

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.

202007002-1

Originating Department:	Public Works
Division/Program: <i>(i.e. Dept. Division and Program)</i>	River & Flood/Technical Assistance (907530)
Contract or Grant Administrator:	Paula Harris, River & Flood Manager
Contractor's / Agency Name:	Bertrand Watershed Improvement District and other parties
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input checked="" type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>202007002</u>	
Does contract require Council Approval? Yes <input checked="" type="radio"/> No <input type="radio"/> 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 type="radio"/> No <input checked="" type="radio"/> If yes, grantor agency contract number(s): _____ CFDA#: _____	
Is this contract grant funded? Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, Whatcom County grant contract number(s): <u>202004008 (partially grant funded)</u>	
Is this contract the result of a RFP or Bid process? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, RFP and Bid number(s): _____ Contract _____ Cost Center: <u>720007</u>	
Is this agreement excluded from E-Verify? No <input type="radio"/> Yes <input checked="" type="radio"/> If no, include Attachment D Contractor Declaration form.	
If YES, indicate exclusion(s) below: <input type="checkbox"/> Professional services agreement for certified/licensed professional. <input type="checkbox"/> Goods and services provided due to an emergency <input type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Contract work is for less than 120 days. <input type="checkbox"/> Work related subcontract less than \$25,000. <input checked="" type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	
Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>395,088.00</u> This Amendment Amount: \$ <u>50,000.00</u> Total Amended Amount: \$ <u>445,088.00</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: _____	
The enclosed Agreement Amendment No. 1 will provide for Funding Support and Implementation of the Duffner Ditch Culvert and Flood Gate Replacement Project.	
Term of Contract:	Expiration Date: June 30, 2023

Contract Routing:	1. Prepared by: <u>C. Schoenfelder</u>	Date: <u>3/25/2021</u>
	2. Attorney signoff: <u>KNF</u>	Date: <u>4/2/21</u>
	3. AS Finance reviewed: <u>M Caldwell</u>	Date: <u>4/13/21</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____ ✓	Date: <u>4-14-21</u>
	6. Submitted to Exec.: _____ ✓	Date: <u>4-27-21</u>
	7. Council approved (if necessary): _____ ✓	Date: <u>5.4.2021</u>
	8. Executive signed: _____ ✓	Date: <u>5.5.2021</u>
	9. Original to Council: _____ ✓	Date: <u>5-7-21</u>

**AGREEMENT AMENDMENT NO. 1
FOR
FUNDING SUPPORT AND IMPLEMENTATION OF THE DUFFNER DITCH
CULVERT AND FLOOD GATE REPLACEMENT PROJECT
(WCC NO. 202007002)**

This Agreement Amendment No. 1, is made and entered into by and between the Bertrand Watershed Improvement District of Whatcom County, a Washington special-purpose district (hereinafter referred to as the “BWID”), Whatcom County Flood Control Zone District, a Washington quasi-municipal corporation (hereinafter referred to as the “District”), Diking District #4 of Whatcom County, a Washington special-purpose district (hereinafter referred to as “DD #4”), the (Consolidated Drainage Improvement District #1 of Whatcom County, a Washington special-purpose district (hereinafter referred to as “CDID #1”), and Mr. Scott Bedlington, the landowner (hereinafter referred to as “Mr. Scott Bedlington”).

WITNESSETH

WHEREAS, the parties entered into an agreement executed on July 8, 2020 and designated Whatcom County Contract No. 202007002 for the purpose of defining obligations and responsibilities in implementing and providing funding for the Duffner Ditch Culvert and Flood Gate Replacement Project (hereinafter referred to as the “Project”); and

WHEREAS, all parties have been meeting their responsibilities and obligations in the implementation of the Project to date; and

WHEREAS, the Project design is complete, it has been advertised for construction, and bids have been received for the culvert materials and construction installation; and

WHEREAS, the total project cost including design, construction, and inspection has been updated and is now estimated at \$515,000; and

WHEREAS, the new cost estimate exceeds the Project funding available through the Natural Resources Conservation Service (NRCS), BWID, DD#4, CDID#1, and the District by approximately \$80,000; and

WHEREAS, the BWID has requested that an additional \$50,000 of the Floodplains by Design (FbD) early action funding be allocated to the Project for construction; and

WHEREAS, the Floodplain Integrated Planning (FLIP) Steering Committee supports the allocation of an additional \$50,000 towards the Project as it is consistent with the FLIP mission and goals; and

WHEREAS, both DD#4 and CDID #1 have committed to providing an additional \$10,000 each towards the Project; and

WHEREAS, both DD#4 and CDID #1 have sufficient budget to cover this expenditure in their 2021 budget allocations; and

WHEREAS, the BWID has committed to providing funding to cover any of the remaining unallocated Project expenditures once all other funding sources have been utilized; and

WHEREAS, the unallocated Project expenditures are estimated to be \$10,000;

NOW, THEREFORE, the parties agree to amend the agreement No. 202007002 hereto as follows:

That Section 2. PARTY RESPONSIBILITIES is amended as follows:

A (amended). BERTRAND WATER IMPROVEMENT DISTRICT

11. Shall provide to DD#4 and CDID#1, after all other funding sources have been expended, a payment request showing Project expenditures, remaining expenditures to be cost-shared up between DD#4 and CDID#1 (maximum of \$10,000 per district), and backup documentation.
12. After all other Project funding has been expended, shall contribute an additional amount equal to the remaining Project cost, estimated at \$10,000.
13. Shall provide documentation to the District for the local 20% cost-share of additional eligible costs required by the FbD grant funds (up to \$12,500 additional, for a new total of \$37,500 local cost-share).

