

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Parks and Recreation
AGENDA DATE: December 22, 2009
CONTACT PERSON/PHONE: Judy Weiss, (915) 541-4259
DISTRICT(S) AFFECTED: Districts 3 and 6

SUBJECT:

A Resolution authorizing the City Manager to sign the First Amendment to Subagreement Number 26-1408-72-64 between the City and the University of Texas at El Paso (UTEP) for the City to act as a community partner contractor with the HEART Phase 2, "Mi Corazon, Mi Comunidad" project for recreational and health benefits for the community, amending the scope performance period, time frame and authority for future amendments.

BACKGROUND / DISCUSSION:

The Department of Health Promotion at UTEP has received a multi-year grant in the amount of \$2,695,579 from the National Institutes of Health (NIH) to promote lifestyle and environmental changes to reduce cardiovascular risk through the use of a community health worker model. The Parks and Recreation Department is proposed as a community partner to assist UTEP in this study.

The Parks and Recreation Department will be committed to providing space in either one or two recreation centers in targeted neighborhoods or will provide access to the Parks at School facilities and programs. Parks and Recreation will be providing fitness equipment and supplies for use by program participants. Parks and Recreation is also planning to program various physical activities for the intervention program participants. All direct costs are reimbursed by the grant funding.

The Subagreement and appendices, including scope of work and budget, is attached. The Subagreement is for the first year; documents will be brought to Council in the future for approval of additional years.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?
NA

AMOUNT AND SOURCE OF FUNDING:

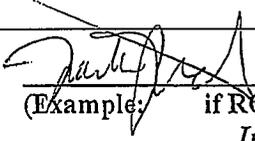
The Subagreement allows all direct costs to be reimbursed by the NIH grant per the grant budget.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A
NA

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:  _____
(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign the First Amendment to Subagreement No. 26-1408-72-64 by and between the City of El Paso (the "City") and The University of Texas at El Paso, for the City to act as a community partner contractor in the HEART Phase 2, "Mi Corazon, Mi Comunidad" project for recreational and health benefits for the community, amending the scope performance period, time frame and authority for future amendments.

ADOPTED this ___ day of _____, 2009.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

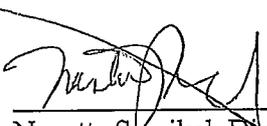
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Kristen L. Choi
Assistant City Attorney

APPROVED AS TO CONTENT:



Nanette Smejkal, Director
Parks and Recreation Department

**THE UNIVERSITY OF TEXAS AT EL PASO
SUBAGREEMENT NO. 26-1408-72-64**

Amendment No. 1

This Amendment No. 1 to the Subagreement No. 26-1408-72-64 entered into on November 11, 2008 (hereinafter "Subagreement") is made by and between The University of Texas at El Paso (hereinafter "UNIVERSITY") a component of the University of Texas System and The City of El Paso (hereinafter "CONTRACTOR"), located in El Paso, Texas. This Amendment No. 1 is made under the National Institute of Health Grant 2R24MD001785-04 dated June 28, 2008 and 5R24MD001785-05 dated March 31, 2008, and attached here as Appendix A(1), is hereby amended as follows:

I. SCOPE OF WORK

CONTRACTOR, by and through its Department of Parks and Recreation, will perform services as detailed in the revised Scope of Work, which is attached as Appendix B(1).

II. PERFORMANCE PERIOD

The performance period of the Subagreement shall be performed beginning on December 1, 2008 and terminating on March 31, 2010.

III. COMPENSATION

As consideration for the performance by CONTRACTOR of its obligations under this Subagreement, the UNIVERSITY will pay CONTRACTOR on a cost-reimbursement basis an additional amount of \$4,828 as detailed in the attached Budget, Appendix C(1), for a total amount not to exceed \$8,828. *(Remainder of this paragraph remains in full-force and effect)*

XI. GENERAL

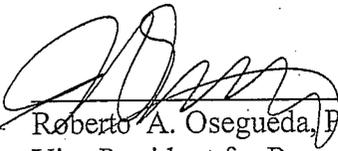
d.) The City Manager for the City of El Paso is authorized to sign future amendments to Subagreement No. 26-1408-72-64 if such amendments do not affect or cause changes to the

City's annual budget.

