

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
201801020-1

Originating Department:	Public Works - Design & Construction
Division/Program: (i.e. Dept. Division and Program)	(905900) Construction
Contract or Grant Administrator:	James P. Karcher, P.E.
Contractor's / Agency Name:	Washington State Dept. of Transportation

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 #: 201801020

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): LA-9256 CFDA#: 20.205

Is this contract grant funded?
 Yes No If yes, Whatcom County grant contract number(s): HSIP-000S(476)

Is this contract the result of a RFP or Bid process? Contract
 Yes No If yes, RFP and Bid number(s): _____ Cost Center: 918002

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):
 \$ 110,000 (HSIP \$94,500; Local \$15,500)
 This Amendment Amount:
 \$ 810,000 (HSIP \$805,000; Local \$5,000)
 Total Amended Amount:
 \$ 920,000

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 Local Agency Agreement Supplement No. 1 and Project Prospectus are required to obligate federal funds to perform construction engineering and award a construction contract for the Guardrail Safety Program, CRP No. 918002.

Term of Contract:	Completion of Project	Expiration Date:	N/A
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Contract Routing:	1. Prepared by: <u>Andrew Tischleder</u>	Date: <u>3-06-2019</u>
	2. Attorney signoff: <u>Christopher Quinn COA</u>	Date: <u>3-08-2019</u>
	3. AS Finance reviewed: <u>bbennett</u>	Date: <u>03/07/2019</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: <u>3/19/19</u>
	7. Council approved (if necessary): <u>✓</u>	Date: <u>3-26-19</u>
	8. Executive signed: <u>✓</u>	Date: <u>3-27-19</u>
	9. Original to Council: _____	Date: <u>4-26-19</u>



Local Agency Agreement Supplement

Agency Whatcom Co		Supplement Number 1
Federal Aid Project Number HSIP-000S(476)	Agreement Number LA-9256	CFDA No. 20.205 (Catalog of Federal Domestic Assistance)

The Local Agency requests to supplement the agreement entered into and executed on 2/23/2018

All provisions in the basic agreement remain in effect except as modified by this supplement.

The change to the agreement are as follows:

Project Description

Name Guardrail Safety Program: CRP No.918002

Length 0.000

Termini N/A

Description of Work No Change

Reason for Supplement

Obligate construction funds for construction contract and construction engineering.

Are you claiming indirect cost rate? Yes No

Project Agreement End Date 12/31/2022

Does this change require additional Right of Way or Easements? Yes No Advertisement Date: 5/1/2019

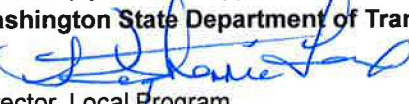
Type of Work	Estimate of Funding				
	(1) Previous Agreement/Suppl.	(2) Supplement	(3) Estimated Total Project Funds	(4) Estimated Agency Funds	(5) Estimated Federal Funds
PE 90 %					
a. Agency	105,000.00		105,000.00	10,500.00	94,500.00
b. Other			0.00		
Federal Aid Participation Ratio for PE			0.00		
c. Other			0.00		
d. State	5,000.00		5,000.00	5,000.00	
e. Total PE Cost Estimate (a+b+c+d)	110,000.00	0.00	110,000.00	15,500.00	94,500.00
Right of Way %					
f. Agency			0.00		
g. Other			0.00		
Federal Aid Participation Ratio for RW			0.00		
h. Other			0.00		
i. State			0.00		
j. Total R/W Cost Estimate (f+g+h+i)	0.00	0.00	0.00	0.00	0.00
Construction 100 %					
k. Contract		683,028.00	683,028.00		683,028.00
l. Other Testing - Nonparticipating		5,000.00	5,000.00	5,000.00	
m. Other			0.00		
Federal Aid Participation Ratio for CN			0.00		
n. Other			0.00		
o. Agency		116,972.00	116,972.00		116,972.00
p. State		5,000.00	5,000.00		5,000.00
q. Total CN Cost Estimate (k+l+m+n+o+p)	0.00	810,000.00	810,000.00	5,000.00	805,000.00
r. Total Project Cost Estimate (e+i+q)	110,000.00	810,000.00	920,000.00	20,500.00	899,500.00

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the Federal funds obligated, it accepts and will comply with the applicable provisions.

Agency Official

Washington State Department of Transportation

By 
Title County Executive

By 
Director, Local Program
Date Executed

APR 11 2019

Approved as to forms


Christopher Quinn
Civil Deputy Prosecutor

3/14/19
Date

Agency Whatcom Co		Supplement Number 1
Federal Aid Project Number HSIP-000S(476)	Agreement Number LA-9256	CFDA No. 20.205 (Catalog of Federal Domestic Assistance)

VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, 2 CFR Part 200. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin. Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

VII. Audit of Federal Consultant Contracts

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant's records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency's files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and 2 CFR Part 200.501 - Audit Requirements.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation.

