Official must check the signature box and save the form to execute the amendment.
- Change the status by click *Send Amendment to TDA for Signature*.
- A second email will be sent to the project team when TDA executive staff have signed and the grant amendment is fully executed.



Amendment Deadlines & Penalties

30 Days Prior to Current Grant Agreement End Date

- Extension amendment
- Significant amendments requiring citizen participation
- Any Amendment revising the number of beneficiaries

30 Days Prior to the PCR Due Date

- Minor Amendment that does not revise beneficiaries

Penalty for missing deadline: \$3,000

TDA has established certain deadlines for submittal of grant amendment requests. Amendment requests submitted after these deadlines will not be approved.

Requests to amend the grant agreement end date or beneficiaries, or that require citizen participation, must be submitted no later than 30 days prior to the grant agreement end date.

Minor Amendments that do not revise beneficiaries – including final quantities amendments – must be submitted no later than 30 days prior to the PCR due date.

For each amendment that fails to meet these deadlines, TDA will assess a penalty of \$3,000. This penalty is a reduction in the total grant funds available and is generally applied to the administration line item. TDA may assign the penalty to other line items when available or appropriate.

Failure to submit a timely performance statement amendment request will also result in a finding of non-compliance with the terms of the grant agreement, as

the work actually performed does not match the scope of work agreed to in the grant agreement.