Except as amended herein, all provisions of the original subcontract remain in full-force and effect.

The parties have caused this Amendment No. 1 to be executed by their duly authorized representatives.

The University of Texas at El Paso:



Roberto A. Osegueda, Ph.D.
Vice President for Research

Date: DEC - 7 2009

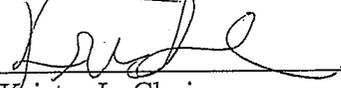
City of El Paso:

Authorized Signature - Joyce A. Wilson

Printed Name and Title
Joyce A. Wilson, City Manager

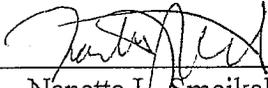
Date: _____

AGREED AS TO FORM:



Kristen L. Choi
Assistant City Attorney

AGREED AS TO CONTENT:



Nanette L. Smejkal, Director
Parks and Recreation Department



RESEARCH

Department of Health and Human Services

National Institutes of Health

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

Grant Number: 5R24MD001785-05**Principal Investigator(s):**

MARIA O DUARTE-GARDEA, PHD

Project Title: Can CHW/PS Promote Lifestyle and Environment Changes to Reduce CVD Risk in TexasVICE PRESIDENT FOR RESEARCH
UNIVERSITY OF TEXAS, EL PASO
500 WEST UNIVERSITY
EL PASO, TX 79968**Award e-mailed to:** orsp@utep.edu**Budget Period:** 04/01/2009 – 03/31/2010**Project Period:** 09/30/2005 – 03/31/2013

Dear Business Official:

The National Institutes of Health hereby awards a grant in the amount of \$535,276 (see "Award Calculation" in Section I and "Terms and Conditions" in Section III) to UNIVERSITY OF TEXAS EL PASO in support of the above referenced project. This award is pursuant to the authority of 42 USC 241 42 CFR PART 52 and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Acceptance of this award including the "Terms and Conditions" is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

Each publication, press release or other document that cites results from NIH grant-supported research must include an acknowledgment of NIH grant support and disclaimer such as "The project described was supported by Award Number R24MD001785 from the National Center on Minority Health And Health Disparities. The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Center On Minority Health And Health Disparities or the National Institutes of Health."

Award recipients are required to comply with the NIH Public Access Policy. This includes submission to PubMed Central (PMC), upon acceptance for publication, an electronic version of a final peer-reviewed, manuscript resulting from research supported in whole or in part, with direct costs from National Institutes of Health. The author's final peer-reviewed manuscript is defined as the final version accepted for journal publication, and includes all modifications from the publishing peer review process. For additional information, please visit <http://publicaccess.nih.gov/>.

Award recipients must promote objectivity in research by establishing standards to ensure that the design, conduct and reporting of research funded under NIH-funded awards are not biased by a conflicting financial interest of an Investigator. Investigator is defined as the Principal Investigator and any other person who is responsible for the design, conduct, or reporting of NIH-funded research or proposed research, including the Investigator's spouse and dependent children. Awardees must have a written administrative process to identify and manage financial conflict of interest and must inform Investigators of the conflict of interest policy and of the Investigators' responsibilities. Prior to expenditure of these awarded funds, the Awardee must report to the NIH Awarding Component the existence of a conflicting interest and within 60 days of any new conflicting interests identified after the initial report. Awardees must comply with these and all other aspects of 42 CFR Part 50, Subpart F. These requirements also apply to subgrantees, contractors, or collaborators engaged by the Awardee under this award. The NIH website <http://grants.nih.gov/grants/policy/coi/index.htm> provides additional information.

If you have any questions about this award, please contact the individual(s) referenced in Section IV.

