



RESOLUTION NO. 20151027-02

**AUTHORIZING AND RATIFYING THE EXECUTION OF THE
DEPARTMENT OF COMMERCE'S ECONOMIC DEVELOPMENT
ADMINISTRATION PLANNING GRANT**

WHEREAS, TexAmericas Center is a political subdivision of the State of Texas with the powers and authorities specified in Chapter 3503 of the Special District Local Laws Code of the State of Texas; and

WHEREAS, TexAmericas Center applied for grant funds through the Department of Commerce's Economic Development Administration to complete a Master Plan for the Redevelopment of TexAmericas Center; and

WHEREAS, Scott Norton has executed the Department of Commerce's Economic Development Administration Financial Assistance Award to do the Master Plan for the Redevelopment of TexAmericas Center.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of TexAmericas Center does hereby approve and ratify the Financial Assistance Award with the Department of Commerce's Economic Development Administration upon the terms and conditions and budget as set forth in the Financial Assistance Award and Special Award Conditions attached hereto.

PASSED and APPROVED this 27th day of October, 2015.


Denis Washington, Chairman of the Board

ATTEST:


Boyd Sartin, Secretary/Treasurer

ATTACHMENT: EDA Planning Grant

SEP 10 2015



**U.S. DEPARTMENT OF COMMERCE
Economic Development Administration
Austin Regional Office
903 San Jacinto, Suite 206
Austin, TX 78701**

In Reply to
Investment No.: 08-06-05065

Mr. Scott Norton
Executive Director/CEO
TexAmericas Center
107 Chapel Lane
New Boston, Texas 75570-9554

Dear Mr. Norton:

I am pleased to inform you that the Department Of Commerce's Economic Development Administration (EDA) has approved your application for a \$150,000 EDA investment to the TexAmericas Center. The scope of work includes a master plan for the development of the TexAmericas Center.

Enclosed are three signed copies of the Financial Assistance Award. Your agreement to the terms and conditions of the award should be indicated by the signature of your principal official on each of the signed copies of the Financial Assistance Award. Two of the executed copies should be returned to Mark Peltzman, Project Officer, Economic Development Administration, 903 San Jacinto, Suite 206, Austin, TX 78701. If not signed and returned within 30 days from the date the Grants Officer signs the agreement, EDA may declare the Award null and void.

Please do not make any commitments in reliance on this award until you have carefully reviewed and accepted the terms and conditions. Any commitments entered into prior to obtaining the approval of EDA in accordance with its regulations and requirements will be at your own risk.

EDA's mission is to lead the Federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA implements this mission by making strategic investments in the nation's most economically distressed regions that encourage private sector collaboration and the creation of jobs. EDA investments are results driven, embracing the principles of technological innovation, entrepreneurship and regional development.

I share your expectations regarding the impact of this investment and look forward to working with you to meet the economic development needs of your community.

Sincerely,

A handwritten signature in black ink, appearing to read "Jorge Ayala", written over a diagonal line.

Jorge Ayala
Acting Regional Director

Enclosures

FINANCIAL ASSISTANCE AWARD

FEDERAL AWARD ID NUMBER
08-06-05065

RECIPIENT NAME
TexAmericas Center

PERIOD OF PERFORMANCE
10/01/2015 through 09/30/2017

STREET ADDRESS
107 Chapel Lane

FEDERAL SHARE OF COST
\$150,000

CITY, STATE, ZIP CODE
New Boston, Texas 75570-9554

RECIPIENT SHARE OF COST
\$100,000

AUTHORITY
Public Works and Economic Development Act of 1986(42 U.S.C. § 3121 et seq.) as amended including the comprehensive amendments made by the Economic Development Administration Reauthorization Act of 2004 (P.L. 108-373)

TOTAL ESTIMATED COST
\$250,000

CFDA NO. AND NAME
11.303, Title II, Section 207, Local Technical Assistance

PROJECT TITLE
Master Plan for the Development of the TexAmericas Center

This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.

