

**WHATCOM COUNTY
CONTRACT INFORMATION SHEET**

Whatcom County Contract Number:
201211014 -9

Originating Department:	85 Health
Division/Program: (i.e. Dept. Division and Program)	8540 Environmental Health / 854085 Solid Waste Enforcement
Contract or Grant Administrator:	Jennifer Hayden
Contractor's / Agency Name:	Clean Earth Environmental Solutions

Is this a New Contract?	If not, is this an Amendment or Renewal to an Existing Contract?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:	201211014	

Does contract require Council Approval?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	If No, include WCC:
Already approved? Council Approved Date:	(Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)		

Is this a grant agreement?	If yes, grantor agency contract number(s):	CFDA#:
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

Is this contract grant funded?	If yes, Whatcom County grant contract number(s):	202201016
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

Is this contract the result of a RFP or Bid process?	If yes, RFP and Bid number(s):	12-70	Contract Cost Center:	140202, 140204
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				

Is this agreement excluded from E-Verify?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
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

If YES, indicate exclusion(s) below:

<input type="checkbox"/> Professional services agreement for certified/licensed professional.	<input type="checkbox"/> Contract for Commercial off the shelf items (COTS).
<input type="checkbox"/> Contract work is for less than \$100,000.	<input type="checkbox"/> Work related subcontract less than \$25,000.
<input type="checkbox"/> Contract work is for less than 120 days.	<input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.
<input type="checkbox"/> Interlocal Agreement (between Governments).	

Contract Amount:(sum of original contract amount and any prior amendments):	Council approval required for; all property leases, contracts or bid awards exceeding \$40,000 , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, except when: 1. Exercising an option contained in a contract previously approved by the council. 2. Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance. 3. Bid or award is for supplies. 4. Equipment is included in Exhibit "B" of the Budget Ordinance 5. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.
\$ 4,506,260	
This Amendment Amount:	
\$ 120,000	
Total Amended Amount:	
\$ 4,626,260	

Summary of Scope: This contract provides funding for the operation of the Moderate Risk Waste Facility (Disposal of Toxics), maintenance of the three used motor oil and antifreeze stations, and off-site waste collection events.

Term of Contract:	3 Years	Expiration Date:	12/31/2024
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Contract Routing:	1. Prepared by:	JT	Date:	08/11/2022
	2. Health Budget Approval	KR/JG	Date:	08/11/2022
	3. Attorney signoff:	RB	Date:	12/02/2022
	4. AS Finance reviewed:	Bbennett	Date:	12/06/2022
	5. IT reviewed (if IT related):		Date:	
	6. Contractor signed:		Date:	
	7. Executive Contract Review:		Date:	2/16/2023
	8. Council approved (if necessary):	AB2022-724	Date:	01/10/2023
	9. Executive signed:		Date:	2/16/2023
	10. Original to Council:		Date:	



MEMORANDUM

TO: Satpal Sidhu, County Executive

FROM: Erika Lautenbach, Director

RE: Clean Earth Environmental Solutions, Inc. – Waste Collection & Storage Facility
Contract Amendment #9

DATE: January 11, 2023

Attached is a contract amendment between Whatcom County and Clean Earth Environmental Solutions, Inc. for your review and signature.

▪ **Background and Purpose**

The Whatcom County Hazardous Waste Management Plan requires hazardous waste education, the collection of moderate-risk waste at a collection and storage facility, and transportation of the collected waste materials to a treatment and/or disposal facility. Clean Earth Environmental Solutions, Inc. operates the County's moderate risk waste facility (known as Disposal of Toxics). This amendment increases annual funding from \$400,000 to \$440,000. This increase is attributed to 2022 price increases in labor and disposal and an increase in the amount of waste the facility has received in 2022. Staffing shortages experienced by the Contractor have contributed to the delays in receiving the information necessary to prepare this amendment. The amendment is backdated to match the date of the contractor's billing code updates.

▪ **Funding Amount and Source**

The operation of this facility is funded by the Department of Ecology Local Solid Waste Financial Assistance Agreement and the Solid Waste Fund. Funding for this contract period (01/01/22 – 12/31/2024) may not exceed \$1,320,000 or \$440,000 annually. Funding for this contract is included in the 2022-2023 budgets. Council authorization is required as the funding added by this amendment exceeds 10% of the amount previously authorized by Council.

Please contact Sue Sullivan, Environmental Health Manager at 360-778-6026 (SSullivan@co.whatcom.wa.us) or Kathleen Roy, Assistant Director at 360-778-6007 (KRoy@co.whatcom.wa.us), if you have any questions or concerns regarding this request.