Sincerely yours,

Priscilla Grant
Grants Management Officer
NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

Additional information follows

SECTION I – AWARD DATA – 5R24MD001785-05

Award Calculation (U.S. Dollars)

SALARIES AND WAGES	\$137,285
FRINGE BENEFITS	\$35,461
PERSONNEL COSTS (SUBTOTAL)	\$172,746
SUPPLIES	\$2,000
TRAVEL COSTS	\$10,568
OTHER COSTS	\$5,175
CONSORTIUM/CONTRACTUAL COST	\$248,679
FEDERAL DIRECT COSTS	\$439,168
FEDERAL F&A COSTS	\$96,108
APPROVED BUDGET	\$535,276
FEDERAL SHARE	\$535,276
TOTAL FEDERAL AWARD AMOUNT	\$535,276
AMOUNT OF THIS ACTION (FEDERAL SHARE)	\$535,276

SUMMARY TOTALS FOR ALL YEARS			
YR	THIS AWARD		CUMULATIVE TOTALS
5		\$535,276	\$535,276
6		\$530,500	\$530,500
7		\$528,754	\$528,754
8		\$528,145	\$528,145

Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project

Fiscal Information:

CFDA Number: 93.307
 EIN: 1746000813A1
 Document Number: RMD001785B
 Fiscal Year: 2009

MD	8472693	\$535,276	\$530,500	\$528,754	\$528,145
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Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project

NIH Administrative Data:

PCC: F / OC: 414E / Processed: GRANTP 03/31/2009

SECTION II – PAYMENT/HOTLINE INFORMATION – 5R24MD001785-05

For payment and HHS Office of Inspector General Hotline information, see the NIH Home Page at <http://grants.nih.gov/grants/policy/awardconditions.htm>

SECTION III – TERMS AND CONDITIONS – 5R24MD001785-05

This award is based on the application submitted to, and as approved by, NIH on the above-titled project and is subject to the terms and conditions incorporated either directly or by reference in the following:

- a. The grant program legislation and program regulation cited in this Notice of Award.
- b. Conditions on activities and expenditure of funds in other statutory requirements, such as those included in appropriations acts.
- c. 45 CFR Part 74 or 45 CFR Part 92 as applicable.
- d. The NIH Grants Policy Statement, including addenda in effect as of the beginning date of the budget period.
- e. This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

(See NIH Home Page at <http://grants.nih.gov/grants/policy/awaraconditions.htm> for certain references cited above.)

An unobligated balance may be carried over into the next budget period without Grants Management Officer prior approval.

This grant is excluded from Streamlined Noncompeting Award Procedures (SNAP). In accordance with P.L. 110-161, compliance with the NIH Public Access Policy is now mandatory. For more information, see NOT-OD-08-033 and the Public Access website: <http://publicaccess.nih.gov/>.

Treatment of Program Income:
Additional Costs

SECTION IV – MD Special Terms and Conditions – 5R24MD001785-05

REQUIREMENT This award is subject to the conditions set forth in RFA-MD-07-003, NCMHD Community-Based Participatory Research (CBPR) Initiative in Reducing and Eliminating Health Disparities: Intervention Research Phase (R24), NIH Guide to Grants and Contracts, May 30, 2007, as updated in NOT-MD-07-003, August 17, 2007, which are hereby incorporated by reference as special terms and conditions of this award.

Copies of this RFA may be accessed at the following internet address:
<http://www.nih.gov/grants/guide/index.html>

Copies may also be obtained from the Grants Management Contact indicated in the terms of award.

REQUIREMENT Use of humans and animals in any new activities must be requested prior to the start of the activity and must be approved in writing in advance by the NCMHD. See NOT-MD-08-002, "Guidance and Clarification on NCMHD Policy on Prior Approval for Subprojects and Pilot Projects Involving Human Subjects or Vertebrate Animals," NIH Guide to Grants and Contracts, April 29, 2008, which is hereby incorporated by reference as special terms and conditions of this award.