- Department of Commerce Financial Assistance Standard Terms and Conditions (December 2014)
- R & D Award
- Federal-Wide Research Terms And Conditions, As Adopted By The Dept. Of Commerce
- Special Award Conditions
- Line Item Budget
- 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements, as Adopted Pursuant to 2 CFR § 1327.101
- 48 CFR Part 31, Contract Cost Principles and Procedures
- Multi-Year Award. Please See The Multi-Year Special Award Condition.
- Other(s): EDA Standard Terms and Conditions for Capacity Building Project

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

DATE

Jorge Ayala, Acting Regional Director

SEP 10 2015

PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

DATE

Scott Norton, Executive Director/CEO

9/28/15

U.S. Department of Commerce
Economic Development Administration

SPECIAL AWARD CONDITIONS

Title II, Section 203, Local Technical Assistance
under the Public Works and Economic Development Act of 1965, as amended

Master Plan for the TexAmericas Center

1. **RECIPIENT:**
TEXAMERICAS CENTER
107 Chapel Lane
New Boston, Texas 75570-9554

Authorized Representative
Mr. Scott Norton
Executive Director/CEO
Tel: 903-223-9841
Fax: 903-223-8742
Email: scott.norton@texamericascenter.com

INVESTMENT NUMBER:
08-06-05065

Point of Contact
Ms. Vickie Williamson
Special Projects Coordinator
Tel: 903-255-3537
Fax: 903-792-3012
Email: vwilliamson@atcog.org

2. **GRANTS OFFICER:**
The Grants Officer is authorized to award, amend, suspend, and terminate financial assistance awards. The Grants Officer is:

Jorge Ayala
Acting Regional Director
Phone: 512-381-8144
Fax: 512-381-8177

Economic Development Administration
Austin Regional Office
903 San Jacinto, Suite 206
Austin, Texas 78701-2450

3. **FEDERAL PROGRAM OFFICER:**
The Federal Program Officer (Area Director) oversees the programmatic aspects of this Award. The Federal Program Officer is:

Matthew P. Giannini, Area Director
Phone: 512-381-8171
Fax: 512-381-8177
Email: mgiannini@eda.gov

Economic Development Administration
Austin Regional Office
903 San Jacinto, Suite 206
Austin, Texas 78701-2450

4. **PROJECT OFFICER:**
The Project Officer is responsible for day-to-day administration and liaison with the Recipient and receives all reports and payment requests. The Project Officer is:

Mark Peltzman, Project Officer
Phone: 512-381-8162
Fax: 512-381-8177
Email: mpeltzman@eda.gov

Economic Development Administration
Austin Regional Office
903 San Jacinto, Suite 206
Austin, Texas 78701-2450

5. **SCOPE OF WORK:** This EDA Award supports the work described in the approved final scope of work, which is incorporated by reference into this Award, as the *Authorized Scope of Work*. All work on this project should be consistent with this *Authorized Scope of Work*, unless the Grants Officer has authorized a modification of the scope of work in writing through an amendment memorialized through execution of a Form CD-451.

The *Project Description and Authorized Scope of Work* for this project include:

Project Description: The EDA investment will help fund a master plan for the development of the TexAmericas Center in New Boston, TX.

Scope of Work: The Recipient agrees to carry out the authorized scope of work for this project, which entails a targeted industry study by a firm with regional development expertise, an industry site design plan within TexAmericas, buildings assessment/prioritization based on structural integrity and functional evaluation, transportation/drainage infrastructure assessment, and utilities plan/prioritization for gas, electric, water, and sewer needs. The methodology for each assessment would follow standard operating procedures and accepted practices for that particular field.

6. **ALLOWABLE COSTS AND AUTHORIZED BUDGET:** Total allowable costs will be determined at the conclusion of the award period in accordance with 2 C.F.R. Part 200, after Final Financial Documents are submitted.

- A. Under the terms of the Award, the approved and authorized budget includes:

Federal Cash Contributions	\$150,000.00	(60%)
<u>Non-Federal Cash Contributions</u>	<u>100,000.00</u>	<u>(40%)</u>
Total Project Costs	\$250,000.00	(100%)

- B. Under the terms of this Award, the total approved line item budget is:

Cost Classification	Proposed (\$)	Approved (\$)
Personnel	\$ 36,000	\$ 36,000
Fringe Benefits	\$ 17,870	\$ 17,870
Travel	\$ 2,880	\$ 2,880
Equipment	\$ 0	\$ 0
Supplies	\$ 0	\$ 0
Contractual Cost	\$ 193,250	\$ 193,250
Other	\$ 0	\$ 0
Total Direct	\$ 250,000	\$ 250,000
<u>Indirect Charges</u>	<u>\$ 0</u>	<u>\$ 0</u>
Grand Total	\$ 250,000	\$ 250,000

Budget Narrative and Remarks:

Travel includes local, in-state and out-of-state (only for EDA authorized events).

