

AMENDMENT COMMUNITY CENTER SERVICES AGREEMENT
Contract #19-2961014-CI

This Sixth Amendment to the Agreement (the "Amendment"), by and between the Mid-America Regional Council, (hereinafter referred to as MARC), and City of Independence, Missouri, (hereinafter referred to as Contractor) is effective this 1st day of July, 2021.

WITNESSETH:

WHEREAS, MARC and Contractor are parties to that certain Agreement dated as of July 1, 2018 (the "Agreement"); that First Amendment, dated June 30, 2019; that Second Amendment, dated January 1, 2020; that Third Amendment, dated April 1, 2020; that Fourth Amendment, dated May 31, 2020; and that Fifth Amendment, dated March 1, 2021, and

WHEREAS, MARC and Contractor wish to amend certain terms and provisions of the Agreement as set forth herein;

NOW, THEREFORE, in consideration of the representations, warranties, covenants and agreements set forth in the Agreement and this Amendment and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Definitions.** All capitalized terms used in this Amendment and not otherwise defined herein shall herein have the meaning ascribed to such terms in the Agreement.

2. **Amendment.** Paragraph 2 of the Agreement is hereby deleted in its entirety and replaced with the following:

Time of Performance: The services of the Contractor are to commence on July 1, 2018, and shall be completed by June 30, 2022, unless this Agreement is terminated earlier by MARC.

3. **Amendment.** Paragraph 5 of the Agreement is hereby deleted in its entirety and replaced with the following:

Compensation: Contractor and MARC expressly understand and agree that in no event will the total compensation paid under this agreement, with the exception of that under the auspices of Appendix 6, exceed the amounts listed in Appendix 5, dated July 1, 2021, which shall constitute full and complete compensation for Contractor's services hereunder. In order to be eligible for the full value of the Urban/Suburban Gold Level of Thirty Thousand Dollars (\$30,000.00) each year, Contractor must adhere to and comply with "Services Requested – Community Center Services," beginning on page 5, of the SFY 2019 Community Center Services RFP document. Contractor shall be held fiscally responsible for noncompliance resulting in losses of perishable goods, and/or excessive trip/wait time as determined by MARC.

4. **Amendment.** Paragraph 9 of the Agreement is hereby deleted in its entirety and replaced with the following:

Incorporation of Appendices: Appendices 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 are attached hereto and are hereby incorporated by reference as though fully set out and rewritten herein.

5 **Governing Law.** This Amendment shall be interpreted under and governed by the laws of the State of Missouri. Whenever there is no applicable state statute or decisional precedent governing the interpretation of this Amendment, the federal common law shall govern.

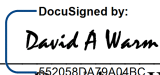
6. **Controlling Agreement.** To the extent that the terms and conditions of this Amendment conflict with the terms and conditions of the Agreement, this Amendment and the Agreement shall be deemed to conform to the terms and conditions of this Amendment.

7. **Binding Effect.** All covenants, terms and conditions set forth in this Amendment shall be binding upon and shall inure to the benefit of all the parties hereto and their respective heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have signed this Amendment effective as of the date first above written.

Mid-America Regional Council

City of Independence, Missouri

By: 
David A. Warm
Executive Director

By: _____

Printed Name: _____

Date: 6/30/2021 _____

Title: _____

Date: _____

Subrecipient Name: City of Independence, Missouri
 Subrecipient's DUNS Number: 076259456
 Service: Community Center Services - SFY 2019, SFY 2020, SFY 2021 & SFY 2022