Copies of this Notice may be accessed at the following internet address: <http://www.nih.gov/grants/guide/index.html>

Copies may also be obtained from the Grants Management Contact indicated in the terms of award.

REQUIREMENT The awardee is required to follow the data and safety monitoring plan included in the application and may not implement any changes in the plan without the written prior approval of the NCMHD.

REQUIREMENT All conference materials (promotional materials, agenda, publications and internet sites) related to this project must include an acknowledgment of NIH grant support and a disclaimer stating the following:

"Funding for this conference was made possible (in part) by R24MD001785 from the National Center on Minority Health and Health Disparities. The views expressed in written conference materials or publications and by speakers and moderators do not necessarily reflect the official policies of the Department of Health and Human Services; nor does mention by trade names, commercial practices, or organizations imply endorsement by the U.S. Government."

INFORMATION This award reflects the NCMHD's acceptance of the certification that all key personnel have completed education on the protection of human subjects, in accordance with NIH policy, "Required Education in the Protection of Human Research Participants," as announced in the June 5, 2000 NIH Guide (revised August 25, 2000) (<http://grants.nih.gov/grants/guide/notice-files/NOT-OD-00-039.html>).

Any individual involved in the design and conduct of the study that is not included in the certification must satisfy this requirement prior to participating in the project. Failure to comply can result in the

suspension and/or termination of this award, withholding or support of the continuation award, audit disallowances, and/or other appropriate action.

INFORMATION: See "Assurance Requirements and Institutional Review Boards" under Part II, Subpart A, Human Subjects, in the NIH Grants Policy Statement (NIHGPS)(rev. 12/03), for specific requirements and grantee responsibilities related to the protection of human subjects, which are applicable to and are a term and condition of this award. The NIHGPS can be found on the internet at http://grants2.nih.gov/grants/policy/nihgps_2003/. The referenced section of the NIHGPS is available at http://grants1.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part5.htm#_Toc54600083.

INFORMATION NCMHD staff have determined that the application as submitted is within the approved scope of work. Since the competing award for this project was issued after May 8, 1996, this award reflects total costs based upon (1) the categorical direct cost levels established for this budget period and (2) the negotiated F&A rate in effect for this budget period at the time of the competing award. Funds may be rebudgeted between direct costs and F&A costs, consistent with OMB Circular A-21, and institutional and policy requirements for prior approval.

INFORMATION Honoraria are unallowable when the primary intent is to confer distinction on, or to symbolize respect, esteem, or admiration for, the recipient of the honorarium. A payment for services rendered, such as a speaker's fee under a conference grant, is allowable. See http://grants2.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part6.htm.

INFORMATION Funds requested for incentives, event costs and recruitment are included in the awarded budget. The allowability of charges to this project for these purposes is predicated on the awardee's compliance with the provisions of OMB Circular A-21, other applicable cost principles, and the NIH Grants Policy Statement (rev. 12/03), available at <http://grants2.nih.gov/grants/policy/nihgps%5F2003/>

INFORMATION Payments made for educational assistance (e.g., scholarships, fellowships, and student aid costs) may not be paid from NIH research grant funds even when they would appear to benefit the research project. See the NIH Grants Policy Statement for allowable forms of student compensation, available at http://grants.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part6.htm#_Toc54600125.

INFORMATION None of the funds in this award shall be used to pay the salary of an individual at a rate in excess of the current salary cap. See current salary cap levels at the following URL: http://grants.nih.gov/grants/policy/salcap_summary.htm

INFORMATION Stipends and payments made for educational assistance may not be paid from NIH research grant funds even when they would appear to benefit the research project. Compensation must be in accordance with organizational policies consistently applied to both federally and non-federally supported activities and must be supported by acceptable accounting records. Under these conditions, the funds provided as compensation for services rendered are not considered stipend supplementation; they are allowable charges to Federal grants, including PHS research grants. (Stipends are payments made to an individual under a fellowship or training grant in accordance with preestablished levels to provide for the individual's living expenses during the period of training. A stipend is not considered compensation for the services expected of an employee.)