IX. Payment of Billing

The Agency agrees that if payment or arrangement for payment of any of the State's billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed by the Director, Local Programs.

Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309).

Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

VIII. Single Audit Act

The Agency, as a subrecipient of federal funds, shall adhere to the federal regulations outlined in 2 CFR Part 200.501 as well as all applicable federal and state statutes and regulations. A subrecipient who expends \$750,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of 2 CFR Part 200.501. Upon conclusion of the audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

XVII. Assurances

Local Agencies receiving Federal funding from the USDOT or its operating administrations (i.e., Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration) are required to submit a written policy statement, signed by the Agency Executive and addressed to the State, documenting that all programs, activities and services will be conducted in compliance with Section 504 and the Americans with Disabilities Act (ADA).



**Local Agency Federal Aid
Project Prospectus**

Prefix	Route	()	Date	03/08/2019
Federal Aid Project Number HSIP	000S	476	DUNS Number	060044641
Local Agency Project Number CRP No. 918002	(WSDOT Use Only)		Federal Employer Tax ID Number	916001383

Agency Whatcom County	CA Agency <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Federal Program Title <input checked="" type="checkbox"/> 20.205 <input type="checkbox"/> Other		
Project Title Guardrail Safety Program		Start Latitude N 48-41-2.11 End Latitude N 48-41-2.11	Start Longitude W 122-18-51.50 End Longitude W 122-18-51.50	
Project Termini From-To N/A N/A		Nearest City Name Bellingham	Project Zip Code (+4) 98284-9640	
Begin Mile Post N/A	End Mile Post N/A	Length of Project 0.000	Award Type <input checked="" type="checkbox"/> Local <input type="checkbox"/> Local Forces <input type="checkbox"/> State <input type="checkbox"/> Railroad	
Route ID Varies	Begin Mile Point Varies	End Mile Point Varies	City Number N/A	County Number 37
County Name Whatcom				
WSDOT Region Northwest Region	Legislative District(s) 40, 42	Congressional District(s) 1, 2	Urban Area Number N/A	

Phase	Total Estimated Cost	Local Agency Funding	Federal Funds	Phase Start Date	
	(Nearest Hundred Dollar)	(Nearest Hundred Dollar)	(Nearest Hundred Dollar)	Month	Year
P.E.	\$110,000	\$15,500	\$94,500	01	2018
R/W					
Const.	\$810,000	\$5,000	\$805,000	05	2019
Total	\$920,000	\$20,500	\$899,500		

Description of Existing Facility (Existing Design and Present Condition)

Roadway Width Varies	Number of Lanes 2
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The existing sections of roadway have no guardrail safety features.

Description of Proposed Work

Description of Proposed Work (Attach additional sheet(s) if necessary)

Install guardrail at various locations countywide.

Local Agency Contact Person James P. Karcher, P.E.	Title Engineering Manager	Phone 360-778-6271
Mailing Address 322 N. Commercial St, Ste. 301	City Bellingham	State WA
	Zip Code 98225	
Project Prospectus	By  Title County Engineer	Approving Authority Date 3/8/19

Agency Whatcom County	Project Title Guardrail Safety Program	Date 03/08/2019
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Type of Proposed Work		
Project Type (Check all that Apply)	Roadway Width	Number of Lanes
<input type="checkbox"/> New Construction <input type="checkbox"/> Path / Trail <input checked="" type="checkbox"/> 3-R <input type="checkbox"/> Reconstruction <input type="checkbox"/> Pedestrian / Facilities <input type="checkbox"/> 2-R <input type="checkbox"/> Railroad <input type="checkbox"/> Parking <input type="checkbox"/> Other <input type="checkbox"/> Bridge	Varies	2

Geometric Design Data		
Description	Through Route	Crossroad
Federal Functional Classification	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural <input type="checkbox"/> NHS	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural <input type="checkbox"/> NHS
	<input checked="" type="checkbox"/> Principal Arterial <input checked="" type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input type="checkbox"/> Local Access	<input type="checkbox"/> Principal Arterial <input type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input checked="" type="checkbox"/> Minor Collector <input checked="" type="checkbox"/> Local Access
Terrain	<input checked="" type="checkbox"/> Flat <input checked="" type="checkbox"/> Roll <input checked="" type="checkbox"/> Mountain	<input checked="" type="checkbox"/> Flat <input checked="" type="checkbox"/> Roll <input type="checkbox"/> Mountain
Posted Speed	Varies	Varies
Design Speed	Varies	Varies
Existing ADT	Varies	Varies
Design Year ADT	Varies	Varies
Design Year	Varies	Varies
Design Hourly Volume (DHV)	Varies	Varies