7. **FEDERAL SHARE:** The EDA participation in total eligible project costs will be limited to the EDA grant amount or the EDA share of total allowable project costs, based on the area's grant rate eligibility at the time of award, whichever is less.
8. **MATCHING SHARE:** In affirming this Award, the Recipient certifies that the non-Federal share of the Project costs is committed, unencumbered and available as needed for the Project and the non-Federal share is from sources which can be used as match for the EDA Project. Any substitution of the non-Federal share shall be submitted in writing and approved by EDA. The Recipient also agrees to provide its contribution for eligible project expenses in proportion to the Federal share requested for such project expenses. As a reminder, the award requires \$100,000.00 in matching funds as outlined in the application's local match documentation.
9. **PROJECT DEVELOPMENT TIME SCHEDULE:** The Recipient agrees to diligently pursue the completion of the project according to the following general schedule:
 - A. Execution of Financial Assistance Award (Form CD-450): Return the form to the Grants Officer within 30 calendar days from the Approval Date.
 - B. Authorized Award Period: October 1, 2015 through September 30, 2017.
 - C. Detailed Task-Oriented Time Schedule: See Attachment A

The Recipient shall diligently pursue the development of the Project so as to ensure completion within this time schedule. Moreover, the Recipient shall promptly notify EDA in writing of any event that could substantially delay meeting any of the proscribed time limits for the Project as set forth above. The Recipient further acknowledges that failure to meet the development time schedule may result in EDA's taking action to terminate the Award in accordance with the regulations set forth at 2 C.F.R. § 200.339.

10. **ADDITIONAL INCLUDED DOCUMENTS:** In addition to the regulations, documents, or authorities incorporated by reference on the Financial Assistance Award form (Form CD-450) the following additional documents are included with and considered to be part of the Award's terms and conditions:
 - Recipient's final completed Application (this item not enclosed in this Award package)

Should there be a discrepancy with the Application, these Special Award Conditions and the attachments hereto shall control.

11. **AFFIRMATION OF AWARD:** This Financial Assistance Award, subject to the Department of Commerce Standard Terms and Conditions, EDA Standard Terms and Conditions for Capacity Building Investments and EDA Special Award Conditions shall constitute an obligation to make such award. If the Recipient fails to affirm its intention to use the award in accordance with the terms and conditions of the Financial Assistance Award, it will be terminated without further cause. By signing and returning two of the original Financial Assistance Award documents within 30 calendar days from receipt, the Recipient hereby affirms that it intends to use the award in accordance with the terms and conditions as above-referenced.

12. **PROJECT ADMINISTRATION, REPORTING, AND FINANCIAL GUIDELINES:**

A. **GRANT ADMINISTRATION PLAN:** Within sixty (60) days of accepting the EDA Financial Assistance Award, the Recipient shall provide to the Regional Office a Grant Administration Plan which outlines how the Recipient will administer the EDA Award. The Plan must include the following information:

1. Names, addresses, phone and facsimile numbers and email addresses for all personnel responsible for all activities pertaining to the EDA Award. These activities include, but are not limited to, compliance with grant conditions, and processing payment requests to EDA.

2. Project Financial Plan: EDA funds will not be disbursed until all special award terms and conditions to the EDA Award are satisfied. The plan should explain who will be responsible for preparing payment requests to EDA.

3. Capacity Building: In an effort to enhance the Recipient's capacity building efforts, hiring new staff is authorized to support the overall scope of work as outlined in Attachment A. Prior to hiring any employees that will be paid with award funds, the Recipient must submit a final staffing plan, which shall include:

a. The salary level; and

b. The nature of the work to be performed, e.g., title, job description; and percent of time allocated to the project.

Any substantive changes in the staffing plan must be resubmitted for approval by EDA; any increases in individual salary levels which equal 10 percent or more must also have prior approval of EDA.

4. Staffing Changes: In the event of a change in the professional staff positions funded with the EDA grant, the Recipient shall provide the name of the individual selected to fill the position to EDA and a copy of his or her resume within thirty (30) business days of the selection.

