

WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.

202106008

Originating Department:	Public Works - Engineering
Division/Program: (i.e. Dept. Division and Program)	905900 / Construction
Contract or Grant Administrator:	Doug Burghart, Interim Engineering Manager
Contractor's / Agency Name:	County Road Administration Board (CRAB)

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

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): RAP No 3721-01 CFDA#: \_\_\_\_\_

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

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

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): \$ <u>170,100 (RATA 90%;Local Fund 10%)</u> This Amendment Amount: \$ _____ Total Amended Amount: \$ _____	Council approval required for; all property leases, contracts or bid awards <b>exceeding \$40,000</b> , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, <b>except when</b> : <ol style="list-style-type: none"> <li>Exercising an option contained in a contract previously approved by the council.</li> <li>Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance.</li> <li>Bid or award is for supplies.</li> <li>Equipment is included in Exhibit "B" of the Budget Ordinance.</li> <li>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.</li> </ol>
Summary of Scope: _____	

Whatcom County has been awarded a \$170,100 in Rural Arterial Trust Account (RATA) Funds by the Washington State County Road Administration Board through a grant from the Rural Arterial Program. Whatcom County will utilize these funds for the pavement rehabilitation of Hampton Road, a distance of approximately 4.65 miles in length.

Term of Contract: N/A Expiration Date: Upon Project Completion

Contract Routing:	1. Prepared by: James P. Karcher	Date: 2021-05-26
	2. Attorney signoff: Chris Quinn	Date: 2021-06-01
	3. AS Finance reviewed: M. Caldwell	Date: 2021-05-31
	4. IT reviewed (if IT related):	Date: _____
	5. <del>Contractor</del> signed: by CRAB ✓	Date: 6-22-21
	6. Submitted to Exec.: _____ ✓	Date: 6-8-2021
	7. Council approved (if necessary): _____ ✓ AB2021-321	Date: 6-15-2021
	8. Executive signed: _____ ✓	Date: 6-16-2021
	9. Original to Council: _____ ✓	Date: 7-1-21

**ORIGINAL**

STATE OF WASHINGTON - COUNTY ROAD ADMINISTRATION BOARD

**WHATCOM COUNTY  
CONTRACT NO.  
202106008**

**RURAL ARTERIAL PROGRAM  
PROJECT AGREEMENT FOR CONSTRUCTION PROPOSAL**

Submitting County:  
Whatcom

Project Number: 3721-01

*Steve*

Date Approved: 04/29/2021

AUTHORIZED RATA FUNDS: \$170,100

Road	Road Name(s)	BMP(s)	EMP(s)	Segment #
61700	Hampton Road	0.140	4.790	1

The State of Washington County Road Administration Board (CRABoard) and Whatcom County (County) mutually agree as follows:

- (1) The funds hereby authorized are for completion of the proposed project as defined by chapter 36.79 RCW Roads and bridges — rural arterial program.
- (2) The County is in compliance with the provisions of chapter 136-150 WAC regarding eligibility for Rural Arterial Trust Account (RATA) funds. If the County is found not to be in compliance with these provisions, such non compliance may be cause for the CRABoard to withdraw or deny the Certificate of Good Practice of the County and require pay back of any RATA funds that have been paid to the County for this project.
- (3) If the project is reconstruction, the County shall gain approval from WSDOT (chapter 43.32 RCW) for all deviations from the design standards listed in the Local Agency Guidelines prior to construction.
- (4) If the project is 3R (resurfacing restoration and rehabilitation), the County shall document its design considerations for the proposed improvements in keeping with 3R standards as listed in the Local Agency Guidelines.
- (5) The project shall be constructed in accordance with the information furnished to the CRABoard, and the plans and specifications prepared by the county engineer.
- (6) Phased construction methodology is permitted upon notification by the county engineer of the phasing plan as authorized under WAC 136-170-030. Failure by the county to notify the CRABoard of phasing plan at least 15 days prior to commencement of construction may result in withdrawal of funding by the CRABoard and county forfeiture of all RATA funds expended.
- (7) The County shall notify the CRABoard when a contract has been awarded and/or when construction has started, and when the project has been completed.
- (8) The County shall reimburse the RATA in the event a project post audit reveals improper expenditure of RATA funds.
- (9) Costs of the project which exceed the amount of RATA funds authorized by the CRABoard, set forth above, and the required matching funds and other funds represented by the county to be committed to the project, shall be paid by the County as necessary to complete the project as submitted to the CRABoard.