Whatcom County Contract Number:

201211014 – 9

WHATCOM COUNTY CONTRACT AMENDMENT

PARTIES:

Whatcom County
Whatcom County Health Department
509 Girard Street
Bellingham, WA 98225

AND CONTRACTOR:
Clean Earth Environmental Solutions
933 First Avenue, Suite 200
King of Prussia, PA 19406

CONTRACT PERIODS:

Original:	01/01/2013 – 12/31/2015	Amendment #5:	08/01/2020 – 12/31/2021
Amendment #1:	01/01/2016 – 12/31/2018	Amendment #6:	01/01/2022 – 12/31/2024
Amendment #2:	01/01/2019 – 12/31/2021	Amendment #7:	01/01/2022 – 12/31/2024
Amendment #3:	01/01/2019 – 12/31/2021	Amendment #8:	08/01/2022 – 12/31/2024
Amendment #4:	01/01/2019 – 12/31/2021	Amendment #9:	09/01/2022 – 12/31/2024

THE CONTRACT IDENTIFIED HEREIN, INCLUDING ANY PREVIOUS AMENDMENTS THERETO, IS HEREBY AMENDED AS SET FORTH IN THE DESCRIPTION OF THE AMENDMENT BELOW BY MUTUAL CONSENT OF ALL PARTIES HERETO

DESCRIPTION OF AMENDMENT:

1. Amend Exhibit B – Compensation to update profile and/or process code numbers and increase annual not-to-exceed totals to \$440,000.
2. Funding for this contract period (01/01/2022 – 12/31/2024) is not to exceed \$1,320,000.
3. Funding for the total contract period (01/01/2013 – 12/31/2024) is not to exceed \$4,626,260.
4. All other terms and conditions remain unchanged.
5. The effective start date of the amendment is 09/01/2022.

ALL OTHER TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND ANY PREVIOUS AMENDMENTS THERETO REMAIN IN FULL FORCE AND EFFECT. ALL PARTIES IDENTIFIED AS AFFECTED BY THIS AMENDMENT HEREBY ACKNOWLEDGE AND ACCEPT THE TERMS AND CONDITIONS OF THIS AMENDMENT. Each signatory below to this Contract warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the contract and bind the party thereto.

APPROVAL AS TO PROGRAM: ^{DocuSigned by:}
Sue Sullivan 1/11/2023
051358A396BB46E...

Sue Sullivan, Environmental Health Manager Date

DEPARTMENT HEAD APPROVAL: ^{DocuSigned by:}
Erika Lautenbach 1/12/2023
955C651A30374BD...

Erika Lautenbach, Health Department Director Date

APPROVAL AS TO FORM: ^{DocuSigned by:}
Royce Buckingham 1/12/2023
1EE5DDBD9542404...

Royce Buckingham, Senior Civil Deputy Prosecutor Date

FOR THE CONTRACTOR:

^{DocuSigned by:} <u>Mindy Rath</u> <small>D2473AAA0644C9...</small>	Melinda Rath, SVP, Sales & Customer Service	2/16/2023
Contractor Signature	Print Name and Title	Date

FOR WHATCOM COUNTY:

^{DocuSigned by:} <u>Tyler Schroeder</u> <small>513FC4B01FE0423...</small>	Deputy Executive	2/16/2023
Satpal Singh Sidhu, County Executive		Date

CONTRACTOR INFORMATION:

Clean Earth Environmental Solutions
933 First Avenue, Suite 200
King of Prussia, PA 19406
mrath@harsco.com