Amended: 7/1/21

APPENDIX 5

	SFY '19-'21		SFY '22		TOTAL SERVICE COSTS
	MARC REIMBURSED COSTS	CONTRACTOR CONTRIBUTED COSTS	MARC REIMBURSED COSTS	CONTRACTOR CONTRIBUTED COSTS	
Direct Service Costs:					
Personnel/Fringe	\$90,000	\$199,977	\$30,000	\$66,659	\$386,636
Travel	0	300	0	100	400
Rent/Utilities/Telephone/Bldg Maintenance	0	0	0	0	0
Supplies	0	22,680	0	7,560	30,240
Equipment *	0	1,905	124,693	635	127,233
Insurance	0	21,900	0	7,300	29,200
Total Direct Service Costs	\$90,000	\$246,762	\$154,693	\$82,254	\$573,709
Indirect Costs:					
Personnel/Fringe	0	0	0	0	0
Travel	0	0	0	0	0
Rent/Utilities/Telephone	0	0	0	0	0
Supplies	0	0	0	0	0
Total Indirect Costs	\$0	\$0	\$0	\$0	\$0
GRANT TOTAL	\$90,000	\$246,762	\$154,693	\$82,254	\$573,709

Services	UNIT RATE	ANNUAL UNITS	AVERAGE MONTHLY UNITS	ANNUAL AMOUNT
SFY '19 Site Transportation - Persons	\$5.00	3,221	268	\$16,105.00
SFY '20 Site Transportation - Persons	\$5.00	2,705	225	\$13,525.00
SFY '22 Site Transportation - Persons	\$5.00	3,750	313	\$18,750.00
Bulk Delivery	\$150.00	na	na	na
COVID-19 HDM Services - Fulfillment Delivery April 1 until termination of program	\$1.50	na	na	na

Title B & IIC2 Assessments/Reassessments	\$10,000
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Evidence-Based Disease Prevention/Health Promotion Programs			
PROGRAM	RATE	ANNUAL UNITS	ANNUAL AMOUNT
July 1, 2018 - June 30, 2022 All Services Contained in MARC's Suite of EB Programs, as Amended	Each of these programs reimbursed at \$100/completer and materials/completer	200	\$20,000

KEY GRANT INFORMATION		
Federal Awarding Agency	CFDA Name	CFDA #
Department of Health and Human Services - Administration for Community Living	Special Programs for the Aging Title III, Part C Nutrition Services	93.045
Department of Health and Human Services - Administration for Community Living	Special Programs for the Aging Title III, Part B Grants for Supportive Services and Senior Centers	93.044
Department of Health and Human Services - Administration for Community Living	Special Programs for the Aging Title III, Part D Disease Prevention and Health Promotion Services	93.043
Dept. of Health and Human Services - Administration for Children and Families	Social Services Block Grant	93.667

For audit purposes, all voluntary contributions collected through the provision of this service will be considered federal funds.

Name of Pass-Through Entity:	Missouri Department of Health and Senior Services
Amount of Federal Awards Obligated by This Action:	\$326,230
Total Amount of Federal Awards Obligated to Subrecipient Under this Agreement:	\$326,230
CFDA #, Federal Award Identification Number (FAIN) and Amount Obligated:	93.045; 18AAMOT3CM; 1901MOOACM; 2001MOOAC; 21 *; 22 *: \$134,693
	93.045; 18AAMOT3HD; 1901MOOAH; 2001MOOAH; 21 *; 22 *: \$108,845
	93.044; 18AAMOT3SS; 1901MOOASS; 2001MOOASS; 21 *; 22 *: \$149,721
	93.043; 1901MOOAPH; 2001MOOAPH; 20 *; 21 *: \$20,000
	93.667; 1801MOSOSR; 1901MOSOSR; 2001MOSOR; 21 *; 22 *: \$12,971
Federal Award Date:	FY 2017; FY 2018; FY 2019; FY 2020; FY 2021; FY 2022
Total Amount of Federal Award to Prime Grantee:	not yet known
Federal Award Project Description (as entered into FFATA system):	not yet known
Contact Information for Awarding Official:	not yet known
Identification if the award is Research & Development:	No
Indirect Cost Rate for the Award:	0.00%