Steve

(10) Matching funds and other funds represented to be committed to the project shall be available as necessary to implement the projected development of the project as set forth in the construction proposal prospectus.

(11) The CRABoard hereby agrees to reimburse the county from RATA funds allocated, and not otherwise, for its reimbursable costs not to exceed the amount above specified.

(12) The CRABoard will reimburse costs incurred by the County based on project progress as certified by the county engineer within the CRABoard's RAP Online project management application by monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the CRABoard office, subject to the availability of RATA funds apportioned to the region. Such obligation to reimburse RATA funds extends only to project costs incurred after the date of project approval by the CRABoard.

(13) Either the CRABoard or the County may request changes to the provisions contained in this agreement. Such changes shall be mutually agreed upon and incorporated by written amendment to this agreement. No variation or alteration of the terms of this agreement shall be valid unless made in writing and signed by authorized representatives of the CRABoard or the County hereto.

(14) During the term of this agreement and for a period not less than six (6) years from the date of final payment by the CRABoard, the records and accounts pertaining to this agreement are to be kept available for inspection and audit and copies of all records, accounts, documents, or other data pertaining to the agreement will be furnished upon request. If any litigation, claim, or audit is commenced, the records and accounts along with supporting documentation shall be retained until said litigation, claim, or audit finding has been resolved even though such litigation, claim, or audit continues past the six year retention period.

IN CONSIDERATION of the allocation by the CRABoard RATA funds to the project in the amount set out above, the County hereby agrees that as condition precedent to payment of any RATA funds allocated at any time to the above referenced project, it accepts and will comply with the terms of this agreement, including the terms and conditions set forth in Chapter 49, Laws of 1983, 1st Ex. Sess. (chapter 36.79 RCW); the applicable rules of Title 136 WAC and all representations made to the CRABoard upon which the fund allocation was based; all of which are familiar to and within the knowledge of the county and are incorporated herein and made a part of this agreement, although not attached.

This agreement supersedes all prior agreements issued using the project number listed above and shall be valid and binding only if it is signed and returned to the CRABoard office within 45 days of its mailing by the CRABoard.

**COUNTY ROAD ADMINISTRATION BOARD:**

By: Janu Dail

Date: 6/22/2021

**WHATCOM COUNTY:**

By: Satpal Singh Sidhu

Satpal Singh Sidhu  
County Executive

Date: 6/16/21

Jon Hutchings  
Director



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

## MEMORANDUM

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

**Through:** Jon Hutchings, Director *gpk FOR Jon H.*

**From:** James P. Karcher, P.E., County Engineer *gpk*  
Doug Burghart, Interim Engineering Manager *DB*

**Date:** June 1, 2021

**Re:** Hampton Road Pavement Rehabilitation  
**Rural Arterial Program (RAP) Funding Contracts**  
**RAP No. 3721-01**

RECEIVED

JUN 8 - 2021

WHATCOM COUNTY  
EXECUTIVE'S OFFICE

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Enclosed for your review and signature are three (3) originals of a contract between the County Road Administration Board (CRAB) and Whatcom County.

### Requested Action

Public Works respectfully requests that the County Council authorize the County Executive to enter into a Project Agreement with CRAB in order to receive RAP grant funding.

Please return **all three (3)** originals of the Project Agreements to our office for further processing. We will return one (1) fully executed original to you once they are signed by CRAB.

### Project Background

This agreement allows Rural Arterial Trust Account (RATA) funds to be used for the pavement rehabilitation of Hampton Road.

### Funding Amount and Source

Whatcom County has been awarded **\$170,100** in RATA funds for this project which requires 10% Local Fund match. Total anticipated project costs (design and construction) will be approximately **\$1,980,000** resulting in a local contribution of approximately \$1,809,900 coming from the Road Fund. However, it is anticipated that additional grant funding will be secured before construction in 2024.

Please contact Jim Karcher at extension 6271 if you have any questions or concerns regarding the terms of this agreement.