

**WHATCOM COUNTY CONTRACT  
INFORMATION SHEET**

Whatcom County Contract No.

201703004-2

Originating Department:	Public Works
Division/Program: (i.e. Dept. Division and Program)	River and Flood - 907545
Contract or Grant Administrator:	Paula Harris
Contractor's / Agency Name:	WA State Military Department

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 #: 201703004

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): D16-0174 CFDA#: 97.039 HMGP

Is this contract grant funded? Yes  No  If yes, Whatcom County grant contract number(s): 201703004

Is this contract the result of a RFP or Bid process? Yes  No  If yes, RFP and Bid number(s): \_\_\_\_\_ Contract \_\_\_\_\_  
 Cost Center: 716002

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

- If YES, indicate exclusion(s) below:
- Professional services agreement for certified/licensed professional.
  - Contract work is for less than \$100,000.
  - Contract work is for less than 120 days.
  - Interlocal Agreement (between Governments).
  - Contract for Commercial off the shelf items (COTS).
  - Work related subcontract less than \$25,000.
  - Public Works - Local Agency/Federally Funded FHWA.

Contract Amount:(sum of original contract amount and any prior amendments):  
 \$ 342,737.00  
 This Amendment Amount:  
 \$ 169,613.00  
 Total Amended Amount:  
 \$ 512,350.00

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 supplements the grant scope and budget to include acquisition and restoration of the sixth and final property included in the original grant proposal.

Term of Contract: November 19, 2019 Expiration Date: November 19, 2020

Contract Routing:	1. Prepared by: <u>Paula Harris</u>	Date: <u>10-22-2019</u>
	2. Attorney signoff: <u>KNF</u>	Date: <u>10-23-19</u>
	3. AS Finance reviewed: <u>M. Caldwell</u>	Date: <u>10-22-2019</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: _____
	7. Council approved (if necessary): <u>✓</u>	Date: <u>10-29-19</u>
	8. Executive signed: <u>✓</u>	Date: <u>11.6.19</u>
	9. Original to Council: <u>✓</u>	Date: <u>11.8.19</u>
		Date: <u>12-6-19</u>

**Washington State Military Department  
AMENDMENT**

COUNTY ORIGINAL  
RECEIVED  
NOV 15 2019  
CONTRACTS

1. SUB-GRANTEE NAME/ADDRESS: <b>Whatcom County Flood Control Zone District 322 N. Commercial St., Suite 120 Bellingham, WA 98225</b>		2. GRANT AGREEMENT NUMBER: <b>D16-014</b>	3. AMENDMENT NUMBER: <b>B</b>
4. SUB-GRANTEE CONTACT, PHONE/EMAIL: <b>Paula J. Harris, P.E. River &amp; Flood Manager 360-778-6285 pharris@co.whatcom.wa.us</b>		5. DEPARTMENT CONTACT, PHONE/EMAIL: <b>Tim Cook WA State Hazard Mitigation Officer 253-512-7072 tim.cook@mil.wa.gov</b>	
6. TIN or SSN: <b>91-6001383</b>	7. CATALOG OF FEDERAL DOMESTIC ASST. (CFDA) #: <b>97.039 HMGP</b>	8. FUNDING SOURCE NAME/AGREEMENT #: <b>FEMA DR-5109-2-R</b>	

**WHATCOM COUNTY  
CONTRACT NO.  
201703004-2**

9. FUNDING AUTHORITY:  
**Washington State Military Department (WMD) and Federal Emergency Management Agency (FEMA)**

10. DESCRIPTION/JUSTIFICATION OF AMENDMENT: Changes are noted in strikethrough and grey highlight.

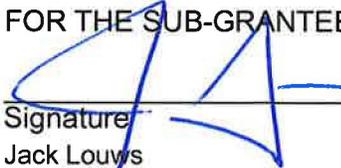
- This Amendment is pending approval of Phase 2 - FEMA award letter.
- The Period of Performance (POP) has been approved and extended by FEMA, from November 19, 2019, to November 19, 2020.
- The Hazard Mitigation Program Coordinator changed.
- Phase 2 of this project has been awarded by FEMA, expanding the Scope of Work (SOW) and budget.
- The Artuner property at 1855 Marine Drive is being added to the grant scope as Phase 2.

11. AMENDMENT TERMS AND CONDITIONS:

1. **Change** the Grant End Date **from** November 19, 2019 **to** November 19, 2020; as described on Page 2 of this Amendment.
2. **Change** the Grant Agreement Period End Date **from** November 19, 2019 **to** November 19, 2020, as described on Page 2 of the Amendment.
3. **Change** the Military Department Key Personnel **from** Dave Spicer **to** Tammi Garofalo, as described on Page 2 of this Amendment.
4. **Append** the Statement of Work And/Or Description of Project, Attachment 3, **to include** the Phase 2 Statement of Work And/Or Description of Project, Attachment 3, attached to this amendment.
5. **Replace** the Original Project Development Schedule, Exhibit D, **with** the Revised Project Development Schedule, Exhibit D, attached to this amendment.
6. **Append** the Project Budget, Attachment 5, **to include** the Phase 2 Project Budget, Attachment 5.

