Restricted Grant Agreement Amendment Guidelines

Introduction

The Restricted Grant Agreement (RGA) Amendment Guidelines is part of a streamlined amendment process for the Sustainable Transportation Planning Grant Program. Once a Notice to Proceed (NTP) letter is issued for a Sustainable Transportation Planning grant, any modification to the project requires mutual written agreement between Caltrans and the grantee in the form of a Change in Grant Agreement (CAT) form. If the amendment includes changes to the project schedule or task funding, a revised Project Cost and Schedule is required. All amendments must be coordinated with Headquarters (HQ) Office of Regional and Community Planning (ORCP). District Contract Managers approve all amendments with concurrence from HQ ORCP.

General Amendment Guidelines

- Grantees must request and receive district approval for any administrative or formal amendment prior to implementing changes or submitting a Request for Reimbursement (invoice/RFR)
- If a grantee submits an invoice/RFR prior to the approval of an amendment, and the task budget allocations in the invoice/RFR support documentation spreadsheet do not match the original Project Cost and Schedule or the last approved amendment, the District Contract Manager must dispute the invoice/RFR
    - District Contract Manager will prepare a dispute notification and send to the grantee via email informing them of an inaccurate invoice/RFR submittal. All invoice/RFR disputes must adhere to the Prompt Payment Act.
    - Grantee must then request an amendment and receive district approval prior to resubmitting a revised invoice/RFR with a new date and signature
    - District Contract Manager must include a copy of the Dispute Notification when submitting the revised invoice/RFR to the HQ Fund Specialist
- District Contract Manager must coordinate with ORCP Liaison on any amendment requests to ensure a complete amendment package is received. District Contract Managers approve all amendments with concurrence from ORCP Liaison.
- A completed CAT form must be submitted with each amendment request
    - The amendment number must be included on all revised documents
- Individual task budgets must remain at a reasonable level to ensure task deliverables are completed
- Grant funding and local match can be zeroed out for Tasks 01 and 02 only
- Clarifications or enhancements that fit within the framework of the Scope of Work (SOW) are allowed
    - Details must be clearly documented in the Justification section of the CA T form with no changes made to the SOW
- If a grant reaches the expiration date without an executed amended contract in place, all task activities must stop on the grant expiration date until the grantee receives a Notice to Proceed from Caltrans

- District Contract Manager sends a Stop Work Order to the grantee informing them to stop work and that any work that takes place after the grant expiration date is not eligible for reimbursement
- Once the amended contract is executed by DPAC the District Contract Manager will issue a Notice to Proceed and the grantee may continue work on the grant

Ineligible Amendments

- Changes to the fundamental objective, purpose, or intent of the SOW included in the executed contract
  - No changes to individual task deliverables or final product
- Adding or removing a task(s)
  - No adding or removing deliverables
- Changes to the original grant title
- Removing grant and local match dollars from a task (Except for Tasks 01 and 02)

Administrative Amendment

Minor changes that do not affect the project deliverables or the total project cost. District Contract Managers approve all amendments with concurrence from HQ ORCP.

Allowable Reasons for an Administrative Amendment

Project Title Change (AKA)

Changes to the original grant title are not allowed. Grantees may use an "Also Known As" (AKA), but both the AKA and the original title must be included in the final product.

- ❖ A completed CAT form is required, and all documents must be updated to reflect the AKA Project Title (Application Cover Sheet, Scope of Work, Project Cost and Schedule, In-Kind Valuation Plan)

Changes to Project Schedule

Project delays happen for a variety of reasons. If the grantee or District Contract Manager notices the schedule slipping for a project, then an amendment to update the project schedule should be submitted.

- ❖ A completed CAT form and a revised Project Cost and Schedule are required to complete the amendment request

Shifting Funds between Tasks

Alignment with consultant's proposal:

The Project Cost and Schedule included in the executed contract contains an estimated task budget and schedule for the project. Once a grantee hires a consultant, shifting funds between tasks may be necessary to align the Project Cost and Schedule with the task budget and schedule included in the consultant's proposal. This is when we expect to see the largest shifts in funding between tasks.

Cost savings or overruns:

A maximum of 20% of the grant award can be shifted from a single task. If shifting funds for multiple tasks, the cumulative funding shift of more than 20% of the grant award is allowed. This is typically to shift cost savings from tasks completed under budget to tasks needing additional funding.

- ❖ A completed CAT form and a revised Project Cost and Schedule are required to complete the amendment request

Tapered Local Match

Grantees are provided the flexibility to vary the required local match amount with each invoice/RFR over the life of the grant contract. An administrative amendment must be submitted and approved prior to applying a tapered local match to an invoice/RFR.