* New Projects under the Special Congregate and Home-Delivered Meals Funding:

beverage station	not to exceed:	\$6,365.00
commercial dishwasher & microwave	not to exceed:	35,052.00
education equipment - projector	not to exceed:	290.00
lobby furniture	not to exceed:	6,931.00
education equipment - computer lab notebooks	not to exceed:	4,600.00
safety equipment, plexiglass barriers	not to exceed:	1,455.00
Ford Transit 250 freezer conversion	not to exceed:	70,000.00
Total		\$124,693.00

APPENDIX 8 – E-VERIFY STATUS

**BUSINESS ENTITY CERTIFICATION, ENROLLMENT DOCUMENTATION,
AND AFFIDAVIT OF WORK AUTHORIZATION**

BUSINESS ENTITY CERTIFICATION:

The contractor must certify their current business status by completing either Box A or Box B or Box C on this Exhibit.

- | |
|---|
| <p>BOX A: To be completed by a non-business entity as defined below.</p> <p>BOX B: To be completed by a business entity who has not yet completed and submitted documentation pertaining to the federal work authorization program as described at http://www.uscis.gov/e-verify.</p> <p>BOX C: To be completed by a business entity who has current work authorization documentation on file with a Missouri state agency including Division of Purchasing.</p> |
|---|

Business entity, as defined in section 285.525, RSMo pertaining to section 285.530, RSMo is any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood. The term “**business entity**” shall include but not be limited to self-employed individuals, partnerships, corporations, contractors, and subcontractors. The term “**business entity**” shall include any business entity that possesses a business permit, license, or tax certificate issued by the state, any business entity that is exempt by law from obtaining such a business permit, and any business entity that is operating unlawfully without such a business permit. The term “**business entity**” shall not include a self-employed individual with no employees or entities utilizing the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo.

Note: Regarding governmental entities, business entity includes Missouri schools, Missouri universities, out of state agencies, out of state schools, out of state universities, and political subdivisions. A business entity does not include Missouri state agencies and federal government entities.

Box A CURRENTLY NOT A BUSINESS ENTITY

I certify that _____ (Company/Individual Name) **DOES NOT CURRENTLY MEET** the definition of a business entity, as defined in section 285.525, RSMo pertaining to section 285.530, RSMo as stated above, because: (check the applicable business status that applies below)

- I am a self-employed individual with no employees; **OR**
- The company that I represent utilizes the services of direct sellers as defined in subdivision (17) of subsection 12 of section 288.034, RSMo.

I certify that I am not an alien unlawfully present in the United States and _____ (Company/Individual Name) is awarded a contract for the services requested herein under **19-2961014-CI** (Contract Number) and if the business status changes during the life of the contract to become a business entity as defined in section 285.525, RSMo pertaining to section 285.530, RSMo then, prior to the performance of any services as a business entity, _____ (Company/Individual Name) agrees to complete Box B, comply with the requirements stated in Box B and provide the Mid-America Regional Council with all documentation required in Box B of this exhibit.

Authorized Representative's Name
(Please Print)

Authorized Representative's Signature

Company Name (if applicable)

Date

(Complete the following if you DO NOT have the E-Verify documentation and a current Affidavit of Work Authorization already on file with the State of Missouri. If completing Box B, do not complete Box C.)

BOX B – CURRENT BUSINESS ENTITY STATUS

I certify that _____ (Business Entity Name) **MEETS** the definition of a business entity as defined in section 285.525, RSMo pertaining to section 285.530, RSMo as stated above.

Authorized Business Entity Representative's Name
(Please Print)

Authorized Business Entity
Representative's Signature

Business Entity Name

Date

As a business entity, the contractor must perform/provide the following. The contractor should check each to verify completion/submission:

- Enroll and participate in the E-Verify federal work authorization program (Website: <https://www.e-verify.gov>; Phone: 888-464-4218) with respect to employees hired after enrollment in the program who are proposed to work in connection with the services required herein; AND
- Provide documentation affirming said company's/individual's enrollment and participation in the E-Verify federal work authorization program. Documentation shall include a page from the E-Verify Memorandum of Understanding (MOU) listing the contractor's name and the MOU signature page completed and signed, at minimum, by the contractor and the Department of Homeland Security – Verification Division; (if the signature page of the of the MOU lists the contractor's name, then no additional pages of the MOU must be submitted); AND
- Submit a completed, notarized Affidavit of Work Authorization provided on the next page of this Exhibit.

