

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
201909008-1

Originating Department:	Public Works
Division/Program: <i>(i.e. Dept. Division and Program)</i>	Natural Resources- PIC Program (950530)
Contract or Grant Administrator:	Erika Douglas
Contractor's / Agency Name:	Washington State Department of Health
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 #: <u>201909008</u>	
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? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, grantor agency contract number(s): <u>GVL24435-1</u> CFDA#: <u>66.123</u>	
Is this contract grant funded? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process? Contract _____ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, RFP and Bid number(s): _____ Cost Center: <u>813002</u>	
Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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"/> 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): \$ <u>600,000</u> This Amendment Amount: \$ <u>447,732</u> Total Amended Amount: \$ <u>1,047,732</u>	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: This amendment provides additional funds to the Whatcom County Flood Control Zone District to extend the date of original agreement to further support the successful Whatcom County Pollution Identification and Correction (PIC) program. Activities include project management, program coordination, landowner contacts, technical and financial assistance, regulatory backstop, and community outreach and engagement.	
Term of Contract: <u>7/1/19-10/30/22</u>	Expiration Date: <u>September 30, 2022</u>

Contract Routing:	1. Prepared by: <u>ED</u>	Date: <u>6/22/20</u>
	2. Attorney signoff: <u>Christopher Quinn</u>	Date: <u>6/22/2020</u>
	3. AS Finance reviewed: <u>M Caldwell</u>	Date: <u>6/22/2020</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: _____
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____



CONTRACT AMENDMENT

1. NAME OF CONTRACTOR Whatcom County Public Works	2. DOH CONTRACT NUMBER GVL24435 WHATCOM CO. CONTRACT NUMBER 201909008
1a. ADDRESS OF CONTRACTOR (STREET) 322 North Commercial Street, Suite 110	2a. AMENDMENT NUMBER
1b. CITY, STATE, ZIP CODE Bellingham, WA 98225	1
3. <input checked="" type="checkbox"/> THIS ITEM APPLIES ONLY TO BILATERAL AMENDMENTS. The Contract identified herein, including any previous amendments thereto, is hereby amended as set forth in Item 5 below by mutual consent of all parties hereto.	
4. <input type="checkbox"/> THIS ITEM APPLIES ONLY TO UNILATERAL AMENDMENTS. The Contract identified herein, including any previous amendments thereto, is hereby unilaterally amended as set forth in Item 5 below pursuant to that changes and modifications clause as contained therein.	
5. DESCRIPTION OF AMENDMENT: The purpose of this amendment is to add \$447,732 (\$3,800 rollover from 2017 Near Term Action) in funding and to extend the end date of the contract to September 30, 2022 to support further Pollution Identification and Correction activities. Special focus will be placed on Portage Bay and other shellfish growing areas, and transboundary coordination, as well as supporting farm plans and associated implementation of BMPs and efficacy on existing BMPs. The original award partially funded the proposal (\$600,000 of \$3,230,000 estimated Near Term Action budget) in 2018. The additional funding comes with updated federal terms and conditions. 5a. Statement of Work: Exhibit A is revised in accordance with Exhibit A-1, attached hereto and incorporated herein. 5b. Consideration: This amendment increases the Contract Consideration by \$447,732; therefore, the revised maximum consideration of this contract and all amendments shall not exceed \$1,047,732. Source of Funds for this Amendment: (FED) \$447,732; (ST) \$0; (Other) \$0; Total: \$447,732 Contractor agrees to comply with applicable rules and regulations associated with these funds. 5c. Period of Performance: is extended, through September 30, 2022. 5d. The Effective Date of this Amendment: is July 01, 2019.	
6. All other terms and conditions of the original contract and any subsequent amendments thereto remain in full force and effect.	
7. <input type="checkbox"/> This is a unilateral amendment. Signature of contractor is not required below. <input checked="" type="checkbox"/> Contractor hereby acknowledges and accepts the terms and conditions of this amendment. Signature is required below.	
8. CONTRACTOR SIGNATURE SEE ATTACHED WHATCOM COUNTY SIGNATURE PAGE (19)	DATE
9. DOH CONTRACTING OFFICER SIGNATURE	DATE

This document has been approved as to form only by the Assistant Attorney General.

WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT:

Recommended for Approval:

 6/24/20
Jon Hutchings, Public Works Director Date

Approved as to form:

APPROVED VIA EMAIL - CHRISTOPHER QUINN/ROBIN KLEIN 4/24/2020
Christopher Quinn Date
Civil Deputy Prosecuting Attorney

Approved:

Accepted for Whatcom County Flood Control Zone District:

By: _____
Satpal Singh Sidhu, Whatcom County Executive

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this _____ day of _____, 20 __, before me personally appeared Satpal Singh Sidhu, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington, residing at _____
My commission expires _____.

EXHIBIT A-1
SUB RECIPIENT STATEMENT OF WORK
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Shellfish Strategic Initiative
Whatcom County
Enhanced Pollution Identification and Correction Program

Contract number: GVL24435-1

Subrecipient Organization: Whatcom County

Subrecipient Contact: Erika Douglas EDouglas@co.whatcom.wa.us 360.778.6294

DUNS #: 06-004-4641

CPAR Info (Statewide Vendor #, UBI, Federal Tax ID, etc.): SWV00024552; 600358208; 91-6001383

DOH Contract Manager: Megan Schell megan.schell@doh.wa.gov 360.236.3307

Federally Approved Indirect Rate: N/A

Period of Performance: July 01, 2019 – September 30, 2022

Brief Project Description: The purpose of this agreement is to expand the successful Whatcom County Pollution Identification and Correction (PIC) program to cover additional drainage areas with commercial, tribal, or recreational shellfish closures or declining water quality. In addition, Whatcom County will continue the PIC program in areas where water quality improvement is still needed, with a particular emphasis on the Nooksack/Portage Bay watershed, including transboundary efforts.

Not to exceed: \$1,047,732

Near Term Action ID: 2018-0171

AMENDMENT PURPOSE

The purpose of this amendment is to add \$447,732 (\$3,800 rollover from 2017 Near Term Action) in funding and extend the end date of the contract to September 30, 2022 to support further Pollution Identification and Correction activities. Special focus will be placed on Portage Bay and other shellfish growing areas, and transboundary coordination, as well as supporting farm plans and associated implementation of BMPs and efficacy on existing BMPs. The original award partially funded the proposal (\$600,000 of \$3,230,000 estimated Near Term Action budget) in 2018. The additional funding comes with updated federal terms and conditions.

