

**AMENDMENT NO. 5 TO  
INTERGOVERNMENTAL AGREEMENT (IGA) NO. 30007251 BETWEEN  
OFFICE OF THE CITY ADMINISTRATOR,  
OFFICE OF EQUITY AND HUMAN RIGHTS, AND PROSPER PORTLAND  
FOR  
PHASE 1 ADMINISTRATION OF THE  
COMMUNITY OPPORTUNITIES & ENHANCEMENTS PROGRAM**



This Amendment No. 5 amends Intergovernmental Agreement (“IGA”) No. 30007251, dated the 29<sup>th</sup> day of February 2020, made and entered into by and among the City of Portland, through the Office of the City Administrator (“OCA”), Office of Equity and Human Rights (“OEHR”), and Prosper Portland (“Prosper”). The term “City”, as used in this IGA, collectively refers to OCA, OEHR, and the City Attorney’s Office.

This Amendment is authorized by Ordinance No. 191852.

The Effective Date of this Amendment is June 30, 2024.

The purpose of this Amendment is to update reference to the Office of Management and Finance in the IGA to the Office of the City Administrator, extend the term of the IGA, extend pilot for the use of Portland Water Bureau (“Water”) and Bureau of Environmental Services (“BES”) Ratepayer Funds through FY 2025-26, and authorize an increase to the IGA not-to-exceed amount by \$2,598,196.46. For the purpose of this Amendment, language deleted from the IGA shall appear in ~~strikethrough~~ 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”), 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 of the IGA 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 2022-23, updated the sample invoice form, attached the Ratepayer Rubric, and Trades Most Commonly Utilized list, and provided budget for FY 2022-23 COEP programming; and

Whereas, Amendment 3 provided Prosper a revised 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, Amendment 4 extended the term through June 30, 2024, implemented specific invoicing and accounting requirements for services provided using ratepayer funds, updated contact information, authorized the use of additional COEP Funds throughout FY 2023-24, and provided a budget for FY 2023-24 COEP programming; and

Whereas, On Nov. 1, 2023, Council approved an organizational chart to unify bureaus, programs, and services under the leadership of a City Administrator, and

Whereas Procurement Services was aligned with the Office of Management and Finance is now aligned with the Office of the City Administrator, and

Whereas, the City and Prosper agree a reserve fund is necessary for the provision of additional capacity building services through June 30, 2026; and

Whereas, the City anticipates authorizing **\$2,598,196.46** of COEP funds for annual COEP programming during both FY 2024-25 and FY 2025-26, consisting of BES Ratepayer Funds, and Water Ratepayer Funds, as well as non-ratepayer (unrestricted) funds; and

Whereas, the City and Prosper desire to extend the term of the IGA through June 30, 2026, and provide an annual budget for COEP programming in FY 2024-25 and FY 2025-26, consisting of BES Ratepayer Funds, and Water Ratepayer Funds, and non-ratepayer (unrestricted) funds, as appropriate.

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

1. Extend the term of this IGA from June 30, 2024, to June 30, 2026.
2. Article 2, Section III.A Worksystems, Inc.; Subcontracting is amended as follows:

**“III.A.1 Worksystems, Inc. Administration Costs**

**For FY 2024-25 and FY 2025-26 (pending Adopted Budget), Prosper may allow the Workforce Development Subcontractor, Worksystems, Inc. to bill up to \$150,000 annually for administration costs, which may be reimbursed by Prosper in accordance with the IGA.”**

3. Use of both BES Ratepayer Funds and Water Ratepayer Funds shall continue through June 30, 2026, for the provision of COEP programming.
4. Prosper shall revise the scope of work of subgrantee agreements for Business Technical Assistance to add a requirement that such subgrantees provide services to firms who are referred to the COEP from the City’s capital improvement projects.
5. Prosper is authorized to invoice the City up to \$250,000 in FY 2024-25 and FY 2025-26 (pending Adopted Budget) for Prosper’s administration costs.
6. The City anticipates up to \$446,392.92 for the provision of additional capacity building services for Business Technical Assistance/Workforce Development Assistance through June 30, 2026. Prosper is authorized to expend COEP reserve funds in FY 2024-25 and FY 2025-26. See Table A.
7. Table A provides the anticipated COEP Annual Budget for COEP Programming through June 30, 2026.

[Remainder of page intentionally left blank.]

Table A

<b>COEP ANNUAL BUDGET</b> FOR EACH OF <b>FY 2024-25 and *FY 2025-26</b> <i>* Anticipated as per COEP 10 Year Forecast. Pending FY 2025-26 Adopted Budget.</i>						
Detailed Funding Source	Prosper Administration	Worksystems, Inc. Administration	Business Technical Assistance Providers	Workforce Development Providers	COEP Reserve Fund: Business Technical Assistance/Workforce Development Assistance	Total
Non-Ratepayer (Unrestricted) Funds	\$250,000	\$150,000			\$223,196.46	\$623,196.46
Ratepayer Funded: Bureau of Environmental Services	-	-	\$325,875.00	\$661,625.00	-	\$987,500.00
Ratepayer Funded: Portland Water Bureau	-	-	\$325,875.00	\$661,625.00	-	\$987,500.00
<b>Per FY Total by Category</b>	<b>\$250,000</b>	<b>\$150,000</b>	<b>\$651,750.00</b>	<b>\$1,323,250.00</b>	<b>\$223,196.46</b>	<b>\$2,598,196.46</b>

8. The IGA not-to-exceed amount of \$5,803,607.08 is increased by \$2,598,196.46 for FY 2024-25 COEP programming. The new total contractual not-to-exceed amount is \$8,401,803.54.
9. All other terms and conditions of the IGA remain unchanged by this Amendment and in full force and effect.

[Signature page immediately follows.]

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

**CITY OF PORTLAND**

**PROSPER PORTLAND**

**City Administrator's Office**

Michael  
By Jordan Digitally signed by Michael Jordan  
Date: 2024.10.09 08:08:30 -07'00'

Michael Jordan, City Administrator

Date: Oct 9, 2024

Kimberly Branam  
By Kimberly Branam (Sep 13, 2024 06:04 PDT)

Kimberly Branam, Executive Director

Date: Sep 13, 2024

**Office of Equity**

By Jeff M. Selby  
Jeff Selby, Director

Date: Sep 26, 2024

**Approved as to Form**

Approved as to form

by Eric Shaffner

for the City Attorney

City Attorney

**Approved as to Form**

Hope Whitney  
Hope Whitney (Aug 14, 2024 13:38 PDT)  
Prosper Portland Legal Counsel