B. REPORTING: Reports and financials should be submitted to the EDA project officer assigned to your project on or before the required due date. If for any reason, you are unable to meet the appointed due date, please notify the project officer, in writing, at least 10 business days prior to the applicable due date. The letter should state the reason(s) for not being able to meet the due date and the proposed extension date the report will be submitted to the Austin Regional Office. The Regional Office reserves the right to deny a request for extension. Please note: In order to avoid repeated delays, only one extension per report will be considered.

The following reports are required with the due dates as indicated:

1. **Midpoint Progress Report:** This report will cover the period from October 1, 2015 through September 30, 2016 and is due in the Austin Regional Office no later than October 31, 2016.
2. **Final Progress Report:** This report will cover the period from October 1, 2016 through September 30, 2017 and is due in the Austin Regional Office no later than October 31, 2017.
3. **Performance Measures Reports:** If applicable, the Recipient agrees to report on program performance measures and program outcomes in such form and at such intervals as may be prescribed by EDA in compliance with the Government Performance and Results Act (GPRA) of 1993, and the Government Performance and Results Modernization Act of 2010. Recipients are to retain sufficient documentation so that they can submit these required reports. Failure to submit this required report can adversely impact the ability of the Recipient to secure future funding from EDA.

Performance measures and reporting requirements that apply to program activities funded by this investment will be provided in a separate GPRA information collection document, if applicable. EDA staff will contact Recipients in writing within a reasonable period prior to the time of submission of the reports with information on how this data should be submitted.

4. **Financial Reports:** The Recipient shall submit a "Financial Status Report" (Form SF-425) on a semi-annual basis for the periods ending March 31 and September 30 for the entire project period. Form SF-425 (and instructions for completing this form) is available at: http://www.whitehouse.gov/omb/grants/grants_forms.html. Reports are due no later than one (1) month following the end of the period.

Please note, the final FFR is due no later than October 31, 2017 and must include all expenses charged for the entire Award period. *EDA will close the Award on the basis of the final FFR. In order to properly close the Award, a detailed or itemized budget reflecting actual expenditures must be submitted with the final FFR.* Additionally, EDA may however revise the eligible project costs based upon the audit report, if required under the Standard Terms and Conditions.

5. All reports and correspondence related to this investment are to be submitted to the Federal Program Officer and Project Officer identified on page 1.
 6. Audit Requirements: Applicable audit requirements are contained in 2 C.F.R. Part 200, Subpart F – Audit Requirements §§200.501 – 200.521.
- C. PROGRAM INCOME:** Program income earned during the award period shall be retained by the Recipient and added to funds committed to the award and used for the purposes and under the conditions applicable to the award and/or used to finance the non-federal share of award costs.
- D. AWARD PAYMENTS:** EDA shall make award payments related to this Financial Assistance Award using the Department of Treasury's Automated Standard Application for Payments (ASAP) system. The Recipient shall furnish documentation to EDA as required by the ASAP system including, but not limited to, the Recipient Identification Number and the Requestor Identification Number. Basic information and specified requirements related to the ASAP system can be obtained via the Treasury Department's website at www.fms.treas.gov/asap.
- EDA retains the right to change Recipients from Advance to Reimbursement or Agency Review status if the Grants Officer deems it necessary or prudent to ensure successful monitoring of Federal funds and protect the Federal interest. In such cases, Recipients can be required to submit a complete Form SF-270, "*Request for Reimbursement*" for the applicable period electronically to the Project Officer, who will review and process the request.
- E. PROJECT CLOSEOUT:** All Project closeout documents, including final financial information and any required program reports, shall be submitted to the Government not more than 90 days after the date the Recipient accepts the completed Project from the contractor(s). The Recipient shall pursue diligently the development of the Project so as to ensure completion of the Project and submission of closeout documents within this time schedule. Moreover, the Recipient shall notify the Government in writing of any event which could delay substantially the achievement of the Project within the prescribed time limits. The Recipient further acknowledges that failure to meet the development time schedule may result in the Government's taking action to terminate the Award in accordance with the regulations set forth at 2 C.F.R. §200.339.
- F. REFUND CHECKS, INTEREST OR UNUSED FUNDS:** Treasury has given the EDA two options for having payments deposited to our account with it:

The first one is Pay.Gov. This option allows the payee to pay EDA through the Internet. The payee will have the option to make a one-time payment or to set up an account to make regular payments.