OVERVIEW

This project comprises Whatcom County's component of the Whatcom Clean Water Program (WCWP). The WCWP is a partnership of local, state, and federal agencies and tribes working together to reduce bacteria pollution affecting shellfish growing areas in Whatcom County. Through the expansion of the successful Whatcom County Pollution Identification and Correction (PIC) program, Whatcom County will cover additional drainage areas with commercial, tribal, or recreational shellfish closures or declining water quality. In addition, Whatcom County will continue PIC program work in areas needing water quality improvement,

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with a particular emphasis on the Nooksack/Portage Bay watershed, including transboundary efforts. The Program goals include:

- Increase the number of months approved for shellfish harvest in Portage Bay;
- Upgrade additional shellfish beds in Drayton Harbor and Northern Chuckanut Bay;
- Meet water quality targets for fecal coliform in coastal creeks and tributaries;
- Maintain open shellfish growing areas in Lummi Bay and the recently upgraded areas in Drayton Harbor, Birch Bay, and Portage Bay.
- Improve water quality trends in Lummi Bay.

GOALS & MEASURABLE OBJECTIVES

This simply summarizes key metrics and measures called out in the tasks below. This table is a component of the FEATS report.

Description (e.g., "shellfish beds reopened")	Units (e.g. "acres")	Targets ("number")
Increase number of months Portage Bay is approved for shellfish harvest	Months	12 (currently 9)
Increase and maintain number of acres approved for shellfish harvest in Drayton Harbor	Acres	930 (as of October 22, 2019 there are 1,575 acres open)
Increase access to safe recreational shellfish harvest in Whatcom County	Beach	42
Maintain approved shellfish growing areas in Lummi Bay, Drayton Harbor, Birch Bay, and Portage Bay.	Acres	8,109 (as of October 22, 2019 there are 8,874 acres)
Increase percent of routine monitoring stations meeting annual water quality targets	Stations	70% (59% in 2018)
Contact landowners with PIC program messaging to build community awareness and knowledge	Landowners	1,400

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Complete farm plans to guide improved management practices	Farm Plans	160
Provide incentives for septic maintenance and small farm improvements	Rebates	225
Provide stewardship incentives/reminders at community events	Incentives	800
Distribute annual PIC newsletters to share progress and available assistance programs	Newsletters	5,000
Participate in community events (in person or virtual) to provide information about water quality patterns and PIC resources	Community Events	15

TASKS & DELIVERABLES

The following are the tasks, deliverables, and deadlines associated with this subaward:

▶▶ TASK 1. Project Development

This task must be completed before initiating any other work under this subaward. Work completed prior to the completion of Task 1 will be ineligible for reimbursement under this subaward.

1.1 PROJECT SPATIAL DATA COORDINATES

Provide relevant spatial data for their project in the following format: (latitude, longitude). Please use a representative sample site in the project area as applicable or the coordinates of a subrecipient's office may also be used when a specific project site is not available.

PROJECT LOCATION:

18a. Latitude	48.7548	18b. Longitude	-122.4777
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1.2 QUALITY ASSURANCE PROJECT PLAN (QAPP) DEVELOPMENT

Sub-recipient will submit a Quality Assurance Project Plan Waiver form using after reviewing the Washington State Department of Ecology's NEP Quality Assurance web page: <https://ecology.wa.gov/About-us/How-we-operate/Scientific-services/Quality-assurance/Quality-assurance-for-NEP-grantees>. If a QAPP is required, sub-recipients will work with Ecology's NEP Quality Coordinator -NEP QC to develop and approve the QAPP.

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Work related to collecting or using environmental data may not begin until the QAPP waiver and QAPP are completed and approved. QAPP determination must be reassessed for each contract amendment.

1.3 EVALUATION PLAN (DOH TEMPLATE):

Complete short one page planning document describing your program’s plans for evaluation including data collection methods. Following project, used to discuss what the outcome results tell you about the impact and success of your program activities.

1.4 EFFECTIVENESS CONSULTATION:

The sub-recipient will contact and consult via telephone (30 minutes) with the Puget Sound Partnership (PSP) effectiveness team regarding project metrics being tracked. PSP effectiveness team will provide an analysis approach for the NTA, about a paragraph per project, and will provide results of the effectiveness analysis to the Shellfish Strategic Initiative Advisory Team. The Shellfish SI grant program representative will send an email to put the sub-recipient in contact with the PSP effectiveness team.

Number	Deliverable	Reimbursement	Completion date
1.1	Project Spatial Data	Reimbursement up to \$0 based on actual costs	July 15, 2019
1.2	QAPP Waiver Determination Form and QAPP (if required)		Draft due within 30 days of agreement and amendment(s) start date
1.3	Evaluation Plan		Draft due within 60 days of agreement start date.
	Evaluation Report		Final Evaluation Report due at contract completion.
1.4	Effectiveness consultation		March 31, 2021

▶▶ TASK 2. Project Management and Reporting

This task describes the data collection and reporting requirements associated with this subaward. Maintenance of project records, submittal of payment vouchers, fiscal forms, and progress reports; compliance with applicable procurement, contracting and inter-local agreement requirements; application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project and submittal of required performance items. Carry out project in accordance with any completion dates outlined in the agreement.

Refer to and comply with all underlying federal terms and conditions.

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2.0 INTERLOCAL AGREEMENTS

Complete interlocal agreement with Whatcom Conservation District (WCD). Complete amendment to interlocal agreement with the WCD.

2.1 PROJECT FACTSHEET

Create a project factsheet ([using provided template](#)) and submit in MS Word and PDF with first quarterly report.

2.2 QUARTERLY INVOICING AND PROGRESS REPORTS ([DOH TEMPLATE](#))

The sub-recipient will email quarterly progress reports, deliverables and invoices with all applicable forms included with the A19-1A, to NEPinvoices@doh.wa.gov with the contract manager cc'd. Invoices must be submitted at least quarterly and but no more frequently than monthly. Invoices will be reviewed for consistency with progress. Local or County Health subrecipients will submit invoices through the Con-Con process, and will send progress reports and deliverables to the Contract Manager.

The reporting periods are synced to inform the grant program's EPA reporting schedule; therefore, it is critical that the subrecipient submit according to the following schedule. Progress reports shall include, at a minimum:

- A description of the work completed in the last quarter, including total spending by the subrecipient and any partners and any completed deliverables.
- The status and completion date for the project activities and near-term deliverables.
- Description of any problem or circumstances affecting the completion date, scope of work, or costs.
- Evidence that you have satisfactorily completed all the reporting requirements (see below).