INFORMATION This award includes funds awarded for consortium activity. Consortia are to be established and administered as described in the NIH Grants Policy Statement (NIHGPS). The referenced section of the NIH GPS is available at: http://grants.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part12.htm#_Toc54600251. See "Consortium Agreements" under Part II, Subpart B: Terms and Conditions for Specific Types of Grants, Grantees, and Activities for specific responsibilities and requirements for grantees and consortium participants, which are applicable to and are a term and condition of this award.

INFORMATION For administrative and management concerns, contact the Grants Management Specialist at (301) 594-8944. For programmatic and scientific concerns, contact the Program Director, Dr. Nathan Stinson, (301) 594-8704.

INFORMATION Regarding changes in scope, attention is called to the NIH Grants Policy Statement (December 2003). The Change in Scope section is found at http://grants1.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part7.htm#_Changes_in_Project. The grantee must obtain prior approval from the NCMHD for a change in the direction, type of research

or training, or other areas that constitute a significant change from the aims, objectives, or purposes of the approved project. Specific examples are provided.

INFORMATION Regarding allowability of selected items of cost, attention is called to the NIH Grants Policy Statement (December 2003). The Selected Items of Cost section is found at http://grants1.nih.gov/grants/policy/nihgps_2003/NIHGPS_Part6.htm#_Toc54600125.

INFORMATION Funds awarded for direct cost compensation for Graduate Research Assistants are limited in accordance with the NIH policy. See current cap level at the following URL: <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-07-057.html>

INFORMATION The requested budget was considered and determined not to represent significant rebudgeting. Therefore, categorical amounts reflect the direct and facilities and administrative cost (F&A) levels previously recommended for the current year. Funds may be rebudgeted between direct costs and F&A costs, consistent with applicable cost principles and institutional and policy requirements for prior approval.

STAFF CONTACTS

The Grants Management Specialist is responsible for the negotiation, award and administration of this project and for interpretation of Grants Administration policies and provisions. The Program Official is responsible for the scientific, programmatic and technical aspects of this project. These individuals work together in overall project administration. Prior approval requests (signed by an Authorized Organizational Representative) should be submitted in writing to the Grants Management Specialist. Requests may be made via e-mail.

Grants Management Specialist: Camille R Peake
Email: cpeake@mail.nih.gov **Phone:** 301-594-8944 **Fax:** 301-480-4049

Program Official: Nathaniel Stinson
Email: stinsonn@mail.nih.gov **Phone:** 301-594-8704

SPREADSHEET SUMMARY

GRANT NUMBER: 5R24MD001785-05

INSTITUTION: UNIVERSITY OF TEXAS EL PASO

Salaries and Wages	\$137,285	\$141,023	\$131,310	\$134,944
Fringe Benefits	\$35,461	\$36,426	\$33,917	\$34,856
Personnel Costs (Subtotal)	\$172,746	\$177,449	\$165,227	\$169,800
Supplies	\$2,000	\$2,000	\$2,000	\$2,000
Travel Costs	\$10,568	\$6,568	\$3,568	\$3,568
Other Costs	\$5,175	\$5,175	\$3,500	
Consortium/Contractual Cost	\$248,679	\$247,536	\$270,798	\$268,599
TOTAL FEDERAL DC	\$439,168	\$438,728	\$445,093	\$443,967
TOTAL FEDERAL F&A	\$96,108	\$91,772	\$83,661	\$84,178
TOTAL COST	\$535,276	\$530,500	\$528,754	\$528,145

F&A Cost Rate 1	48%	48%	48%	48%
F&A Cost Base 1	\$200,224	\$191,191	\$174,293	\$175,370
F&A Costs 1	\$96,108	\$91,772	\$83,661	\$84,178

