

<b>RURAL DEVELOPMENT PROJECT POLICIES AND PROCEDURES</b>	<b>Issued by:</b> RDP Statewide Director, Dan Regan	<b>Policy No.:</b> <b>CON 002</b>
		<b>Effective Date:</b> 9/18/2009
Subject:  <b>AMENDMENT TO THE MEMORANDUM OF AGREEMENT (MOA)</b>	<b>Approved by:</b> RDP Statewide Director, Dan Regan	<b>Revision No.:</b> N/A
		<b>Supersedes Policy:</b> N/A

I. **PURPOSE:** To provide RDP staff guidelines for the issuance of an Amendment to the Memorandum of Agreement (MOA).

II. **STAFF RESPONSIBILITIES:** RDP Island Project Directors and Statewide staff assigned to specific projects are required to comply with this policy.

III. **DEFINITIONS:**

A. **Memorandum of Agreement (MOA).** A MOA is an agreement between RDP and a campus or department within the UH system (an internal program) referred to as the Contractor. An Amendment template can be found as Attachment #1.

B. **Internal Program.** An MOA is required for all internal programs that are funded by RDP. An internal program is a University of Hawaii or community college program funded, in whole or in part, by RDP. Internal programs are also programs where funds are maintained in an RDP account and RDP is directly funding personnel and handling procurement.

C. **Amendment.** Whenever a project under a MOA requires a change in scope of work, project goals or objectives, a change in the budget, a change in the period of performance, or any other changes, an Amendment must be initiated.

IV. **POLICY**

A. Changes to a program can result from many types of conditions and/or unforeseen circumstances, as college operations and departmental goals grow and change. When this occurs, the original MOA must be amended to reflect these changes.

B. When changes include adjustments to the Scope of Work, the program budget, the program's key personnel and the period of program performance, a grant modification must be approved by the Department of Labor before the MOA Amendment can be developed.

C. The Amendment must be witnessed and signed by the same parties who signed the MOA.

1. If there is a change in signing authority, a signed and dated memorandum is required from the contractor to document the change. A template of this Change in Signing Authority Memo is included as Attachment #2.

D. An MOA may be amended more than one time.

## V. REQUIRED ELEMENTS

An Amendment to the MOA has specific elements which must be included. Additionally, the Amendment will reference clause numbers included in the original MOA document.

A. **Title.** Lists the Amendment number and the parties to the MOA/Amendment, the program name, the original MOA date, the grant number and the account number for the original MOA grant.

B. **Purpose.** The following paragraphs set out a suggested format for the purpose of the Amendment:

This Amendment No. X to the Memorandum of Agreement in support of PROGRAM NAME, is made and entered into as of AMENDMENT DATE, by and between Rural Development Project (RDP) and YOUR COLLEGE, under the laws of the State of Hawaii.

RDP and YOUR COLLEGE entered into the MOA dated DATE OF MOA (and AMENDMENT NO. X and AMENDMENT NO. X, if applicable), whereby YOUR COLLEGE agreed to provide the services described in the MOA (\*and AMENDMENT NO. X and AMENDMENT NO. X, if applicable) for SPELL OUT DOLLAR AMOUNT (\$XX,XXX) for up to SPELL OUT NUMBER OF PARTICIPANTS (XX) participants.

\*List all previous amendments and the dates of the amendments if applicable.

C. **Changes.** A MOA is changed by a Deletion, Addition or Correction (stated as "Amend"). Changes are prefaced by the following statement:

RDP and the YOUR COLLEGE mutually agree to amend the MOA as follows:"

a. **Amend:** Clause No. X, SECTION NAME to read as follows: X

### Examples

**Amend: Clause No. 3-5, Exhibit No. 1, Budget to read as follows:**

- The budget for Line No. 5, Materials and Supplies, shall change from \$0 to \$1541.
- The budget for Line No. 8, Total Direct Costs, shall change from \$135,079 to \$136,620.
- The budget for Line No. 9, Indirect Costs shall change from \$27,016 to \$27,324.

- The budget for Line No. 11, Total Funds Requested shall change from \$162,095 to \$163,944.
- The attached Exhibit No. 1 is an “Amended Budget” reflecting the above changes.

**Amend: Clause No. 6, Time or Performance to read as follows:**

The Manager Training will be April 14, 2008 through April 15, 2008 (1<sup>st</sup> class) and July 24, 2008 through July 25, 2008 (2<sup>nd</sup> class).

**b. Add or Delete Clause or Section.**

The MOA template is a set format, and Sections cannot be added or deleted without the approval of the RDP Statewide Director. For changes with planned activities within a section, use “Amend” statements.

**D. Notice of Understanding.** Following the changes through the Amend, Add or Delete statements, the agreement must state:

It is understood that this Amendment supplements the MOA entered into on ORIGINAL MOA DATE (and AMENDMENT NO. X entered into on AMENDMENT DATE *only if amendment number two (2) or more*). All other conditions and clauses remain in effect and this amendment DOES / DOES NOT impact the cost of the project as noted above.