This Amendment is incorporated in and made a part of the Grant Agreement. Except as amended herein, all other terms and conditions of the Grant Agreement remain in full force and effect. Any reference in the original Grant Agreement or an Amendment to the "Grant Agreement" shall mean "Grant Agreement as amended". The Department and Sub-grantee acknowledge and accept the terms of this Amendment as identified above, effective on the final date of execution below. By signing this Amendment, the signatories warrant they have the authority to execute this Amendment.

IN WITNESS WHEREOF, the parties have executed this Amendment:

<p>FOR THE DEPARTMENT:</p> <p> <span style="float: right;">11/15/19</span>                  Signature _____ Date _____                  Regan Anne Hesse, Chief Financial Officer                  Washington State Military Department</p> <p>BOILERPLATE APPROVED AS TO FORM:                  Brian E. Buchholz 7/30/2018                  Assistant Attorney General</p>	<p>FOR THE SUB-GRANTEE:</p> <p> <span style="float: right;">11.8.19</span>                  Signature _____ Date _____                  Jack Louws                  Whatcom County Executive for the Whatcom County Flood Control Zone District Board of Supervisors</p> <p>APPROVED AS TO FORM (if applicable):   <span style="float: right;">10-25-19</span>                  Applicant's Legal Review _____ Date _____</p>
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## Washington State Military Department Amendments to Contract D16-014

1. **Change the Grant End Date from November 19, 2019 to November 19, 2020.**
  - a. At Agreement Face Sheet at Box 6.
2. **Change the end of the Grant Agreement Period from November 19, 2019 to November 19, 2020, as described on Page 2 of the Amendment.**
  - a. At Article II – ADMINISTRATIVE REQUIREMENTS, A. STATE AND FEDERAL REQUIREMENTS FOR HAZARD MITIGATION GRANTS, 3. GRANT AGREEMENT PERIOD “... after the obligation of federal funds on ~~TBD~~ and shall terminate on ~~November 18, 2019.~~” is to be replaced with “... after the obligation of federal funds on March 27, 2017 and shall terminate on November 19, 2020.”
3. **Change Military Department Key Personnel, Dave Spicer, with Tammi Garofalo.**
  - a. At Article I – KEY PERSONNEL, “... ~~Dave Spicer~~” is to be replaced with “... Tammi Garofalo”; “... ~~David.spicer@mil.wa.gov~~” is to be replaced with “... Tammi.Garofalo@mil.wa.gov”; “... (253) 512-7082” is to be replaced with “... (253) 512-7070”.
4. **Append the Statement of Work and/or Description of Project, Attachment 3 to include the Phase 2 Statement of Work and/or Description of Project, Attachment 3.**
5. **Replace Project Development Schedule, Attachment 4 with Revised Project Development Schedule, Attachment 4.**
6. **Append the Project Budget to include the Phase 2 Project Budget, Attachment 5.**

**REVISED - STATEMENT OF WORK AND/OR DESCRIPTION OF PROJECT**

SUB-RECIPIENT: Whatcom County Flood Control Zone District  
PROJECT TITLE: Marietta Acquisition – Phase 2

The goal of the project is to remove people and property from an area that is subject to frequent inundation and significant flood damages. Deed restrictions will be applied to all acquired properties, per 44 CFR Part 80 to prohibit future redevelopment ensuring future flood damages and flood insurance claims will not occur on the properties.

The activities covered under this amended contract include a Scope of Work modification, which includes the acquisition of the 6<sup>th</sup> property; demolition of structures and removal of infrastructure on these sites, and restoration of sites to a natural state in perpetuity. The Artuner property at 1855 Marine Drive property is being added to the grant scope as Phase 2.

***The primary properties to be acquired in this Phase are:***

- 1855 Marine Drive, Bellingham, WA 98225
  - Parcel ID#: 380217354518
  - Parcel ID#: 380217352521
  - Parcel ID#: 380217350523

***The project involves conducting and completing the following key elements:***

- *Transferring property titles and applying the required Open Space deed restriction;*
- *Demolishing all existing structures, decommissioning all existing utilities, and removing all waste and hazards, etc.; and*
- *Site restoration work, including revegetation, and vehicular access restrictions, as needed.*

**REVISED - PROJECT DEVELOPMENT SCHEDULE****SUB-RECIPIENT:** Whatcom County Flood Control Zone District**PROJECT TITLE:** Marietta Acquisition – Phase 2

