

AMENDMENT #1 TO TERMS AND CONDITIONS

This Amendment #1 to the American Rescue Plan Act State Fiscal Recovery Fund Water/Sewer Infrastructure Terms and Conditions is by and between Effingham County Board of Commissioners and the Governor’s Office of Planning and Budget (“OPB”).

Effingham County Board of Commissioners and OPB are individually a “party” and collectively, the “Parties.”

WHEREAS, the Parties entered into a Terms and Conditions Agreement for the American Rescue Plan Act Water/Sewer Infrastructure (the “Agreement”) on 5/4/2023 8:45 PM ; and

WHEREAS, the Parties seek to amend certain portions of the Agreement; and

NOW THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

Section 8 is repealed and replaced with the following:

8. Allocated Amount

The Allocated Amount for this Award is \$45,896,658.50 Grantee shall be limited to a maximum total reimbursement of the Allocated Amount for expenses deemed eligible under the terms of this Grant.

In the event that Grantee provides documentation which, in OPB’s sole discretion, proves actual and reasonably unforeseen project cost overruns which occurred as the result or results of events outside of Grantee’s control, OPB may approve reimbursement of project expenses totaling up to an additional ten percent (10%) of the Allocated Amount.

ENTIRE AGREEMENT. Except as expressly modified by this Amendment #1, the Agreement shall be and remain in full force and effect in accordance with its terms and shall constitute the legal, valid, binding and enforceable obligations to the parties. This Amendment #1 and the Agreement (including any written amendments thereto), collectively, are the complete agreement of the parties and supersede any prior agreements or representations, whether oral or written, with respect thereto. In the event of a conflict between the Agreement and this Amendment #1, the terms of this Amendment #1 shall control.

[SIGNATURES ON THE FOLLOWING PAGE]

By:

Signature: Jody Jones
Jody Jones (Jul 7, 2023 10:28 EDT)
(Authorized Representative of Grantee)

Name: Jody Jones

Title: Grants Coordinator

Date: Jul 7, 2023