**Section 261.390 Amendments to Grant Agreement and Minor Project Scope of Work Changes**

From time to time, the Agency and grant recipient may propose changes to the grant agreement and mutually agree to changes to the grant agreement.

a) Amendments to the Grant Agreement. A grant amendment is a significant change to the grant agreement that generally may include, but may not be limited to, changes to the total project cost, number of vehicles affected, grant period, or project air quality benefit. The grant agreement may be amended only by the mutual consent of the parties set forth in writing as a grant amendment, signed and dated by the Agency and the grant recipient. The following requirements and procedures apply to grant amendments:

1) The grant recipient may request a grant amendment at any point during the grant period. Requests for grant amendments must be submitted in writing to the Agency by the grant recipient's representative as defined in Section 261.360(a) (Grant Applications) of this Subpart.

2) The Agency shall notify the grant recipient in writing of its approval or rejection of the requested grant amendment no more than 90 calendar days after receipt of a request for a grant amendment.

3) Permissible grant amendments may include, but are not limited to, the following:

A) The original project cost approval was based on estimated costs or contractor bids and the actual costs or contractor bids are greater or less than the estimated costs;

B) Amendments to State or federal statutes or regulations have affected or will affect the project costs;

C) A project scope of work element was inadvertently omitted; or

D) A project scope of work element was added pursuant to applicable local, State, or federal law.

4) A grant amendment becomes effective when signed by both the Agency and the grant recipient, and approved by the State. Following acceptance, the Agency shall issue a project amendment confirmation letter, including a signed copy of the grant amendment, to the grant recipient.

5) A grant recipient is not eligible to obtain a grant amendment by default due to the Agency's failure to act within the time frame set forth in this Section.

b) Minor Project Scope of Work Changes. A minor project scope of work change includes, but is not limited to, a change in location that does not affect air quality benefit, a change in equipment specification such as engine displacement capacity or equipment manufacturer, or other similar change, which is not a grant amendment. The following requirements and procedures apply to minor project scope of work changes:

1) Grant recipients shall notify the Agency, in writing, of all proposed minor project scope of work changes.

2) The Agency may approve proposed minor project scope of work changes that it determines are cost-effective and within the overall scope, criteria, requirements, and limitations of the grant project.

3) The Agency shall notify the grant recipient in writing of its approval or rejection of the request.

4) A grant recipient cannot obtain approval of a project scope of work change by default due to the Agency's failure to respond to such a request.