If you choose “DOES,” in the last statement in the previous paragraph, you must include an Amended Budget as Exhibit No. 1. Please note that each amount in the budget that has changed must be *specifically stated* in the Amendment as an Addition or Correction clause, as shown in Section 3.

**V. WITNESSES AND SIGNATORIES**

The Amendment must be witnessed by the same parties as witnessed the MOA.

- A. The Amendment must state “In witness whereof, RDP and YOUR COLLEGE have executed this Agreement effect as of the date first written above.
- B. State the signing authority name of person and title for each party section.
- C. List the signing authority section last.

**VI. CHANGE IN SIGNING AUTHORITY**

A signed and dated memorandum is required from the party if there is a change in signing authority, such as a change in the project director with the college and that person was a signing authority on the MOA. A template for this memorandum can be found as Attachment #3.

**AMENDMENT NO. XX**

**TO THE MEMORANDUM OF AGREEMENT (MOA)  
BETWEEN THE RURAL DEVELOPMENT PROJECT (RDP),  
YOUR COLLEGE NAME,  
AND THE  
[CONTRACTOR NAME]  
FOR THE  
PROGRAM NAME  
DATED [ORIGINAL MOA DATE]  
AF-XXXXX-XX-XX Account # XXXXXX  
DATED [AMENDMENT DATE]**

This Amendment No. XX to the Memorandum of Agreement (MOA) in support of [PROGRAM NAME] is made and entered into as of [AMENDMENT DATE], by and between the [ISLAND NAME] Rural Development Project (RDP), YOUR COLLEGE] and [CONTRACTOR NAME], the Contractor, under the laws of the State of Hawaii.

RDP, [YOUR COLLEGE] and the Contractor entered into the MOA dated [MOA DATE], [(and the Amendment #X dated AMENDMENT DATE, if applicable)], whereby the Contractor agreed to provide the services described in the Agreement (and Amendment #X, if applicable) for [SPELL OUT PROJECT BUDGET AMOUNT (\$XX,XXX)] for [NUMBER OF PARTICIPANTS (XX)] participants.

RDP, [YOUR COLLEGE] and the Contractor mutually agree to Amend the agreement as follows:

Amend: Clause No. XX, SECTION NAME to read as follows:

OR

Delete: Clause No. XX, SECTION NAME. Describe the circumstances for the deletion.

OR

Add: Clause No. XX, SECTION NAME. Describe the circumstances for the addition.

*List all clause changes, deletions and additions.*

It is understood that this Amendment #[X] supplements the Agreement entered into on [MOA DATE] [(and Amendment #XX entered into on AMENDMENT DATE, if applicable)]. All other conditions and clauses remain in effect and this amendment does not impact the cost of the project as noted above.

In witness whereof, YOUR COLLEGE and RDP have executed this Amendment Agreement effective as of the date first written above.

**RURAL DEVELOPMENT PROJECT (RDP)**

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Dan Regan  
Statewide Director  
Rural Development Project (RDP)

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Clyde Sakamoto  
Principal Investigator  
Rural Development Project (RDP)

**THE CONTRACTOR**

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Program Coordinator Name  
Department Name  
Your College

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Vice-Chancellor Name  
Title  
Your College

## Exhibit No. 1—Amended Budget

PROJECT NAME GRANT-ACCOUNT NUMBER		
1100	1. Salaries & Wages	0
1105	2. Fringe Benefits*	0
1106	3. Services – Fee Basis IDC on 1st \$25,000 of any contract	0
1107	4. Materials & Supplies	0
1108	5. Travel – Domestic	0
1110	6. Print & Publications	0
1111	7. Util & Communication	0
1112	8. Rentals	0
1113	9. Repairs	0
1115	10. Stipends & Allowances No Indirect Cost	0
1116	11. Equipment No Indirect Cost	0
1117	12. Others	0
	13. Total Direct Costs	0
1990	14. Indirect Costs Negotiated Rate = 27.1%**	0
	15. Total Funds Requested	0

**Note:**

\*Fringe Benefit Rate will depend on the type of position and hire status

\*\*Indirect Cost Rate (IDC): use the rate found in the grant proposal

## **Change in Signing Authority Memo Template**

*A signed and dated memorandum or letter, on YOUR COLLEGE letterhead, will be required to reflect changes in college signing authority.*

DATE

PROJECT NAME

TO: Dan Regan, Statewide Director, Rural Development Project

FROM: NAME OF NEW PROJECT DIRECTOR, TITLE

NAME OF PREVIOUS PROJECT DIRECTOR, TITLE

SUBJECT: Project Director Change

Please be advised that the Project Director of the PROJECT NAME at YOUR COLLEGE has changed as START DATE OF CHANGE from PREVIOUS PROJECT DIRECTOR NAME to NEW PROJECT DIRECTOR NAME.