First Quarter Period: summary	January 1 – March 31	FEATS will serve as project
Second Quarter Period:	April 1 – June 30	Summary due by July 15
Third Quarter Period: summary	July 1 – September 30	FEATS will serve as project
Fourth Quarter Period:	October 1 – December 31	Summary due by January 15

Reporting requirements:

2.3 FEATS (TEMPLATE WILL BE PROVIDED)

Complete bi-annual FEATS (*Financial and Ecosystem Accounting Tracking System*) progress reports, as well as a final FEATS report. The final FEATS report, reflecting the final project billing, will be provided during project closeout, after the end of the grant, and will describe the entire project, highlighting project outcomes and discussing lessons learned.

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FEATs Reporting must be completed by: April 10
October 10

Final FEATs report completed by: Upon contract completion

2.4 PUGET SOUND PARTNERSHIP REQUIRED NTA REPORTING

NTA owners are required to report on the following:

- Implementation status of their actions on a semiannual basis
- Financial status of their actions on an annual basis

NTA reporting completed between: Annually, spring and fall
NTA financial reporting completed between: Annually, summer

2.5 WATER QUALITY EXCHANGE DATA REPORTING

WQX refers to an electronic data system for water quality monitoring data developed by EPA. If sub-recipients collect any physical, chemical or environmental data (e.g. dissolved oxygen, water temperature, salinity, turbidity, pH, phosphorous, total nitrogen, E. coli or Enterococci, and other biological and habitat data) WQX reporting will be required.

Data for an entire calendar year (Jan. 1 – Dec. 31) should be submitted annually. To assist in tracking in WQX, name your project as follows: NEP_2018_(insert organization name); the unique project ID needs to be 35 characters or less. Include the WQX ID in the quarterly progress reports. [Here](#) is an entry verification sample for reference.-

WQX reporting completed by: See FEATS schedule, Task 1.2.1

Final WQX entry completed by: Upon contract completion

2.6 WOMEN/MINORITY-OWNED BUSINESS (MBE/WBE) REPORTS

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33 except as described in the underlying Terms and Conditions based upon the associated class deviation.

Subrecipients are required to submit MBE/WBE utilization reports annually. Reports will be in the following format and will include all qualifying purchases. Reporting periods are from October 1 to September 30 annually. Reports are due to DOH 15 calendar days after the end of each reporting period.

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1. Procurement Made By: (check box)			2. Business Enterprise: (check box)		3. \$ Value of Procurement:	4. Date of Purchase MM/DD/YY	5. Type of Product or Services * (Enter Code)	6. Name/Address/Phone MBE/WBE Contractor or Vendor
Recipient	Subrecipient	Prime	Minority	Women				

*Type of product or service codes: 1 = Construction 2 = Supplies 3 = Services 4 = Equipment

2.7 BROADER COMMUNICATIONS (PRESENT AT REGIONAL CONFERENCE AND SUBMIT PROJECT PHOTOS)

Participate in and present project outcomes at a regional event relevant to the project topic (conference, forum, stakeholder workshop, etc.). Work with DOH to determine targeted audience and ensure purpose of communication is clear. Submit draft materials to DOH for review prior to event. In addition, submit high-quality project photos or video clips of the project (process, progress, etc.). Ensure anyone in the photo or video has signed a release in case photos or videos are used for future publications. **NOTE: INTERNATIONAL TRAVEL REQUIRES PRE-APPROVAL.**

2.8 FINAL PROJECT REPORT (DOH TEMPLATE)

A brief final report (approximately 1-2 pages) will be written by the project owners that describes the methods, results, lessons learned and recommendations for future work. The final report will evaluate the success of achieving the performance measures identified in the detailed project plan. Included with the final project report will be an updated Project Factsheet (see 2.1).

Number	Deliverable	Reimbursement	Completion date
2.0	Complete interlocal agreement with Whatcom Conservation District (WCD). Complete amendment to the interlocal agreement with WCD	Reimbursement up to \$2,000 based on actual costs	Within 60 days of this award's execution
2.1	Project Fact Sheet		July 15, 2019
	Updated Project Fact Sheet (if needed)		July 15, 2020
2.2	Quarterly invoice and Project Summaries		July and January 15, annually
2.3	Semi-annual FEATS reports		April and October 15, annually

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2.4	PSP Required NTA Reporting a) Implementation Status b) Financial Status		a) Annually, spring and fall and upon contract completion b) Annually, summer
2.5	WQX (if required)		Per FEATS schedule 1.2.1
2.6	MBE/WBE Reporting		October 15, annually, and upon contract completion
2.7	a) Broader Communications: Present at a regional conference. Salish Sea Conference. Submit draft presentation materials to DOH for review b) Submit photos		a) May 2020 b) Ongoing and upon contract completion
2.8	a) Draft Final Project Report b) Final Project Report and Updated Fact Sheet		a) Draft due 30 days prior to contract end date; b) Upon contract completion

▶▶ **TASK 3. Whatcom County Pollution Identification and Correction (PIC) Program**

This project comprises Whatcom County’s component of the Whatcom Clean Water Program (WCWP). The WCWP is a partnership of local, state, and federal agencies and tribes working together to reduce bacteria pollution affecting shellfish growing areas in Whatcom County. The goals of this program are to increase the number of months approved for shellfish harvest in Portage Bay; upgrade additional shellfish beds in Drayton Harbor and Northern Chuckanut Bay; meet water quality targets for fecal coliform in coastal creeks and tributaries; and maintain “Approved” status of shellfish growing areas in Lummi Bay and recently upgraded shellfish beds in Drayton Harbor, Birch Bay, and Portage Bay.

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3.1 PIC PROGRAM COORDINATION: Whatcom PIC field staff meetings with Whatcom Clean Water Program (WCWP) project partners will be held bi-weekly to monthly, PIC Managers meetings will be held monthly, and WCWP Core Group meetings will be held quarterly or as needed to advance collaborative work in the PIC project areas. Partners will report on their work and coordinate water quality monitoring, landowner contacts, and community outreach messaging. County and Whatcom Conservation District (WCD) staff will coordinate with community groups within the project area and with Canadian partners in transboundary watersheds. A data coordinator will be housed at the WCD to manage the WCWP water quality database and online map of preliminary water quality data and provide other data support to WCWP partners, transboundary efforts, and community groups in the PIC areas.

3.2 POLLUTION IDENTIFICATION AND CORRECTION: Public Works and WCD staff will contact landowners in PIC areas, with a particular emphasis on fecal bacteria hot spots, to provide water quality information, offer technical and financial assistance programs to eliminate or mitigate fecal bacteria sources. Landowners with noted violations or discharges that do not respond to PIC outreach efforts will be referred to regulatory agencies to pursue compliance. All pollution identification data paid for by the grant will be shared with state or federal agencies upon request.