AFFIDAVIT OF WORK AUTHORIZATION

The contractor who meets the section 285.525, RSMo definition of a business entity must complete and return the following Affidavit of Work Authorization.

Comes now _____ (Name of Business Entity Authorized Representative) as
_____ (Position/Title) first being duly sworn on my oath, affirm
_____ (Business Entity Name) is enrolled and will continue to participate in
the E-Verify federal work authorization program with respect to employees hired after enrollment in the
program who are proposed to work in connection with the services related to **19-2961014-CI**
(Contract Number) for the duration of the contract, in accordance with subsection 2 of section 285.530,
RSMo. I also affirm that _____ (Business Entity Name) does not and will
not knowingly employ a person who is an unauthorized alien in connection with the contracted services
related to **19-2961014-CI** (Contract Number) for the duration of the contract, if awarded.

In Affirmation thereof, the facts stated above are true and correct. (The undersigned understands that false statements made in this filing are subject to the penalties provided under section 575.040, RSMo.)

Authorized Representative’s Signature Printed Name

Title Date

Subscribed and sworn to before me this _____ of _____. I am
 (DAY) (MONTH, YEAR)
commissioned as a notary public within the County of _____, State of
 (NAME OF COUNTY)
_____, and my commission expires on _____.
 (NAME OF STATE) (DATE)

Signature of Notary Date

BOX C – AFFIDAVIT ON FILE – CURRENT BUSINESS ENTITY STATUS

I certify that _____ (Business Entity Name) **MEETS** the definition of a business entity as defined in section 285.525, RSMo, pertaining to section 285.530, RSMO, and have enrolled and currently participates in the E-Verify federal work authorization program with respect to the employees hired after enrollment in the program who are proposed to work in connection with the services related to contract(s) with the Mid-America Regional Council (MARC). We have previously provided documentation to MARC that affirms enrollment and participation in the E-Verify federal work authorization program. The documentation that was previously provided included the following:

_____ The E-Verify Employment Eligibility Verification page OR a page from the E-Verify Memorandum of Understanding (MOU) listing the contractor’s name and the MOU signature page completed and signed by the contractor and the Department of Homeland Security – Verification Division.

_____ A current notarized Affidavit or Work Authorization (must be completed, signed, and notarized within the past twelve months).

Date of Previous E-Verify Documentation Submission: _____

Previous Bid/Contract Number for Which Previous E-Verify Documentation Submitted:

(if known)

Authorized Business Entity Representative’s Name
(Please Print)

Authorized Business Entity
Representative’s Signature

E-Verify MOU Company ID Number

E-Mail Address

Business Entity Name

Date

APPENDIX 9 ANTI-DISCRIMINATION AGAINST ISRAEL ACT CERTIFICATION

Statutory Requirement:

Section 34.600, RSMo, precludes entering into a contract with a company to acquire products and/or services “unless the contract includes a written certification that the company is not currently engaged in and shall not, for the duration of the contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.”

Exceptions:

The statute provides two exceptions for this certification: 1) “contracts with a total potential value of less than one hundred thousand dollars”; or 2) “contractors with fewer than ten employees.” Therefore, the following certification is required prior to any contract award.

Section 34.600, RSMo, defines the following terms:

Company – any for-profit or not-for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations.

Boycott Israel and Boycott of the State of Israel – engaging in refusals to deal, terminating business activities, or other actions to discriminate against, inflict economic harm, or otherwise limit commercial relations specifically with the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel, that are all intended to support a boycott of the State of Israel. A company’s statement that it is participating in boycotts of the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel, or that it has taken the boycott action at the request, in compliance with, or in furtherance of calls for a boycott of the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel shall be considered to be conclusive evidence that a company is participating in a boycott of the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel;

provided, however that a company that has made no such statement may still be considered to be participating in a boycott of the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel if other factors warrant such a conclusion.

