

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.

202308018-1

Originating Department:	Public Works - Bridge & Hydraulic
Division/Program: (i.e. Dept. Division and Program)	905900 / Construction
Contract or Grant Administrator:	James Lee
Contractor's / Agency Name:	Washington State Department of Ecology

Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes No
 Yes No If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 202308018

Does contract require Council Approval? Yes No 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? Yes No If yes, grantor agency contract number(s): OTGP-2024-WnCgPW-00035 CFDA#: _____

Is this contract grant funded? Yes No If yes, Whatcom County grant contract number(s): 202308018

Is this contract the result of a RFP or Bid process? Contract _____
 Yes No If yes, RFP and Bid number(s): _____ Cost Center: 384100

Is this agreement excluded from E-Verify? No Yes If no, include Attachment D Contractor Declaration form.

If YES, indicate exclusion(s) below:

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

Contract Amount:(sum of original contract amount and any prior amendments):
 \$ 4,122,656.00
 This Amendment Amount:
 \$ 1,040,989.97
 Total Amended Amount:
 \$ 5,163,645.97

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.

Summary of Scope:

The purpose of this amendment is to transfer \$1,040,989.97 in previously advanced state funds from the previous grant agreement WCC No. 201810012 to the current grant agreement, WCC No. 202308018. These funds will provide for continued capital construction, engineering and permitting work for SCSMAP project elements.

Term of Contract: N/A Expiration Date: 9-31-2025

Contract Routing:	1. Prepared by: <u>Laura Vandervort</u>	Date: <u>11/20/2023</u>
	2. Attorney signoff: <u>Christopher Quinn</u>	Date: <u>11/20/2023</u>
	3. AS Finance reviewed: <u>A. Martin</u>	Date: <u>11/20/2023</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: <u>✓</u>	Date: <u>12/7/23</u>
	6. Executive contract review: _____	Date: _____
	7. Council approved, if necessary: _____	Date: _____
	8. Executive signed: <u>✓</u>	Date: <u>12/7/23</u>
	9. Original to Council: _____	Date: _____

Elizabeth Kosa
Director




Douglas W. Ranney II, P.E.
County Engineer
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

Memorandum

To: The Honorable Satpal Singh Sidhu, Whatcom County Executive, and
The Honorable Members of the Whatcom County Council

Through: Elizabeth Kosa, Director

From: Doug Ranney, P.E., County Engineer
James E. Lee, P.E., Engineering Manager 

Date: November 17, 2023

Re: **Swift Creek Interagency Agreement Amendment No. 1**
between Whatcom County and the State of Washington
Department of Ecology (Contract No. 202308018)

Requested Action

Public Works respectfully requests that the County Council authorize the County Executive to enter into Grant Amendment No. 1 with the Washington State Department of Ecology (Ecology) to provide for continued implementation of the Swift Creek Sediment Management Action Plan (SCSMAP) Projects.

Background and Purpose

In 2019 Ecology, the County, and other defendants entered into a Consent Decree which lays out the scope of work and overall schedule for this ongoing, multi-year project.

The first state funds for work on this project were appropriated in 2018 and administered under the original grant agreement between Whatcom County and Ecology, Whatcom County contract No. 201810012. Due to the longevity and large number of amendments under this original grant the decision was made to enter into a new grant agreement to administer the 23-25 biennium state funding appropriation for this project. This new grant agreement, which was entered into in August of this year, Whatcom County Contract No. 202308018, will be used to administer the state funding for this project moving forward. The purpose of this Amendment No. 1 to the new grant agreement is to transfer the \$1,040,989.97 remaining in the old grant agreement to the new, current grant agreement. The funds will provide for continued capital construction, engineering and permitting work for SCSMAP project elements.

Funding Amount and Source

Ecology is using state funding to provide a no-match grant for this project. This agreement has been prepared in conjunction with the Ecology and will be executed via DocuSign. These funds were previously advanced to the Swift Creek fund and per this amendment will be associated with the new grant agreement.

Please contact James Lee at extension 6264 if you have any questions regarding this request.



**AMENDMENT NO. 1
TO AGREEMENT NO. OTGP-2024-WhCoPW-00035
BETWEEN
THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
AND
Whatcom County Public Works**

PURPOSE: To amend the above-referenced agreement (AGREEMENT) between the state of Washington Department of Ecology (ECOLOGY) and Whatcom County Public Works (RECIPIENT) for the Sumas Mountain/Swift Creek Sediment Management Project (PROJECT).