3.2.a Prioritize area or bacteria hot spots within the PIC areas. Characterize boundaries, drainage patterns, land uses, bacteria levels, and potential sources in priority drainages. Contact landowners in priority areas or hot spots to provide information about water quality patterns and provide technical assistance resources for potential bacteria sources. Contact landowners with non-dairy agricultural operations to offer technical assistance and financial incentives.

3.2.b Provide technical assistance for non-dairy agriculture. WCD will provide technical assistance for non-dairy agricultural operations through site assessments, development of farm plans, and on-going support to landowners implementing Best Management Practices (BMPS).

3.2.c Rebates and incentives for water quality stewardship. Provide septic maintenance rebates and small farm rebates to eligible landowners/operators with septic or agricultural operations in Whatcom County watersheds that discharge to marine waters. To be eligible for a septic rebate, a landowners/operators must attend a County Health septic workshop or complete the online training and associated quiz. To be eligible for a small farm rebate, a landowner/operator must attend a ~~WCD~~ WCD farm workshop, complete a WCD online training, or have a WCD staff. Provide stewardship incentives at community events, workshops, presentations, through a pledge program, and in the field (e.g. dog walking kits, magnets/stickers for dog waste campaign, sewage sludge gages, magnets with septic maintenance reminders, wildlife magnets/stickers, soil tests, manure storage tarps, etc.).

3.2.d Compliance. Whatcom County Planning and Development Services (PDS) staff will implement a tiered compliance strategy that includes education, permitting if required, farm plan monitoring, response to

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complaints or agency referrals, technical assistance referrals for landowners, outreach through community events and newsletters, and enforcement.

3.2.e Transboundary Work. Whatcom County and WCD PIC staff will participate in transboundary technical work groups for data coordination and community outreach and engagement. In addition, PIC staff will work with Canadian colleagues via email, phone, and conference calls to coordinate monitoring dates, share data and follow up activities in response to elevated bacteria results, and share community outreach messaging and materials. A maximum of four technical work groups per year will require travel to lower British Columbia, Canada. All International Travel must be approved by the Office of International and Tribal Affairs (OITA) **BEFORE** travel occurs.

Monitoring, enforcement, and compliance related activities are **not allowable** north of the border using grant funds.

3.3 OUTREACH AND EDUCATION: Whatcom County will update the Whatcom PIC two-year education and outreach strategy with long-term outreach tasks and new focused social marketing campaigns for the 2019-2021 period and begin implementing tasks. Whatcom County Public Works will amend the outreach strategy for 2021. Materials and messaging created through the focused social marketing campaigns will be incorporated into long-term outreach tasks. Whatcom County will review the outreach strategy on an annual basis and will adapt the strategy based upon feedback to outreach efforts and responses identified through evaluation tools.

Per EPA Programmatic Term and Condition #5 in this award, reports, documents, signage, videos, or other media, developed as part of projects funded by this assistance agreement shall contain the following statement:

“This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement PC-01J18001 to the Washington State Department of Health. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.”

3.3.1 Long-term outreach for water quality stewardship: Public Works staff will be dedicated to developing and implementing the PIC outreach strategy including coordination of WCWP outreach meetings, maintaining the water quality and PIC program webpages, developing and distributing outreach materials, coordinating social media posts, participating in community events, and developing/distributing PIC program advertising (e.g. newspapers, radio ads, bus ads, etc.). Translation services will be contracted for septic workshops and select outreach materials. Translation services (through headphones) will be provided at septic workshops and rebate materials will be translated into at least two languages to support community diversity needs. At least one PIC presentation will be provided to decision-makers and community members per year. Draft outreach

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materials will be provided to DOH for a minimum one week review period. Materials will be batched when possible and sent to DOH for review as early as possible.

3.3.2 Focused stewardship campaign: Develop and implement an outreach campaign to address a specific bacteria source using social marketing techniques to encourage long-term behavior changes. Campaign will include pre-and post-project evaluations, development of messages that resonate with focus audiences, and outreach materials/graphics/advertisements that engage community members in behaviors that reduce bacteria pollution from specific source or activities. A pledge program will be developed and implemented to provide community engagement without direct contact (in response to COVID restrictions). Draft outreach materials will be provided to DOH for a minimum one week review. Materials will be batched when possible and sent to DOH for review as early as possible.

3.3.3 Farm series workshops: WCD will develop and host farm workshops and online learning experiences focusing on specific topics, geographic areas, or type of farm animals. These workshops (in person and virtual) will be developed and advertised using social marketing techniques to provide messages that resonate with values identified by landowners in previous focus groups and surveys as well as to address identified barriers. The workshops will provide technical assistance to landowners with farm animals to improve and protect water quality. Completion of a WCD farm workshop will provide landowners/operators with eligibility for small farm improvement rebates.

3.5 PIC TRAINING AND WORKSHOPS: Sponsor one North Sound Regional PIC workshop and/or other trainings/events to share information and resources around the region. This may be done in coordination with other PIC Program Coordinators. PIC staff will attend relevant PIC trainings/workshops. Virtual workshops will be considered in response to COVID restrictions.

Number	Deliverable	Reimbursement	Completion date
3.1	<p>PIC PROGRAM COORDINATION Quarterly reports will provide a summary of program coordination activities and progress:</p> <ul style="list-style-type: none"> • Hold monthly PIC Managers meetings • Attend bi-weekly to monthly Whatcom Clean Water Program (WCWP) project partners meetings 	<p>Reimbursement up to \$225,621 based on actual costs</p>	<p>Per Task 2.2 - 2.3 schedule</p>

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	<ul style="list-style-type: none"> • Attend WCWP Core Group meetings held quarterly or as needed • Manage data: WCWP water quality database, online map of preliminary water quality results, and provide data support for WCWP partners, transboundary efforts, and community groups. 		
3.2	<p>POLLUTION IDENTIFICATION AND CORRECTION</p> <p>a.1) Non-dairy/non-CAFO agriculture-related PIC program flowchart*</p> <p>*Prioritized by area or bacteria hot spots within the PIC program areas. Characterizing boundaries, drainage patterns, land uses, bacteria levels, and potential sources in priority drainages.</p> <p>a.2) Number of landowners contacted(target 500/year)</p> <p>b) Number of non-dairy agricultural landowners receiving technical assistance (new and continuing):</p> <ul style="list-style-type: none"> • landowners receiving technical assistance and/or site assessments(target 	<p>Reimbursement up to \$563,986 based on actual costs</p>	<p>a.1) Updated as necessary to reflect program adaptations (final flow chart will be submitted with final report)</p> <p>a.2-d-e) Quarterly progress reports will summarize and quantify where appropriate the progress related to Deliverables listed in "b" through "d"</p>