**Exhibit B — Amendment #9
(COMPENSATION)**

Waste Stream	Packing	Disposal	Profile	Process Code	CY Box	Drum	55G-Drum	30G-Drum	15G-Drum	5G - Drum		Minimums	Notes
Acids	loose	treat	WHAT0850	WAT16-A			\$203.53			\$58.92			
Base	loose	Treat	WHAT0860	WAT16-B			\$203.53			\$58.92			
Acid	Bulk	Treat	WHAT0870	WAT01-1			\$279.86	\$202.43	\$145				
Bases	bulk	treat	WHAT0881	STABO2-2			\$290	\$225					\$1,145.00 TP275
Bases	bulk	treat	WHAT0880	WAT02-1 WAT02-2			\$281.86						
Aerosol-Pesticides	loose	incin	WHAT0240	INCO2	\$1,650.00		\$495						
Aerosols, cans of paints, solvents, for depressurization & fuel blending, RCRA	loose	Energy rec.	WHAT0210	AF08	\$653.43		\$225						
Alkaline/Dry Cell Batteries	loose	Recycle	WHAT0825	REC24			\$225	\$170		\$95.00			
Antifreeze	Bulk	landfill	WHAT0110	LF08			\$230						
Antifreeze - off spec/contaminated-Bulk Fuels	bulk	energy rec.	WHAT0320	AF01		\$275	\$135						
Auto Oil - contaminated with solvents-Bulk Fuels	bulk	energy rec.	WHAT0320	AF01			\$135						
Bases	lab	incin	WHAT0861	INC14-B			\$203.53						
Cigarette Lighters	loose	incin	WHAT0270	INC19-6			\$625			\$125			
Cylinders, flammable, propane, for recycle	loose	recycle	WHAT0230	REC61			\$275						
Cylinders	each	Recycle	WHAT0250	REC 63 / REC65							\$35/each		
Fire Extinguishers for recycle	loose	recycle	WHAT0260	REC60			\$275.00						
Flammable Solids	lab	incin	WHAT0410	INC15-D1			\$850			\$145			
loosepack pesticides,flammable	loose	incin	WHAT0610	INC14-F	\$750		\$235	\$195		\$95			
Landfill Ready, non-regulated	Bulk	landfill	WHAT0820	LF01		\$275	\$145						
Latex Paint-box	loose	Recycle	WHAT0192	REC10	\$267.80								
Lead Acid Batteries	pallet	recycle	WHAT0810	REC05						\$0.53/lb		MN55 - \$175	

Waste Stream	Packing	Disposal	Profile	Process Code	CY Box	85G - Drum	55- Drum	30- Drum	15G- Drum	5G- Drum	Other	Minimums	Notes	
Liquids/Sludges (Non-hazardous)	bulk	landfill	WHAT0108	STAB14			\$155.32							
Lithium Batteries (Damaged)	lab	incin	WHAT0842	RECO9							\$6.97/lb	\$50.00 minimum		
Non-Regulated Solids	loose	landfill	WHAT0101	LF01			\$145							
Metallic Mercury Waste	lab	recycle	WHAT0852	REC13							\$32/lb		gross weight of container	
Mercury bulbs/tubes	Loose	Recycle	WHAT0996	REC06							\$1.03/LB	\$15.00		
Mercury Contaminated Debris	lab	recycle	WHAT0853	REC14				\$1,200		\$275				
Ni-Cd batteries (wet-cell)	loose	recycle	WHAT0830	REC11							\$1.14/lb	\$25	gross weight of container	
Oil Based Paint and Related Products	loose	energy Rec.	WHAT0350	AF06	\$455.26		\$144.61							
Oil Based Paint and Related Products	bulk	energy Rec.	WHAT0340	AF01			\$135							
				AF02		\$275	\$135							
				AF03		\$350	\$195							
				AF04		\$375	\$205							
Oil Filters	loose	recycle	WHAT0195	REC10			\$180							
Oil (with <10% water) for re-refining	bulk	Treat	WHAT0109	RECO7			\$215							
Organic Acids	Lab	Incin	WHAT0849	INC14-A			\$241.02			\$64.27				
Organic Peroxides (DOT 5.2)	Lab	Incin	WHAT0530	INCIN15-E2						\$125				
Inorganic Oxidizers	lab	treat	WHAT0520	STAB06-6			\$246.38	\$184.79	\$123.19	\$80.34				
PCB Ballasts (<91bs. Non-leaking)	loose	landfill	WHAT0130	PCB09			\$325							
PCB Ballasts (>91bs. Leaking)	loose	incin	WHAT0920	PCB01			\$1,050							
Pesticide Solutions	bulk	incin	WHAT0615	INC09			\$246.38							
PCB Solvents	bulk	incin	WHAT0940	PCB05			\$750		\$445	\$250				
RCRA Pharmaceuticals/debris or P-Listed with sharps for RCRA	Lab	Incin	WHAT0PHARM	INC29						\$83.20				
Span. Combustible	lab	incin/ Treat	WHAT0430	INC15-D2					\$395	\$225				
Solvents and flammable liquids	bulk	energy rec.	WHAT0320	AF01			\$135							
				AF02		\$275	\$135							
				AF03		\$350	\$195							
				AF04		\$375	\$205							

Waste Stream	Packing	Disposal	Profile	Process Code	CY Box	85G - Drum	55- Drum	30- Drum	15G- Drum	5G+ Drum	Other	Minimums	Notes
Water Reactives (DOT 4.3)	Lab	Incin	WHAT0440	INC15-W				\$495		\$125			
Water (<10% floc, non-regulated, for treat & discharge)	bulk		WHAT0106	WAT05			\$170						