Amendment 1:

Ecology closed the initial one-time grant (OTGP-2018-WhCoPW-00004) for the Swift Creek project. There were remaining, previously advanced funds in the amount of \$1,040,989.97 left on this initial grant that require PRPRs to be submitted against them, that is why amendment 1 is being processed under this secondary one-time grant agreement and these additional funds are being added to task 2 - Construction of Project Elements. Total amount of funding for task 2 is being amended from \$2,922,656.00 + \$1,040,989.97 for a new total task amount of \$3,963,645.97.

IT IS MUTUALLY AGREED that the AGREEMENT is amended as follows:

Total Cost:

Original: 4,122,656.00 Amended: 5,163,645.97

Total Eligible Cost:

Original: 4,122,656.00 Amended: 5,163,645.97

CHANGES TO THE BUDGET

Funding Distribution EG240026

Funding Title: State Building Construction Account
Funding Type: Grant
Funding Effective Date: 09/01/2023 **Funding Expiration Date:** 09/30/2025

Funding Source:

Title: State Building Construction Account (SBCA) TCP
Fund: FD
Type: State
Funding Source %: 100%
Description:

State of Washington Department of Ecology
Whatcom County Public Works
Sumas Mountain/Swift Creek Sediment Management Project Project
Agreement No. OTGP-2024-WhCoPW-00035

- d. Placement of topsoil and soil amendments to include:
 - i. Wetland topsoil and compost embankment of approximately 54,000 square yards.
 - ii. Fertilize approximately 7.4 acres.
 - iii. Placement of mulch, approximately 77,900 square yards.
- e. Placement of woody habitat materials in support of wildlife.
- f. Swift Creek sediment management related to this project due to the presence of naturally occurring asbestos, work to include:
 - i. Utilizing wet methods to moisten soils while being disturbed.
 - ii. Removal of approximately 3,300 cubic yards of sediment deposited from 2021 floods.
 - iii. Contractor submittal and RECIPIENT review/approval of a health and safety plan for work with naturally occurring asbestos.
 - iv. Perimeter air monitoring for approximately 60 days.
 - v. Application of approximately 80 tons of lignin (tackifier) to soils for dust reduction purposes.
- g. Planting to include:
 - i. Approximately 48,000 sedges.
 - ii. Approximately 45,000 shrubs.
 - iii. Approximately 1,600 trees.
- h. Sediment trap channel excavation including removal of approximately 14,000 cubic yards.
 - i. Sediment traps have been installed in the upper Swift Creek channel to collect asbestos containing sediments that are removed and properly disposed of on an annual basis.
 - 1. Annual accumulation within the phase I sediment traps can range from 6,000 to 15,000 cubic yards.

Task Goal Statement:

Construct 2024 Swift Creek Action Plan Capital Construction package.

Task Expected Outcome:

- 1. Construction of the 2024 Swift Creek Action Plan Capital Construction package.

Recipient Task Coordinator: James Lee

Deliverables

Number	Description	Due Date
2.1	As-built for the 2024 Swift Creek Action Plan Capital Construction package.	07/31/2025

State of Washington Department of Ecology
Whatcom County Public Works
Sumas Mountain/Swift Creek Sediment Management Project Project
Agreement No. OTGP-2024-WhCoPW-00035

Funding Distribution Summary**Recipient / Ecology Share**

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
State Building Construction Account	0 %	\$ 0.00	\$ 5,163,645.97	\$ 5,163,645.97
Total		\$ 0.00	\$ 5,163,645.97	\$ 5,163,645.97

State of Washington Department of Ecology
Whatcom County Public Works
Sumas Mountain/Swift Creek Sediment Management Project Project
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AUTHORIZING SIGNATURES

All other terms and conditions of the original Agreement including any Amendments remain in full force and effect, except as expressly provided by this Amendment.

The signatories to this Amendment represent that they have the authority to execute this Amendment and bind their respective organizations to this Amendment.

This amendment will be effective 10/01/2023.

IN WITNESS WHEREOF: the parties hereto, having read this Amendment in its entirety, including all attachments, do agree in each and every particular and have thus set their hands hereunto.

Washington State
Department of Ecology

Whatcom County Public Works

DocuSigned by:
By: Barry Rogowski 12/7/2023
6A3C887E6E86424...
Barry Rogowski Date
Toxics Cleanup
Program Manager

DocuSigned by:
By: Elizabeth Kosa 12/7/2023
879E242DD75C408...
Elizabeth Kosa Date
Director

Satpal Singh Sidhu
DocuSigned by:
Satpal Singh Sidhu 12/7/2023
1192C7C18B664E3...
Whatcom County Executive Date

Christopher Quinn
DocuSigned by:
Christopher Quinn 12/7/2023
95D8F77C24C6422...
Senior Deputy Prosecutor (Civil Division) Date

Template Approved to Form by
Attorney General's Office