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	<p>100/year; 60/year farm plans completed</p> <ul style="list-style-type: none"> • completed farm plans, and • BMPs by type, planned and implemented <p>c) Provide Rebates and Incentives</p> <ul style="list-style-type: none"> • septic rebates (target 100 225), • small farm rebates (target 25), • stewardship incentives, e.g. dog walking, magnets, stickers, soil tests, tarps, septic sludge gages, etc. (Target 600 800) <p>d) Report on:</p> <ul style="list-style-type: none"> • farm plans monitored, • letters sent (outreach and technical assistance, • compliance actions (NOVs, penalties), • status of referrals, and status of compliance outreach.(Target 90% compliance referrals and ERTS resolved) <p>e) Pre-approval request for international travel (up to 4 trips/year).</p>		<p>e) At least 30 days BEFORE first international travel date.</p> <p>Ongoing</p>
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	Copies of transboundary meeting agendas and notes.		
3.3.1	<p>Education and Outreach:</p> <p>a) Two year education and outreach plan and implementation methodology.</p> <p>Outreach plan amendment for 2021.</p> <p>Include summary of implemented outreach tasks in quarterly progress reports.</p> <p>b) Conduct at least four (4) presentations to local groups and organizations, and participate in at least fifteen (15) community events (possibly online or remotely).</p> <p>c) Develop and implement educational and marketing tools. These will include newsletters, social media posts, and ads (newspaper, radio, bus, etc.).</p>	Reimbursement up to \$256,625 based on actual costs	<p>a) September 1, 2019</p> <p>November 1, 2020</p> <p>Per Task 2 Schedule</p> <p>b) 50% by October 1, 2020.</p> <p>All presentations and events completed: March 1, 2022</p> <p>c) Draft provided to DOH for a one week review</p> <p>Final materials due as completed and at least quarterly</p>
3.3.2	<p>Develop and implement focused social marketing campaign for targeted fecal bacteria sources. This will include:</p> <p>a) Pre-evaluation</p>		<p>a) March 1, 2020</p> <p>b) April 30, 2020</p>

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	<p>b) Develop and implement focused educational and marketing tools (message graphics). These will include newsletters, social media posts, and ads (newspaper, radio, bus, etc.). A pledge program will be developed and implemented to support community engagement in the campaign.</p> <p>c) Contact 1,000 community members annually</p> <p>d) Outreach campaign final evaluation report with success and challenges.</p>		<p>Drafts provided to DOH for a one week review.</p> <p>Final materials due as completed</p> <p>c) February 28, 2022</p> <p>d) March 31, 2022</p>
3.3.3	<p>a) Host ten (10) farm series workshops (in person and virtual).</p> <p>b) Workshop advertisements</p>		<p>a) 50% by October 1, 2020</p> <p>All workshops completed: March 1, 2022</p> <p>b) Draft provided to DOH for a one week review</p> <p>Final materials due as completed</p>
3.5	<p>PIC TRAINING AND WORKSHOPS</p> <p>a) Coordinate one North Sound PIC Workshop or other training.</p> <p>b) Attend PIC relevant trainings/workshops.</p>	<p>Reimbursement up to \$1,500 based on actual costs</p>	<p>Quarterly progress reports will provide a summary of PIC workshops and staff training.</p>

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Budget

Category	Amount
Personnel/Salaries	\$254,745
Fringe Benefits	\$188,505
Travel	\$2,000
Equipment (federal definition – anything over \$5,000)	\$0
Supplies (display materials, community incentives)	\$3,000
Contracts (name, amount, purpose for each; excludes subawards – see below)	\$5,000
<ul style="list-style-type: none"> • Translation services 	
Other	\$596,482
<ul style="list-style-type: none"> • Subawards (\$530,182) <ul style="list-style-type: none"> ○ Whatcom Conservation District (Technical Assistance for Non-Dairy Agriculture, Data Coordination, Farm Series Workshops, Staff Training) • Staff training (\$1,500) • Rebates (\$48,800) • Printing and mailing (\$6,000) • Advertising (\$10,000) 	
Total Direct Charges	\$1,047,732
Indirect Charges (federally approved rate %)	\$0
TOTAL – Not to Exceed	\$1,047,732

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EPA General Terms/Administrative Conditions

A. General Terms and Conditions

The General Terms and Conditions of this agreement are updated in accordance with the link below. However, these updated conditions apply solely to the funds added with this amendment and any previously awarded funds not yet disbursed by the recipient as of the award date of this amendment. The General Terms and Conditions cited in the original award or prior funded amendments remain in effect for funds disbursed by the recipient prior to the award date of this amendment.

The sub-recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2018>

These terms and conditions are binding for disbursements and are in addition to or modify the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at <https://www.epa.gov/grants/grant-terms-and-conditions>.

B. Extension of Project/Budget Period Expiration Date

EPA has not exercised the waiver option to allow automatic one-time extensions for non-research grants under 2 CFR 200.308 (d)(2). Therefore, if a no-cost time extension is necessary to extend the period of availability of funds the sub-recipient must submit a written request to the DOH Contract Manager prior to the budget/project period expiration dates. The written request must include: a justification describing the need for additional time, an estimated date of completion, and a revised schedule for project completion including updated milestone target dates for the approved workplan activities. In addition, if there are overdue reports required by the general, administrative, and/or programmatic terms and conditions of this assistance agreement, the sub-recipient must ensure that they are submitted along with or prior to submitting the no-cost time extension request.

C. Disadvantages Business Enterprise (DBEs)

UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

GENERAL COMPLIANCE, 40 CFR, Part 33

The sub-recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33 except as described below based upon the associated class deviation.

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EPA MBE/WBE CERTIFICATION, 40 CFR, Part 33, Subpart B

A class exception to the following provisions of Subpart B of 40 CFR Part 33 has been issued suspending the EPA MBE/WBE certification program: §33.204(a)(3) providing that an entity may apply to EPA MBE or WBE certification after unsuccessfully attempting to obtain certification as otherwise described in §33.204; and §33.205 through and including §33.211. The class exception was authorized pursuant to the authority in 2 CFR 1500.3(b).