B (amended). WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT RESPONSIBILITIES

4. Shall reimburse an additional \$50,000 of eligible Project construction costs incurred by BWID within thirty (30) days of receiving the BWID reimbursement request including adequate documentation of the 20% local match required by the FbD grant.

C (amended). WHATCOM COUNTY DIKING DISTRICT #4 RESPONSIBILITIES

3. After receipt of BWID payment request, shall contribute to the BWID in cash, an amount equal to 50 percent of the funding request up to a maximum additional amount of \$10,000 toward Project implementation for a new total up to \$20,000.

D (amended). WHATCOM COUNTY CONSOLIDATED DRAINAGE IMPROVEMENT DISTRICT #1 RESPONSIBILITIES

3. After receipt of BWID payment request, shall contribute to the BWID in cash, an amount equal to 50 percent of the funding request up to a maximum additional amount of \$10,000 toward Project implementation for a new total up to \$20,000.

That Section 3. PAYMENT is amended as follows:

The District shall provide payment to the BWID to reimburse an additional \$50,000 for a new total of up to \$150,000 of eligible construction costs, within thirty (30) days of

receiving the BWID's reimbursement request and documentation of the 20% match (\$37,500) required by the FbD grant.

DD #4 will provide an additional cash payment up to \$10,000 to the BWID upon receipt of payment request.

CDID #1 will provide an additional cash payment up to \$10,000 to the BWID upon receipt of payment request.

FURTHER, that this Amendment No. 1 shall be made part of Whatcom County Contract No. 202007002. The parties agree that except as specifically provided in this modification, all other terms and conditions of the original agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement.

**BERTRAND WATERSHED
IMPROVEMENT DISTRICT**

By: [Signature]
Title: Administrator
Date: 4/14/21

**WHATCOM COUNTY FLOOD
CONTROL ZONE DISTRICT**

By: [Signature]
Title: On behalf of WCFCZD Board
of Supervisors.
Date: 5/5/21

Approved as to form:

Karen Frakes (email to C. Schoenfelder) 04/02/21

Karen Frakes, Date
Senior Civil Deputy Prosecuting Attorney

**WHATCOM COUNTY DIKING
DISTRICT #4**

By: [Signature]
Title: Audit officer
Date: 4-14-21

**WHATCOM COUNTY
CONSOLIDATED DRAINAGE
IMPROVEMENT DISTRICT #1**

By: [Signature]
Title: Audit officer
Date: 4-7-21

MR. SCOTT BEDLINGTON



By: [Signature]
Title: _____
Date: 4-14-2021



MEMORANDUM

TO: The Honorable Satpal Singh Sidhu, Whatcom County Executive, and Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors

THROUGH: Jon Hutchings, Public Works Director

FROM: Gary S. Stoyka, Natural Resources Manager 
Paula J. Harris, River and Flood Manager 

RE: Agreement Amendment No. 1 for Funding Support and Implementation of the Duffner Ditch Culvert and Flood Gate Replacement Project

DATE: April 21, 2021

Enclosed for your review and consideration are two (2) originals of Agreement Amendment No. 1 for funding support and implementation of the above referenced project.

Requested Action

Public Works respectfully requests that the FCZD Board of Supervisors authorize the County Executive to enter into Agreement Amendment No. 1 with multiple parties for the implementation of the Duffner Ditch Culvert and Flood Gate Replacement Project (Project).

Background and Purpose

The Bertrand Watershed Improvement District (BWID) has completed final design and awarded bids for construction of the Project. The original Project cost estimate has been updated to reflect the bids and has increased by approximately \$80,000. This amount exceeds the Project funding available through the BWID, Natural Resources Conservations Service (NRCS), Diking District #4 (DD#4), Consolidated Drainage Improvement District #1 (CDID#1) and the FCZD. The FCZD committed to passing through \$100,000 of Floodplains by Design funding in the original agreement.

The enclosed agreement provides for additional funding from the BWID, CDID#1, DD#4, and FCZD to cover the anticipated project expenditures.

Funding Amount and Source

The original Agreement provided for \$395,000 from the FCZD through a temporary reimbursable payment and pass-through grant funding. Amendment No. 1 will provide an additional \$50,000 from the FCZD through Department of Ecology pass-through grant funding for a new total of \$445,088. This amount includes \$295,088 to be reimbursed by NRCS and \$150,000 in pass-through grant funding. The remaining Project expenditures will be funded by the other parties named in the agreement amendment. There will be no net impact to the FZCD's fund balance as a result of this amended agreement.

Please contact Paula Harris at extension 6285, if you have any questions or concerns regarding the terms of this Contract.