SCOPE OF WORK

Roles and Responsibilities for City of El Paso Parks and Recreation participation:

During HEART Phase 2, (aka "Mi Corazón, Mi Comunidad") the City Parks and Recreation will participate as a community partner in the complete and successful execution of all project related activities to include the following:

1. Participation in the HEART Phase 2 Leadership Council which includes training as determined useful and necessary for the successful workings of the Council.
- 2a. Provide a classroom at the Carolina and Pavo Real Recreation Centers that can be utilized once a month to deliver the Su Corazón, Su Vida sessions to HEART Project participants.
- 2b. Provide a classroom at the Carolina and Pavo Real Recreation Centers that can be utilized on a weekly basis for the charlas (educational sessions) that will be offered to HEART Project participants.
- 2c. Provide the use of kitchen facilities for heart-healthy cooking demonstrations once a month at the Carolina and Pavo Real Recreation Centers for HEART Project participants.

NOTE: Items 2a-2c can be provided based on availability during normal operating hours and at the non-profit rates indicated in the FY10 Fee Schedule.

3. Allow the use of Shawver, Yucca, and Thomas Manor Parks to carry out different types of physical activities, including walking groups, Latin dance classes, and soccer tournaments for HEART Project participants.

NOTE: Shawver and Thomas Manor Shelter facilities can be provided based on availability during normal operating hours and at the non-profit rates indicated in the FY10 Fee Schedule. No shelter facilities are available at Yucca Park. Park permits are available for exclusive use if needed and can be provided based on availability and non-profit rates indicated in the FY10 Fee Schedule. Sports field permits are available for a fee through the Parks and Recreation Sports Office. General park facilities (i.e. walking paths) may be used at no fee on a first come first served basis.

4. Allow HEART Project participants the use of the indoor and outdoor pools during normal business hours and at rates approved in the FY10 Fee Schedule.

NOTE: Outdoor pools operate during the summer months only.

5. Allow Community Health Workers, with prior permission from the Recreation Services Manager or his designee, to have a table at activities and events to inform participants at recreation centers and parks about the *Mi Corazón, Mi Comunidad* program. Community Health Workers are permitted to distribute and post informational material at Parks and Recreation facilities located in the target areas.
6. Ongoing participation in other HEART Phase 2 activities as requested.
7. Provide and deliver in a timely manner, any and all requested reports related to project activities.

APPENDIX C(1)

Program Director/Principal Investigator (Last, First, Middle): El Paso Parks subcontract REVISED

DETAILED BUDGET FOR NEXT BUDGET PERIOD - DIRECT COSTS ONLY		FROM 04/01/2009		THROUGH 03/31/2010		GRANT NUMBER R24MD001785-04	
PERSONNEL (Applicant organization only)		Months Devoted to Project			DOLLAR AMOUNT REQUESTED (omit cents)		
NAME	ROLE ON PROJECT	Cal. Mnths	Acad. Mnths	Summer Mnths	SALARY REQUESTED	FRINGE BENEFITS	TOTALS
	PD/PI						
SUBTOTALS →							
CONSULTANT COSTS							
EQUIPMENT <i>(Itemize)</i>							
SUPPLIES <i>(Itemize by category)</i> Materials and supplies							
							2,500
TRAVEL Local mileage							
							1,602
PATIENT CARE COSTS		INPATIENT					
		OUTPATIENT					
ALTERATIONS AND RENOVATIONS <i>(Itemize by category)</i>							
OTHER EXPENSES <i>(Itemize by category)</i>							
SUBTOTAL DIRECT COSTS FOR NEXT BUDGET PERIOD							\$ 4,102
CONSORTIUM/CONTRACTUAL COSTS		DIRECT COSTS					
		FACILITIES AND ADMINISTRATIVE COSTS					
							726
TOTAL DIRECT COSTS FOR NEXT PROJECT PERIOD <i>(Item 8a, Face Page)</i>							\$ 4,828