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the sub-recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- (b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
- (c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- (d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- (e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.
- (f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The sub-recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302 (a)-(d) and (i).

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

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Sub-recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Sub-recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the sub-recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A class exception to the entire Subpart D of 40 CFR Part 33 has been authorized pursuant to the authority in 2 CFR 1500.3(b). Notwithstanding Subpart D of 40 CFR Part 33, sub-recipients are not required to negotiate or apply fair share objectives in procurements under assistance agreements.

MBE/WBE REPORTING- SPECIFIC CHANGES PURSUANT TO CLASS DEVIATION, 40 CFR, Part 33, Subpart E

The sub-recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants and Cooperative Agreements" report (EPA Form 5700-52A) on an annual basis. The current EPA Form 5700-52A can be found at the EPA Grantee Forms Page at <https://www.epa.gov/grants/epa-grantee-forms>.

Annual reports are due by October 15 of each year. Final reports are due by October 30 or 90 days after the end of the project period, whichever comes first.

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502.

See EPA Office of Small and Disadvantaged Business Utilization's Home Page at <https://www.epa.gov/resources-small-businesses>.

D. Contingent Funding

EPA is partially funding this agreement. There is no guarantee of funding beyond the first year. The Total Approved Assistance Amount identified on Line 12 of the budget table of this award is contingent upon the availability of appropriated funds, EPA funding priorities, and satisfactory progress in carrying out the activities described in the scope of work. If DOH informs the sub-recipient that the Total Approved Assistance Amount of the grant funding this agreement will be reduced, the sub-recipient agrees to provide an updated workplan and budget information, as needed, to amend the agreement.

D. Indirect Costs for Local Governments & Interstate Agencies (also listed in General Terms and Conditions)

The cost principles of 2 CFR 200 Subpart E are applicable, as appropriate, to this award.

In addition to the General Terms and Conditions "Indirect Cost Rate Agreements", if the sub-recipient does not have a previously established indirect cost rate, it agrees to prepare and submit its indirect cost rate proposal and/or cost allocation plan in accordance with 2 CFR 200 Appendix V.

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The local government sub-recipient whose cognizant federal agency has been designated by the Office of Management and Budget (OMB) must develop and submit its indirect cost rate proposal to its cognizant agency within six (6) months after the close of the governmental unit's fiscal year. If the cognizant federal agency has not been identified by the OMB, the local government sub-recipient must still develop (and when required, submit) its proposal within that period.

The interstate agency sub-recipient must send its proposal to its cognizant federal agency within six (6) months after the end of its fiscal year. If EPA is the cognizant federal agency of either the interstate agency or the local government, the sub-recipient must send its indirect cost rate proposal within six (6) months after the end of its fiscal year to:

Regular Mail

Office of Grants and Debarment
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, MC 3903R Washington, DC 20460
Attn: OGD Indirect Cost Rate Proposal Control Desk

Mail Courier (e.g. FedEx, UPS, etc.)

Office of Grants and Debarment
U.S. Environmental Protection Agency 1300 Pennsylvania Avenue, NW, 5th floor Washington, DC 20004
Attn: OGD Indirect Cost Rate Proposal Control Desk

Electronic submissions of proposals may be mailed to OGD_IndirectCost@epa.gov.

The sub-recipient agrees to comply with the audit requirements in accordance with 2 CFR 200 Subpart F.

E. Consultant Cap (also listed in General Terms and Conditions)

EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by sub-recipients or by a sub-recipient's contractors or subcontractors is limited to the maximum daily rate for a Level IV of the Executive Schedule, available at: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>

This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed (the sub-recipient will pay these in accordance with their normal travel reimbursement practices). The annual salary is divided by 2087 hours to determine the maximum hourly rate, which is then multiplied by 8 to determine the maximum daily rate.

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Programmatic Conditions

A. Semi-Annual Performance Reports

The sub-recipient shall submit performance reports through EPA's Puget Sound Financial and Ecosystem Accounting Tracking System (FEATS) every six (6) months during the life of the project. Reports are due 30 calendar days after the end of each reporting period. The reporting periods are October 1- March 31 and April 1 - September 30 of each calendar year. Reports shall be submitted to the DOH Contract Manager on the FEATS form provided by the Contract Manager and shall be provided by electronic mail. In accordance with 2 CFR 200.328, as appropriate, the sub-recipient agrees to submit performance reports that include brief information on each of the following areas:

1. a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period;
2. the reasons why established outputs/outcomes were not met, if appropriate;
3. additional pertinent information, including when appropriate, analysis and explanation of cost overruns or high unit costs.

In addition to the semi-annual performance reports, the sub-recipient shall immediately notify the DOH Contracts Manager of developments that have a significant impact on the award-supported activities. As appropriate, the sub-recipient agrees to inform the DOH Contract Manager as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

B. Final Performance Report

The sub- recipient shall submit a final performance report through FEATS, which is due 90 calendar days after the expiration or termination of the award. The report shall be submitted to the DOH Contract Manager and must be provided electronically. The report shall generally contain the same information as in the periodic reports, but should cover the entire project period. After completion of the project, the DOH Contract Manager may waive the requirement for a final performance report if the DOH Contract Manager deems such a report is inappropriate or unnecessary.

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C. Program Income – Addition

If program income is generated, the sub-recipient is required to account for program income related to this project. Program income earned during the project period shall be retained by the sub-recipient and shall be added to funds committed to the project by DOH and the sub-recipient, and shall be used to further eligible project objectives.

D. Recognition of EPA Funding

Reports, documents, signage, videos, or other media, developed as part of projects funded by this assistance agreement shall contain the following statement:

“This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement PC-01J18001 to the Washington State Department of Health. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.”

E. Peer Review

The results of this project may affect management decisions relating to Puget Sound. Prior to finalizing any significant technical products the Principal Investigator (PI) of this project must solicit advice, review and feedback from a technical review or advisory group consisting of relevant subject matter specialists. A record of comments and a brief description of how respective comments are addressed by the PI will be provided to the Project Monitor prior to releasing any final reports or products resulting from the funded study.

F. Competency of Organizations Generating and/or Using Environmental Measurement Data

In accordance with Agency Policy Directive Number FEM-2012-02, [Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements](#), sub-recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at http://www.epa.gov/fem/lab_comp.htm or a copy may also be requested by contacting the DOH Contract Manager for this award.

Sub-recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable. Sub-recipient agrees to submit documentation and demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data.

R10 Quality Assurance Team Contact: Donald M. Brown at (206) 553-0717 or email: brown.donaldM@epa.gov.