<b><i>DESCRIPTION OF ACTIVITY/TASKS</i></b>	<b><i>ESTIMATED SCHEDULED COMPLETION DATES</i></b>
Appraisals	2 months
Negotiate purchase agreements	24 months
Archaeological reviews	1 months
Hazmat assessments	4 months
Closing / Final Purchases	6 months
Demolition bid & award	2 months
Demolition	<del>3 months</del> 9 months
Site restoration	<del>3 months</del> 9 months
<b>Total Time Required to Complete This Project:</b>	<del>36 months</del> 48 months
The above completion dates are estimates only and subject to change based upon actual work condition. Schedule revisions will be communicated promptly to EMD. This attachment may be updated as needed.	
Quarterly Reports Due on Project Progress, Final Project Report and all documentation, site visits and inspections.	April 15, 2017; July 15, 2017; October 15, 2017; January 15, 2018; April 15, 2018; July 15, 2018 October 15, 2018 January 15, 2019; April 15, 2019; July 15, 2019 October 15, 2019 January 15, 2020; April 15, 2020; July 15, 2020 October 15, 2020 January 15, 2021 (Final Report)

**REVISED - PROJECT BUDGET**  
**The budget is supplemented with the following:**

<i><b>APPROVED BUDGET CATEGORY</b></i>	<i><b>ESTIMATED COST</b></i>
Admin costs, legal expenses, etc.	\$46,000 — \$10,850.00
Land, structures, ROW, appraisals	<del>\$154,737</del> \$117,263.00
Project inspection fees	<del>\$26,000</del> \$14,000.00
Site work	<del>\$13,000</del> \$2,500.00
Demolition and Removal	<del>\$75,000</del> \$25,000.00
Pre-Award Costs	<del>\$27,500</del> \$0.00
<b>TOTAL:     \$342,737.00 \$169,613.00</b>	
<p><b>The total revised budget amount for Phases 1 and 2 is \$512,350.00</b></p>	
<p><b>Tracking and Reporting Project Costs:</b> Project expenses for which reimbursement is sought must be tracked and reported by approved budget cost categories, above. Documentation of expenditures by approved budget cost categories should be made on a separate spreadsheet or table and included with each reimbursement (form A-19). Supporting documentation of all costs shall include, but not be limited to: tracking of staff time spent on the project through timesheets or other similar documentation; dated invoices from contractors and subcontractors for work completed; dated invoices for goods and services purchased; and documentation of in-kind contributions of personnel, equipment and supplies.</p> <p><b>Final Payment:</b> Final payment of any remaining, or withheld, funds will be made upon submission by the SUBRECIPIENT within 60 days of completion of the project of the final report and a reimbursement request (form A-19), Voucher Distribution, and completion of all final inspections by the DEPARTMENT. Final payment also may be conditioned upon a financial review, if determined necessary by the DEPARTMENT. Adjustments to the final payment may be made following any audits conducted by the DEPARTMENT, Washington State Auditor's Office, the United States Inspector General, or their authorized representatives.</p>	



RECEIVED

OCT 28 2019

**MEMORANDUM** JACK LOUWS  
COUNTY EXECUTIVE

**TO:** The Honorable Jack Louws, Whatcom County Executive for the  
Whatcom County Flood Control Zone District Board of Supervisors

**THROUGH:** Jon Hutchings, Public Works Director *JH*

**FROM:** Gary Stoyka, Natural Resources Program Manager *GS*  
Paula J. Cooper, P.E., River and Flood Manager *PJC*

**RE:** Hazard Mitigation Grant Agreement Amendment for Acquisition of  
Flood-Prone Properties in Marietta

**DATE:** October 22, 2019

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Enclosed are two (2) originals of a Hazard Mitigation Grant Program (HMGP) grant amendment between the Whatcom County Flood Control Zone District (FCZD) and the Washington State Military Department for your review and signature.

▪ **Background and Purpose**

The Lower Nooksack River Comprehensive Flood Hazard Management Plan, adopted in 1999 by the FCZD Board of Supervisors, recommends acquisition of flood-prone properties in Marietta as they become available. This Hazard Mitigation Grant Program agreement provides for state and federal funding for voluntary acquisition of six flood-prone residential properties in Marietta and the removal of all associated structures. One property proposed for acquisition under this grant was a former gas station and the granting agency requires that we demonstrate that the site is not contaminated before funding will be released to purchase the property. An environmental site assessment of the site revealed that gas tanks still exist on the property but soil samples collected next to the tank were not contaminated; the tanks must be removed before the grant funding can be used to purchase the property. This grant amendment allows for additional time to remove the gas tanks and to test the soil under the tanks to confirm the property is not contaminated. The grant funding will then be used to purchase the property and remove the structures. In accordance with FEMA requirements, deed restrictions will be placed on the properties to ensure the property remains in open space in perpetuity. The grant provides for the reimbursement of 87.5% of the acquisition and demolition cost.

▪ **Funding Amount and Source**

Total funding for this project is \$512,350. The budget for first phase of the grant was \$342,737 for acquisition of five properties. This amendment provides funding for the second phase of the project to complete acquisition and restoration of the final property included in the grant. FEMA provides reimbursement for 75% of eligible costs and the State Military Department provides an additional 12.5%, for a net FCZD expenditure of \$64,044. This project is included in the 2019 Flood Control Zone District budget. Please contact Paula Harris at extension 6285 if you have any questions or concerns regarding the terms of this agreement.

Encl.