

AMENDMENT No. 4 to
INTERGOVERNMENTAL AGREEMENT (IGA) No. 30007251 between
City of Portland Office of Management and Finance,
Office of Equity and Human Rights, and Prosper Portland
FOR
PHASE 1 ADMINISTRATION OF THE
COMMUNITY OPPORTUNITIES & ENHANCEMENTS PROGRAM



This Amendment No. 4 amends Intergovernmental Agreement (“IGA”) No. 30007251, dated the 29th day of February 2020, made and entered into by and among the City of Portland, through the Office of Management and Finance (“OMF”), Office of Equity and Human Rights (“OEHR”), and Prosper Portland (“Prosper”). The term “City”, as used in this Intergovernmental Agreement, collectively refers to OMF, OEHR, and the City Attorney’s Office.

This Amendment is authorized by Ordinance No. 191337.

The Effective Date of this Amendment is June 30, 2023.

The purpose of this Amendment is to extend the term of the IGA, add language to implement specific invoicing and accounting requirements, update Prosper’s contact information, extend pilot for the use of Portland Water Bureau (“Water”) and Bureau of Environmental Services (“BES”) Ratepayer Funds for FY 23/24, provide a COEP budget approved by OMF for FY 23/24, and add \$2,927,060.08 to the IGA. For the purpose of this Amendment, language deleted from the IGA shall appear in ~~strike through~~ and new language shall appear in **bold and underline**.

Whereas, on February 29, 2020, the City and Prosper entered into an Intergovernmental Agreement (“IGA” or “Original IGA”) for the administration of COEP Funding; and

Whereas, on July 1, 2021, the Parties entered into Amendment 1 to the IGA to extend the term to June 30, 2022, to amend certain reporting and administrative compensation and cost reimbursements, and to authorize the use of additional funds; and

Whereas, the IGA contemplated that certain COEP funding might become available if the City was able to achieve a favorable determination holding that the Ratepayer Funds are eligible for uses that are the subject of the IGA; and

Whereas, on March 7, 2022, the Multnomah County Circuit Court, concluded Validation Proceedings in Case No. 20CV43973, and held that use of Ratepayer Funds, when spent in alignment with the Ratepayer Funds Eligible Activities Rubric (“Ratepayer Rubric”), they are presumed reasonably related to water and sewer services; and

Whereas, under Article 2, Section I.D.1 of the Original IGA, Prosper agreed to ensure that it had a proper accounting system for its use of all Ratepayer Funds to ensure that they are spent in compliance with the Ratepayer Rubric; and

Whereas, Amendment No. 2 extended the term through June 30, 2023, updated contact information, authorized the use of Portland Water Bureau (“Water”) and Bureau of Environmental Services (“BES”)

Ratepayer Funds for FY 22/23, updated the sample invoice form, included the Ratepayer Rubric and Trades Most Commonly Utilized list, and provided a COEP budget approved by OMF for FY 22/23; and

Whereas, Amendment 3 provided a modified Shared Trades Most Commonly Utilized list for use throughout FY 22/23 for the provision of Workforce Development Assistance services using Water and BES funds; and

Whereas, the City contemplates that up to \$2,325,000 of COEP funds, consisting of BES and Water Ratepayer Funds, will be available during FY 23/24 for distribution; and

Whereas, the amount of \$602,060.08 is needed to cover the cost of services provided during FY 22/23, and

Whereas, the City and Prosper desire to extend the term of the IGA, and distribute FY 23/24 COEP budgeted funds.

Now therefore, the Parties agree to amend the IGA as follows:

1. Extend the term of this IGA from June 30, 2023, to June 30, 2024.
2. The Parties shall:
 - a. Implement the specific invoicing and accounting requirements:
 - i. Prosper will confirm with every invoice that Business Technical Assistance services, and Workforce Development Assistance services provided using Ratepayer Funds are drawn down equally between BES and Water, and are eligible expenditures in accordance with the Ratepayer Rubric and guidance from the City Attorney.
3. Party information found on Page 1 of the IGA shall be updated as follows:

“Parties:

* * *

Prosper Portland, 220 NW 2nd Ave., Suite 200, Portland, OR 97209
Main Contact: ~~Morgan Masterman – mastermanm@prosperportland.us~~ **Jerrohn Jordan jordania@prosperportland.us**”
4. Article 2, Section III.A Worksystems, Inc.; Subcontracting amended to include the following:

“For FY 23/24, Prosper may allow the Workforce Development Subcontractor, Worksystems, Inc. to bill up to \$150,000 for administration costs.”
5. The City and Prosper agree to continue to pilot the use of both BES and Water Ratepayer Funds throughout FY 23/24 for the provision of services.
6. The City authorizes Prosper to:
 - a. Invoice the City up to \$200,000 per fiscal year, through 6/30/2025 for Prosper Portland administration.

7. The COEP budget approved by OMF for fiscal year 23/24 is provided in Table A below.

Table A

Description	COEP BUDGET APPROVED FOR FY 23/24	
	Breakdown for Subtotals	Subtotals
Ratepayer Funded Bureau of Environmental Services (includes Admin expenses)	\$100,000 (Prosper Administration)	\$429,375
	\$329,375 (Bus. Tech Service Providers)	
	\$75,000 (WSI Administration)	\$733,125
	\$658,125 (Workforce Dev. Service Providers)	
Ratepayer Funded Portland Water Bureau (includes Admin expenses)	\$100,000 (Prosper Administration)	\$429,375
	\$329,375 (Bus. Tech Service Providers)	
	\$75,000 (WSI Administration)	\$733,125
	\$658,125 (Workforce Dev. Service Providers)	
Total amount budgeted and authorized by OMF for COEP FY 23/24		\$2,325,000

8. The amount of **\$602,060.08** is added to the IGA to cover the cost of services provided during FY 22/23.
9. The IGA not-to-exceed amount of \$2,876,547 is increased by **\$2,927,060.08** to a new total contractual not-to-exceed amount of **\$5,803,607.08.**
10. All other terms and conditions of the IGA remain unchanged by this Amendment and in full force and effect.

Signatures follow on next page.

Executed by the authorized signatories below, to be effective as of the Effective Date.

CITY OF PORTLAND
Office of Management & Finance

By Michael Jordan Digitally signed by Michael Jordan
DN: cn=Michael Jordan, o=CITY OF PORTLAND, ou=Office of Management & Finance, email=Michael.Jordan@portland.gov
Michael Jordan, Chief Administrative Officer

Date: December 19, 2023

PROSPER PORTLAND

By Kimberly Branam Digitally signed by Kimberly Branam
DN: cn=Kimberly Branam, o=Prosper Portland, ou=Executive Director, email=Kbranam@prosperportland.com
Kimberly Branam, Executive Director

Date: Dec 16, 2023

Office of Equity and Human Rights

By Jeff Selby
Jeff Selby, Director

Date: December 19, 2023

Approved as to Form

Macaen Mahoney
City Attorney Macaen Mahoney
12/18/2023

Approved as to Form

Hope S. Whitney Digitally signed by Hope S. Whitney
DN: cn=Hope S. Whitney, o=Prosper Portland, ou=Legal Counsel, email=HWhitney@prosperportland.com
Prosper Portland Legal Counsel