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G. Water Quality Exchange (WQX) Requirement

Sub-recipients are required to institute standardized reporting requirements into their work plans and include such costs in their budgets. All water quality data generated in accordance with an EPA approved Quality Assurance Project Plan (QAPP) as a result of this assistance agreement, either directly or by subaward, will be required to be transmitted into the EPA's Water Quality Exchange (WQX) database using either WQX or WQX web. There are two options for submitting data using WQX. You can choose a standard web-based application (WQX Web) that uses Microsoft Excel spreadsheets or you can choose to create a custom submission application using WQX XML schema through Exchange Network Nodes or Node Clients. The Water Quality Exchange (WQX) is the water data schema associated with the EPA, State and Tribal Exchange Network. Using the WQX schema partners map their database structure to the WQX structure. WQX web is a web based tool to convert data into the WQX format for smaller data generators that are not direct partners on the Exchange Network. Water quality data appropriate for WQX include physical, chemical, and biological sample results for water, sediment and fish tissue. The data include toxicity data, microbiological data, and the metrics and indices generated from biological and habitat data. More information about WQX and WQX web, including tutorials, can be found at <http://www.epa.gov/storet/wqx/>

If activities submitted as match for this federal assistance agreement involve the generation of water quality data, the resulting information must be publicly accessible (in WQX or some other database). Sub-recipients are encouraged to develop a cross-walk between any non-WQX database utilized for the storage of water quality data associated with match activities and EPA's Water Quality Exchange (WQX).

H. Riparian Buffers

Riparian buffer restoration projects in agricultural areas shall be consistent with the interim riparian buffer recommendations provided to EPA and the Natural Resource Conservation Service by National Marine Fisheries Service letters of January 30, 2013 (stamp received date - February 4, 2013) and April 9, 2013 (stamp received date - April 16, 2013), or the October 28, 2013 guidance. Sub-recipients shall confirm in writing projects' consistency with the recommendations referenced above. When developing project proposals, sub-recipients also should consider the extent to which proposals include appropriate riparian buffers or otherwise address pollution sources on other water courses on the properties in the project area to support water quality and salmon recovery. Deviations can only be obtained through an exception approved by EPA. In order for EPA to evaluate a request for an exception, the sub-recipient must submit the scientific rationale demonstrating adequacy of buffers for supporting water quality and salmon recovery. The request must summarize tribal input on the scientific rationale or other relevant issues. The scientific rationale could be developed from sources such as site-specific assessment data, salmon recovery plans, Total Maximum Daily Loads (TMDLs) and the state nonpoint plan. EPA will confer with the National Oceanic and Atmospheric Administration (NOAA) and the Washington Department of Ecology and provide the opportunity for affected tribes to consult with EPA before making a final decision on a deviation request.

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I. International Travel (Including Canada) – PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION.

All International Travel must be approved by the Office of International and Tribal Affairs (OITA) **BEFORE** travel occurs. Even a brief trip to a foreign country, for example to attend a conference, requires OITA approval. Please contact your DOH Contract Manager as soon as possible if travel is planned out of the country, including Canada and/or Mexico, so that they can obtain appropriate approvals from EPA Headquarters. If you have questions, please contact your DOH Contract Manager listed in this agreement.

J. Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov

K. Lobbying and Litigation – PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION.

All Sub-recipients.

i. The chief executive officer of this sub-recipient agency shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the U.S. unless authorized under existing law. The sub-recipient shall abide by the Cost Principles available at 2 CFR 200 which generally prohibits the use of federal grant funds for litigation against the U.S. or for lobbying or other political activities.

ii. The sub-recipient agrees to comply with Title 40 CFR Part 34, New Restrictions on Lobbying. The sub-recipient shall include the language of this provision in award documents for all subawards, and require that sub-recipients submit certification and disclosure forms accordingly.

iii. In accordance with the Byrd Anti-Lobbying Amendment, any sub-recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

iv. Contracts awarded by a sub-recipient shall contain, when applicable, the anti-lobbying provision as stipulated in the Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

v. Pursuant to Section 18 of the Lobbying Disclosure Act, the sub-recipient affirms that it is not a nonprofit organization described in Section 501(c)(4) of the Internal Revenue Code of 1986; or that it is a nonprofit organization described in Section 501(c)(4) of the Code but does not and will not engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act. Nonprofit organizations exempt from taxation under section

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501(c)(4) of the Internal Revenue Code that engage in lobbying activities are ineligible for EPA subawards.

L. Quality Assurance Requirements (2 CFR 1500.11)

Acceptable Quality Assurance documentation must be submitted to the DOH Contracts Manager within 30 days of the acceptance of this agreement or another date as negotiated with the DOH Contract Manager. No work involving direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under this project until the DOH Contracts Manager, in concert with the Ecology Quality Assurance Coordinator (QC), has approved the quality assurance document. Additional information on these requirements can be found at the EPA Office of Grants and Debarment website: <http://www.epa.gov/ogd/grants/assurance.htm>.

Instructions to Submit Quality Assurance Documents for Review:

Sub-recipients shall refer to Washington State Department of Ecology's NEP Quality Assurance website at: <https://ecology.wa.gov/About-us/How-we-operate/Scientific-services/Quality-assurance/Quality-assurance-for-NEP-grantees> for guidance and templates.

1. First, contact the DOH Contract Manager as soon as a final agreement or contract statement of work is in place, to find out if a QAPP will be required for your project.
2. Then, if a QAPP is required, the sub-recipient will develop and submit a "publish ready" QAPP to the DOH Contract Manager for DOH review and approval.
3. After DOH has approved the content, the DOH Contract Manager will forward the QAPP to the Ecology QC for review and approval.
4. Finally, the sub-recipient will route the QAPP Approval page for all remaining signatures (project partners and laboratory managers) and submit the fully executed approval page to the DOH Contract Manager.

Work related to collecting or using environmental data may not begin until a Quality Assurance Project Plan (QAPP) is completed and approved.

M. ULO Stretch Goal:

Sub-recipient should manage their project and subaward funding in ways that reduce the length of time that federal funds obligated and committed to subaward projects are "unspent" federal funds, not yet drawn down through disbursements to sub-recipient.

EPA encourages the reduction of these unliquidated obligations (ULOs) by applying the following programmatic term and condition to this subaward:

Stretch Goal: All funds should be spent by 2 ½ years from contract start date. Funds Awarded in this agreement should all be spent by March 2022.

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Sub-recipients are to apply these "stretch" goals throughout the life of the agreement and to confer with your DOH Contract Manager whenever instances arise that make attainment of these stretch goals unlikely.