Performance of Work		
Preliminary Engineering Will Be Performed By	Others	Agency
	%	100 %
Construction Will Be Performed By	Contract	Agency
	100 %	%

Environmental Classification	
<input type="checkbox"/> Class I - Environmental Impact Statement (EIS) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement <input type="checkbox"/> Class III - Environmental Assessment (EA) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreements	<input checked="" type="checkbox"/> Class II - Categorical Excluded (CE) <input checked="" type="checkbox"/> Projects Requiring Documentation (Documented CE)

Environmental Considerations

Agency Whatcom County	Project Title Guardrail Safety Program	Date 03/08/2019
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Right of Way

<input checked="" type="checkbox"/> No Right of Way Needed * All construction required by the contract can be accomplished within the exiting right of way.	<input type="checkbox"/> Right of Way Needed <input type="checkbox"/> No Relocation <input type="checkbox"/> Relocation Required
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Utilities	Railroad
<input type="checkbox"/> No utility work required <input checked="" type="checkbox"/> All utility work will be completed prior to the start of the construction contract <input type="checkbox"/> All utility work will be completed in coordination with the construction contract	<input checked="" type="checkbox"/> No railroad work required <input type="checkbox"/> All railroad work will be completed prior to the start of the construction contract <input type="checkbox"/> All the railroad work will be completed in coordination with the construction contract

Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project

Puget Sound Energy will relocated utility poles that are in Whatcom County's right-of-way and are in direct conflict with guardrail sites in the proposed project.

FAA Involvement

Is any airport located within 3.2 kilometers (2 miles) of the proposed project? Yes No

Remarks

This project has been reviewed by the legislative body of the administration agency or agencies, or it's designee, and is not inconsistent with the agency's comprehensive plan for community development.

Agency Whatcom County

Date 3.27.19 Approved as to form:  Mayor/Chairperson

 3/14/19
 Christopher Quinn
 Civil Deputy Prosecutor
 Civil Division

Previous Editions Obsolete
 Date

Jon Hutchings
Director



Joseph P. Rutan, P.E.
County Engineer/Assistant Director
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

Memorandum

RECEIVED

MAR 19 2019

JACK LOUWS
COUNTY EXECUTIVE

To: The Honorable Jack Louws, Whatcom County Executive, and
Honorable Members of the Whatcom County Council

Through: Jon Hutchings, Director *JH*

From: Joseph P. Rutan, P.E., County Engineer/Assistant Director *JPR*
James P. Karcher, P.E., Engineering Manager *GPK*

Date: March 8, 2019

Re: Guardrail Safety Program; CRP No. 918002; FA No. HSIP-000S(476)
Local Agency Agreement Supplement No. 1 and Project Prospectus

Enclosed for your review and signature are two (2) originals of the federally funded Local Agency Agreement Supplement No. 1 and Project Prospectus between Whatcom County and the Washington State Department of Transportation (WSDOT) for the Guardrail Safety Program, CRP No 918002.

Requested Action

Public Works respectfully requests that the County Council authorize the County Executive to enter into this agreement with WSDOT to receive federal funding for the construction phase of the Guardrail Safety Program. Please sign, date and return **both** originals of the Local Agency Agreement Supplement No. 1 and Project Prospectus for further processing. We will return a fully executed original of the Local Agency Agreement Supplement No. 1 and Project Prospectus to you once they are signed by WSDOT.

Background and Purpose

This Local Agency Agreement Supplement No. 1 and Project Prospectus are required to obligate federal funds for construction engineering and the construction contract for the above referenced project. This project is listed as Item No. 14 on the 2019 Annual Construction Program, with guardrail installations to start in June 2019.

Funding Amount and Source

Total estimated project costs of \$920,000 will be covered by \$899,500 in federal Highway Safety Improvement Program (HSIP) funds and \$20,500 of Local Road Funds. This Local Agency Agreement Supplement No. 1 and Project Prospectus obligate \$805,000 of the remaining federal HSIP funds for construction phase work. Whatcom County has already obligated the \$94,500 in federal funds for preliminary engineering. Disbursement of the preliminary engineering funds to Whatcom County required a 10% local match. No local match is required on the construction funds.

Please contact Andrew Tischleder, at extension 6224, if you have any questions or concerns regarding the terms of this agreement.