- Grantee must satisfy the contractual local match amount by the contract expiration date
- A financial report generated by the grantee's accounting system (not Excel) showing the contractual local match was fully met, must be submitted with the final invoice/RFR
  - ❖ A completed CAT form and a revised Project Cost and Schedule are required to complete the amendment request

Administrative Amendment Process

Required Documents (Amendment Package)	
Grantee	• Approved CAT form – signed by grantee and approving Caltrans district • Revised Project Cost and Schedule • Revised Application Cover Page (only needed if using AKA grant title)
Administrative Amendment Process	
Grantee	• Coordinate with District Contract Manager on the type of amendment needed • Submit required documents listed above to the District Contract Manager o Bold/underline all changes to the SOW and highlight revisions on all other documents o Include the amendment number on all revised documents o Submit copy of the CAT form to Caltrans with each future invoice/RFR
District	• Coordinate with ORCP Liaison as needed • Review Amendment Package and ensure the grantee has submitted the required documents and that all details are accurate o Ensure amendment request is consistent with the RGA Amendment Guidelines o CAT form must include clear justification and outline all revisions o District Contract Manager and supervisor signature required to approve CAT form o Send email approval to the grantee with a copy of the fully signed CAT form, with a copy to the ORCP Liaison and HQ Fund Specialist • Save all correspondence, documents, and approvals in the District Contract Manager file (State Contracting Manual Vol. 1 Chapter 9.09, and Section 4.12 Records Retention of the 2017 Regional Planning Handbook)

Formal Amendment

A Formal Amendment is required for significant changes to an RGA contract. Approval must be coordinated with HQ ORCP and require coordination with the Division of Procurement and Contracts (DPAC) to execute a new RGA contract. An amendment package must be submitted to DPAC at least 90 days prior to the contract end date. DPAC requires 45 to 60 days to execute a new contract for first time amendments and up to 120 days for a second formal amendment.

Allowable Reasons for a Formal Amendment

Increase/Decrease Total Project Cost

Grantee is unable to meet their original local match amount that's higher than the required 11.47% (overmatch). Grantee can request to lower the local match amount to the minimum requirement for the grant program (11.47% or 20% depending on fund source). This results in a decreased total project cost.

Grantee requests to increase their original local match amount above the amount included in the executed contract. This results in an increased total project cost.

- To avoid a Formal Amendment in this situation, the grantee can elect to keep the additional local match (amount greater than the contractual local match amount) separate from the grant award and local match that included in the executed contract. In this scenario, the additional local match funds would not be included in any invoice/RFR submitted to Caltrans by the grantee.

Update the Application Cover Sheet and Project Cost and Schedule.

Time Extension (allowed for extenuating circumstances only)

Time extensions will be considered on a case-by case basis for extenuating circumstances that are outside of a grantee's control. At the time of the request the grantee must be compliant with all RGA administrative requirements, including invoice/RFR submittals (submitted at minimum quarterly) and quarterly progress reports. Requests must be submitted to Caltrans no later than 90 days prior to the grant expiration date. For multiple extension requests, a maximum cumulative grant amount of $200,000 will be allowed. There are two options for a time extension:

- 30-day extension - timeframe to submit the final invoice/RFR is reduced from 60 to 30 days
- Up to a 12-month extension and up to $100,000 of grant award is allowed

For any time extension longer than 30 days, the grantee must invoice for the grant amount listed in the CAT form (in Over 30-Day Extenuating Circumstances Time Extension Request section) by the Original Grant Expiration and Final Invoice/RFR date. The grant amount identified in the CAT form for the extension period cannot be increased once approved ($100,000 maximum). Grant funds to be used for the extension period must be invoiced by the new Final Invoice date identified in the CAT form.

Formal Amendment Process

Required Documents (Amendment Package)	
Grantee	• Approved CAT form – signed by grantee and approving Caltrans district • Revised Project Cost and Schedule, Application Cover Page (if applicable), and/or Board Resolution (if applicable)
District	• Copy of original signed RGA contract (Agreement & STD 215) • ADM-0360 – Service Contract Request (HQ will prepare) • ADM-3080 – Conflict of Interest Form • Current Contract Manager Training Certificate (District Contract Manager)
Formal Amendment Process	

Grantee	• Coordinate with the District Contract Manager on the type of amendment needed
	• Submit required documents listed above to the District Contract Manager
	  o Highlight any additions and strikethrough any deletions to the Project Cost and Schedule
	  o Include the amendment number on all revised documents
	  o Add a column in the Project Cost and Schedule for revised task budget amounts

District	• Coordinate with ORCP Liaison as needed
	• Review Amendment Package and ensure the grantee has submitted the required documents and that all details are accurate
	  o Ensure Amendment request is consistent with the RGA Amendment Guidelines
	  o CAT form must include clear justification for the changes and outline all revisions
	  o Obtain necessary district signatures on CAT form
	• ORCP Liaison will complete the ADM-0360 and coordinate with the HQ Fund Specialist to obtain HQ Resource Manager's signature. ORCP Liaison will then send the ADM-0360 to the District Contract Manager to obtain the required district signatures.
	• Send the amendment package to the ORCP Liaison for review and copy the appropriate Fund Specialist
	• Send amendment package to DPAC and copy the ORCP Liaison, the DOTP Fiscal Management Branch Chief, and the Grant Management Branch
	  o Submit the amendment package to Contract.Submittal@dot.ca.gov
	  o Coordinate with DPAC and the grantee to ensure all documents are signed and returned in a timely manner
	  o DPAC revises the RGA and sends to the grantee for signature
	  o Once DPAC sends the amended executed contract to the grantee, the District Contract Manager will:
	    ▪ Email a formal approval letter and the amended executed contract to the grantee (copy the ORCP Liaison and the appropriate Fund Specialist)
	    ▪ Save all correspondence, documents, and approvals in the District Contract Manager file (State Contracting Manual Vol. 1 Chapter 9.09, and Section 4.12 Records Retention of the 2017 Regional Planning Handbook)
	• Upon submittal of the amendment package to DPAC, send an "Amendment Award Letter" to the grantee indicating the amount of the grant award that will expire if not invoiced by the original grant expiration date/final invoice date.