N. Animal Subjects – PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION.

Sub-recipient agrees to comply with the Animal Welfare Act of 1966 (P.L. 89-544), as amended, 7 USC 2131-2156. Sub-recipient also agrees to abide by the "U.S. Government Principles for the Utilization and Care of Vertebrate Animals used in Testing, Research, and Training." (Federal Register 50(97): 20864-20865. May 20, 1985). The nine principles can be viewed at: <http://www.nal.usda.gov/awic/pubs/IACUC/vert.htm>. For additional information about the Principles, the recipient should consult the Guide for Care and Use of Laboratory Animals, prepared by the Institute of Laboratory Animal Resources, National Research Council and can be accessed at: <http://www.nap.edu/readingroom/books/labrats/>.

O. Copyrighted Material and Data – PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION.

In accordance with 2 CFR 200.315, EPA has the right to reproduce, publish, use and authorize others to reproduce, publish and use copyrighted works or other data developed under this assistance agreement for Federal purposes.

Examples of a Federal purpose include but are not limited to: (1) Use by EPA and other Federal employees for official Government purposes; (2) Use by Federal contractors performing specific tasks for the Government; (3) Publication in EPA documents provided the document does not disclose trade secrets (e.g. software codes) and the work is properly attributed to the recipient through citation or otherwise; (4) Reproduction of documents for inclusion in Federal depositories; (5) Use by State, tribal and local governments that carry out delegated Federal environmental programs as "co-regulators" or act as official partners with EPA to carry out a national environmental program within their jurisdiction and; (6) Limited use by other grantees to carry out Federal grants provided the use is consistent with the terms of EPA's authorization to the other grantee to use the copyrighted works or other data.

Under Item 6, the sub-recipient acknowledges that EPA may authorize another grantee(s) to use the copyrighted works or other data developed under this grant as a result of:

- the selection of another grantee/sub-recipient by EPA to perform a project that will involve the use of the copyrighted works or other data or;
 - termination or expiration of this agreement.

In addition, EPA may authorize another grantee to use copyrighted works or other data developed with Agency funds provided under this grant to perform another grant when such use promotes efficient and effective use of Federal grant funds.

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P. Light Refreshments and/or Meals – PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION. APPLICABLE TO ALL AGREEMENTS EXCEPT STATE CONTINUING ENVIRONMENTAL PROGRAMS (AS DESCRIBED BELOW):

Unless the event(s) and all of its components are described in the approved contract, the sub-recipient agrees to obtain prior approval from DOH for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops and outreach activities (events). The sub-recipient must send requests for approval to the DOH Contract Manager and include:

- (1) An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);
- (2) A description of the purpose, agenda, location, length and timing for the event; and,
- (3) An estimated number of participants in the event and a description of their roles.

Costs for light refreshments and meals for sub-recipient staff meetings and similar day-to-day activities are not allowable under EPA assistance agreements.

Sub-recipients may address questions about whether costs for light refreshments, and meals for events may be allowable to the sub-recipient's DOH Contract Manager; however, the Agency Award Official or Grant Management Officer will make final determinations on allowability. EPA policy prohibits the use of EPA funds for receptions, banquets and similar activities that take place after normal business hours unless the sub-recipient has provided a justification that has been expressly approved by EPA's Award Official or Grants Management Officer.

EPA funding for meals, light refreshments, and space rental may not be used for any portion of an event where alcohol is served, purchased, or otherwise available as part of the event or meeting, even if EPA funds are not used to purchase the alcohol.

Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon or evening breaks to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. (41 CFR 301-74.7)

Q. State Grant Cybersecurity– PUGET SOUND PROGRAM WANTS TO HIGHLIGHT THIS DUPLICATE GENERAL TERM AND CONDITION.

- (a) The sub-recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State law cybersecurity requirements.
- (b) (1) EPA must ensure that any connections between the sub-recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure.

For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the sub-recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the sub-recipient agrees to contact the EPA Project Officer and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements

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as appropriate. This condition does not apply to manual entry of data by the sub-recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

This table includes only active funding sources.

Federal Grant Information Sheet								
Subrecipient/Contractor: Whatcom County Public Works		DOH Contract Manager: Megan Schell			Contact Information: dohcon.mgmt@doh.wa.gov			
Contract Number: GVL24435-1		Approved Indirect Rate: NA			Research and Development? <input type="checkbox"/>			
DUNS Number: 0600449641		Limiting Indirect Cost Rate: NA			(If YES, check box)			
Start Date: July 1, 2019		End Date: September 30, 2022						
Period of Performance:		Project Description: The purpose of this amendment is to add \$447,732 in funding and extend the end date of the contract to September 30, 2022 to support further Pollution Identification and Correction activities. Special focus will be place on Portage Bay and other shellfish growing areas, and transboundary coordination, as well as supporting farm plans and associated implementation of BMPs and efficacy on existing BMPs. The original award partially funded the proposal (\$600,000 of \$3,230,000 estimated Near Term Action budget) in 2018. The additional funding comes with updated federal terms and conditions.						
Federal Award Identification Number	Federal Award Date	Federal Agency Name	Total Amount of the Federal Award to DOH	CFDA #	CFDA Program Title	Name of Pass-Through Agency	Amount of Federal Funds Obligated by This Action	Total Amount of Federal Funds Obligated for This Funding Source
PC-01J18001-4 PC-01J18001-5	07/25/18 - 08/15/19	United States Environmental Protection Agency	\$17,600,000	66.123	Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program	Washington State Department of Health	\$447,732	\$1,047,732

Certifications and Assurances – all requirements imposed on the subrecipient by the federal awarding agency: **The contract boilerplate covers all standard certifications and assurances.**

Are there any additional requirements imposed by the pass through entity (DOH) to meet its own responsibilities to the awarding agency? Yes No **If applicable, this is identified by the DOH program staff writing the contract. This can also be found in the "Statement of Work" section of the contract.**

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All subrecipients are required to make their accounting records available and accessible to the awarding agency: This requirement can be found in the "Records Maintenance" section of the contract.

Closeout Requirements:

- (1) Submit all final billings within 60 days of the end of the contract (This is required per standard contract language.)
- (2) Submit all required program reports and deliverables within 60 days (This is required per standard contract language.)
- (3) Dispose of property purchased with subaward funds and dispose of or return government-furnished property no longer used for subaward related activities (If applicable DOH must be contacted for disposal requirements.)
- (4) Additional DOH program specific contract closeout requirements (If applicable, see statement of work for additional closeout requirements.)