The second option is Paper Check conversion. All checks must identify on their face the name of the DoC agency funding the award, award number, and no more than a two-word description to identify the reason for the refund or check. A copy of the check should be provided to the EDA Project Officer. This option allows the payee to send a check to NOAA's accounting office, which processes EDA's accounting functions at the following address:

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Finance Office, AOD, EDA Grants
20020 Century Boulevard
Germantown, MD 20874

The accounting staff will scan the checks into an encrypted file and transfer to the Federal Reserve Bank, where the funds will be deposited in EDA's account. While this process will not be an issue with most payees, there are occasionally issues for entities remitting funds to EDA via check. If you are remitting funds to EDA via check, please make note of the following:

- Checks will be converted into an electronic funds transfer by copying the check and using the account information to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours and will appear on your regular account statement.
- EDA will not return your original check; the original will be destroyed and a copy will be maintained in our office. If the Electronic Funds Transfer (EFT) cannot be processed for technical reasons, the copy will be processed in place of the original check. If the EFT cannot be completed because of insufficient funds, EDA will charge you a one-time fee of \$25.00, which will be collected by EFT.

G. INDIRECT COSTS: If applicable, where EDA or The United States Department of Commerce (DOC) is the Recipient's cognizant federal agency, the Recipient must prepare a new indirect cost proposal within six (6) months after the close of its fiscal year. This is an annual requirement and is in effect as long as the Recipient is claiming indirect costs as part of the EDA grant award. The indirect cost proposal should be calculated in the form of a 'fixed rate with carry-forward' to be established for a fiscal year following the year covered by the audited financial statements on which the rate proposal was based. The Recipient is not required to submit the indirect cost allocation proposal to EDA or DOC. Instead, the indirect cost proposal and related documentation to support the costs are to be prepared and retained at the Recipient level, and these records are subject to audit.

Where EDA or DOC is not the Recipient's cognizant federal agency, within 90 days of the EDA grant award date the Recipient must provide documentation to EDA showing that the Recipient's cognizant federal agency has approved its Indirect Cost Rate Agreement. EDA will not reimburse any "Indirect Cost" line item expenses until the Recipient provides documentation of an Indirect Cost Rate Agreement from the Recipient's Cognizant Federal Agency.

The Recipient is also required to submit to the applicable cognizant agency an annual Certificate of Indirect Costs. If EDA is the cognizant federal agency, then the submission of this form is due to EDA within six (6) months after the close of each fiscal year, and must be sent to the address as referenced on the sample Certificate. The Grant Specialist will provide the Recipient with a sample Certificate and any additional guidance, as needed. All Indirect Costs claimed in the Certificate of Indirect Costs are subject to audit, and it is the Recipient's responsibility to retain all appropriate records to support audit claims.

13. **PLANNING COORDINATION:** In keeping with regional economic development principles, Recipients should coordinate economic development planning and implementation projects with other economic development organizations affecting the area, especially EDA-funded recipients such as State and Urban planning grantees, adjoining Economic Development Districts (EDDs) and Indian Tribes, and University Centers (UCs).
14. **PROCUREMENT:** The Recipient agrees that all procurement transactions shall be in accordance with 2 C.F.R. §§ 200.317-200.326.
15. **NONRELOCATION:** In signing this award of financial assistance, Recipient(s) attests that EDA funding is not intended by the Recipient to assist its efforts to induce the relocation, or the movement of existing jobs from one region to another region in competition with those jobs. In the event that EDA determines that its assistance was used for such purposes, EDA retains the right to pursue appropriate enforcement action in accord with the Standard Terms and Conditions of the Award, including suspension of disbursements and termination of the award for convenience or cause, which may include the establishment of a debt requiring the Recipient to reimburse EDA.

Attachment A

Master Plan for the TexAmericas Center

Task Oriented Time Schedule

RFPs for various studies – 1 month

Comprehensive Industry Study - 4 months

Transportation/Drainage Infrastructure - 4 months

Utility Infrastructure - 4 months

Building Assessment & Prioritization - 2 months

Industry Site Design - 2 months

SHPO Clearance of TAC Footprint - 2 months

Some of these elements will be working simultaneously, while some will require the results from other studies to complete their work. TexAmericas is very anxious to begin as soon as possible and finish the planning stage as quickly as possible. They are reaching out to potential clients every day and need this Master Plan to proceed in a logical, organized, effective method.