Certification:

The Contractor must therefore certify their current status by completing either Box A, Box B, or Box C of this Exhibit.

BOX A: To be completed by a contractor that does not meet the definition of “company” above, hereinafter referred to as “Non-Company.”

BOX B: To be completed by a contractor that meets the definition of “Company” but has less than ten employees.

BOX C: To be completed by a contractor that meets the definition of “Company” and has ten or more employees.

BOX A – NON-COMPANY ENTITY

I certify that _____ (Entity Name) currently **DOES NOT MEET** the definition of a company as defined in section 34.600, RSMo, but that if awarded a contract and the entity’s business status changes during the life of the contract to become a “company” as defined in section 34.600. RSMo, and the entity has ten or more employees, then, prior to the delivery of any services and/or supplies as a company, the entity agrees to comply with, complete, and return Box C to the Mid-America Regional Council at that time.

Authorized Representative’s Name (please print)

Authorized Representative’s Signature

Entity Name

Date

BOX B – COMPANY ENTITY WITH LESS THAN TEN EMPLOYEES

I certify that _____ (Company Name) **MEETS** the definition of a company as defined in section 34.600, RSMo, and currently has less than ten employees, but that if awarded a contract, and if the company increases the number of employees to ten or more during the life of the contract, then said company shall comply with, complete, and return Box C to the Mid-America Regional Council at that time.

Authorized Representative's Name (please print)

Authorized Representative's Signature

Company Name

Date

BOX C – COMPANY ENTITY WITH TEN OR MORE EMPLOYEES

I certify that _____ (Company Name) **MEETS** the definition of a company as defined in section 34.600, RSMo, has ten or more employees, and is not currently engaged in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel as defined in section 34.600, RSMo. I further certify that if the company is awarded a contract for the services and/or supplies requested herein, said company shall not engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel as defined in section 34.600, RSMo, for the duration of the contract.

Authorized Representative's Name (please print)

Authorized Representative's Signature

Company Name

Date

APPENDIX 10
CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

The respondent to this RFP certifies to the best of its knowledge and belief that it and its principals:

- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department agency;
- B. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery falsification or destruction of records, making false statements, or receiving stolen property;
- C. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph B of this certification; and
- D. Have not within a three-year period preceding this proposal had one or more public transaction (Federal, State or local) terminated for cause or default.

Where the respondent is unable to certify to any of the statements in this certification, he/she shall attach an explanation this proposal.

Typed Name & Title of Authorized Representative

Signature of Authorized Representative

Date

**APPENDIX 11
SINGLE AUDIT CERTIFICATION**

(Organization's Mailing Address)

Organization's Fiscal Year:

_____ to _____

I, _____ (Authorized Representative), hereby certify that the total expended from all federal awards from all funding sources during this agency's preceding fiscal year was \$_____. Amounts exceeding \$750,000 require a single audit.

THEREFORE,

We are required to have a single audit (\$750,000 or more).

We are not required to have a single audit (less than \$750,000). However, we have included a copy of our independent auditor report and management letter with this certification.

We are not required to have a single audit (for-profit organization). However, we have included a copy of our independent auditor report and management letter with this certification.

We understand that if we are required to have a single audit in accordance with Subpart F Audit Guidance – 2 CFR Part 200.501, we must submit the following information to MARC:

- (1) A copy of the reporting package as defined in OMB Single Audit Requirements (2 CFR Part 200.501);
- (2) Any management letter issued by the auditor; and
- (3) Our corrective action plan addressing all findings and questioned costs pertaining to funding received from MARC.

We further understand this information must be submitted to MARC within thirty (30) days of receiving the Single Audit Report or nine months after the end of the audit period, whichever occurs earlier. We expect to complete the audit and have copies of the report(s) available by _____.
(Date)

(Signature of Authorized Representative)

(Title of Authorized Representative)

(Typed or Printed Name of Authorized Representative)

(Date)