Transportation	Cost	Notes
Regular material pick-up	N/C	28/40" Boxvan Requires Forklift
Labor Assistance		Rate — Per Hour
LBSPECST - Facility Staff Lead, Straight Time		\$51.00
LBSPECOT - Facility Staff Lead, Overtime		\$76.50
LBENVST - Facility Support Staff, Straight time		\$42.00
LBENVOT - Facility Support Staff. Overtime		\$63.00
1. Drum Supplies delivered only in conjunction with waste pick-up		
2. Labor costs based on three dedicated toxics facility employees, full-time. Overtime will be invoiced at 1.5 times regular rate.		
3. \$114 surcharge for 85 Gallon Overpack drums — cost of drum and handling fee in Kent.		
4. 30G drums at 75% of 55G rate		

Whatcom County Facility Costs

Program Support Services	Billing Cycle	Rate	Comments
Misc Disposable Supplies: Office paper, haz waste reference materials, postage, envelopes, fax/printer cartridges, can crush maintenance (not repair), disposable PPE including Tyvek, respirator cartridges, gloves (nitrile, labpack, chemical, cold weather): testing equipment (chlor-d-lect, pH, Oxidizer, Organic Peroxide) Spill Supplies, Absorbent Pads, Paint processing disposables, tarps, tape, drum dollies, drum grabbers	Monthly	\$0	Cost + 15%
Computers: (see utilities below)	Monthly	\$0	\$0
Forklift: On-site forklift for operations including maintenance, repairs and fuel (LBOPERST)	Monthly	\$755.20	\$9,062.35
Liftgate Truck: Truck with liftgate to service remote collection sites, includes service, insurance and fuel (LBDRIVST)	Monthly	\$725	\$8,700
Mileage: (invoiced at Federal mileage rate for vehicle type — fluctuates)	Per mile		Variable
Utilities: including water, sewer, electric, trash (cost + administrative fee)			Cost + 15%
Additional Disposal Items: DIR01			Rate
Antifreeze recycling			Cost + 15%
Oil and Water mixture			Cost + 15%
Light tube recycling			Cost + 15%
Waste Oil			Cost + 15%
Not included: Property Taxes or Permits Service or repair of can crush unit Building(s) repair, service or upgrades Electrical repair, service or upgrades			NOTES: This total is a not-to-exceed amount on an annual basis. Monthly invoices shall reflect actual costs of time, materials, and disposal based upon unit prices shown in this exhibit. However, the annual totals listed below, shall not be exceeded unless and until a change order for the excess amount is issued by the County, subject to the discretion of the County. 2022: \$440,000 2023: \$440,000 2024: \$440,000

Non-Specified Container Conversions		Conversion Table
Container Size	Conversion	
1-5 gallon	35%	. These conversions will apply to all disposal and transportation items priced per container unless
6-15 gallon	50%	• Numbers are expressed as a factor of a 55-gallon drum (e.g., 55-gallon price x 35% = sell price)
16-30 gallon	75%	• The greater of the conversion factor or location container minimum of \$40 will be applied unless quoted a different rate.
31-55 gallon	1x	. Some waste may have a different, typically lower, minimum
85-gallon	1.5x	. Smaller container sizes can be converted to larger containers using the following steps:
Cubic Yard Boxes	4x	1) Divide the smaller container price by its conversion factor for the 55-gallon price (e.g., 5-gallon price / 35% = 55-gallon price)
250/275-gallon totes	5x	Use the normal conversion on the 55-gallon drum price to convert to other container sizes
330/350-gallon totes	6x	

1. The Contractor shall submit invoices to (include contract #) HL-BusinessOffice@co.whatcom.wa.us.
2. The Contractor shall submit itemized invoices on a monthly basis in a format approved by the County. Monthly invoices must be submitted by the 15th of the month, following the month of service.
3. Payment by the County will be considered timely if it is made within 30 days of the receipt and acceptance of billing from the Contractor. The County may withhold payment of an invoice if the Contractor submits it more than 30 days after the expiration of this contract.
4. Invoices must include the following statement, with an authorized signature and date: **I certify that the materials have been furnished, the services rendered, or the labor performed as described on this invoice.**
5. Duplication of Billed Costs or Payments for Service: The Contractor shall not bill the County for services performed or provided under this contract, and the County shall not pay the Contractor, if the Contractor has been or will be paid by any other source, including grants for those costs used to perform or provide the services in this contract. The Contractor is responsible for any audit exceptions or disallowed amounts paid as a result of this contract.