Elements of Plan and Timeline

- Targeted industry study
 - assets (hard and soft)
 - available employee assets
 - job training program / educational opportunities
 - existing industry composition and mix
 - SWOT analysis
 - macro review
 - emerging industries
 - emerging technologies
 -
- Industry site design
 - TAC-E
 - TAC-C
 - TAC-W

Attachment A

- **SHPO Clearance of TAC footprint**

- **Building assessment / prioritization**
 - **demolition**
 - **re-use**
 - **structural evaluation**
 - **functional evaluation**
 - **environmental remediation**
 - **asbestos**
 - **lead based paint**

- **Transportation / drainage infrastructure**
 - **roadway network**
 - **existing network**
 - **short & long term maintenance objectives**
 - **future network**
 - **IH 69, etc.**
 - **rail network**
 - **transload sites/development**
 - **short- & long-term maintenance objectives**
 - **other rail service opportunities**
 - **etc.?**
 - **drainage network**
 - **wetlands**
 - **floodplains**
 - **maintenance needs**
 - **wetland banking feasibility**
 - **waters of the US**

- **Utility Infrastructure (gas, electric, water, sewer, and IT)**
 - **existing network**
 - **assessment**
 - **condition**
 - **adequacy**
 - **corridor / master plan for infrastructure**
 - **capacity assessment**
 - **current capacities**
 - **current load**
 - **load available for growth**
 - **peak load availability**
 - **reasonable & desired capacities for future growth**

ECONOMIC DEVELOPMENT ADMINISTRATION STANDARD TERMS AND CONDITIONS

Capacity Building Programs

These Standard Terms and Conditions apply to awards of capacity building programs under the Public Works and Economic Development Act of 1965, as Amended, including the comprehensive amendment of the Economic Development Administration Reform Act of 1998 Public Law 105-393 (PWEDA), Sections 203, 207, and 209 (strategy grants), Federal laws, regulations, Executive Orders and OMB Circulars that apply to a previous award, except as noted in the Special Terms and Conditions, shall apply to an amendment or renewal of that award.

A. Statutory, Regulatory, Executive Order and Other Federal Requirements

Some of the terms and conditions herein contain, by reference or substance, a summary of the pertinent statutes, regulations, Executive Orders or OMB Circulars. To the extent that it is a summary, such term or condition is not in derogation of, or an amendment to, such Federal requirements. All statutes or regulations, whether or not referenced herein, are to be applied as amended on the date they are administered.

The Recipient shall comply, and require any contractors or subcontractors to comply, with PWEDA under which this award is made, the regulations issued pursuant thereto, and with all Federal, state, and local laws applicable to its undertaking and activities.

B. General Requirements

1. **USE OF CONSULTANTS/CONTRACTORS:** For all proposals and contracts where costs are expected to exceed \$100,000, the scope of work and the cost of such must be submitted to and approved by EDA prior to employment of such consultants or contractors. Recipients will ensure that any consultant or contractor paid from funds provided under this award is bound by all applicable award terms and conditions. EDA shall not be liable hereunder to a third party nor to any party other than the Recipient.

2. **OTHER FUNDING SOURCES:** Federal funds for this program shall not be used to replace any financial support previously provided or assured from any other source. The Recipient agrees that the general level of expenditure by the Recipient for the benefit of program area and/or program designated in the Special Terms and Conditions of this award, or any amendment or modification thereto, shall be maintained and not reduced as a result of the Federal-share funds received under this program.
3. **REIMBURSEMENT FOR TRAVEL:** Travel by the Recipient confined to the EDA region(s) within which that Recipient is operating and/or to Washington, D.C., for purposes related to the award, does not need prior approval, as long as approved budgeted travel funding levels are not exceeded. Travel which is not in an approved work schedule plan must have prior approval of the FPO.
4. **RECIPIENT CONTRIBUTIONS:** When all or part of the local share match is in-kind, the evaluation of such in-kind local share match is subject to reevaluation by EDA at any time, and any deficiency so determined by EDA shall be compensated by supplemental contributions by the Recipient as a condition for further disbursements by EDA.
5. **PERFORMANCE MEASURES:** The Recipient agrees to report on program performance and project outcomes in such form and at such intervals as may be prescribed by EDA in compliance with the Government Performance and Results Act of 1993. The performance measures that apply to this project are included with and made a part of the grant award package in the Special Award Conditions. EDA will advise the Recipient in writing, within a reasonable period prior to time of submission, in the event there are any modifications in the performance measures.