

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.

202106008-1

Originating Department:	Public Works - Engineering
Division/Program: (i.e. Dept. Division and Program)	905900 / Construction
Contract or Grant Administrator:	James P. Karcher, P.E., County Engineer
Contractor's / Agency Name:	County Road Administration Board (CRAB)

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 #: _____

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? Contract
 Yes No If yes, RFP and Bid number(s): _____ Cost Center: CRP No. 922002

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. Goods and services provided due to an emergency
- Contract work is for less than \$100,000. Contract for Commercial off the shelf items (COTS).
- Contract work is for less than 120 days. Work related subcontract less than \$25,000.
- Interlocal Agreement (between Governments). Public Works - Local Agency/Federally Funded FHWA.

Contract Amount:(sum of original contract amount and any prior amendments):
 \$ 170,100 (RATA 90%; Local Fund 10%)
 This Amendment Amount:
 \$ 519,900 (RATA 90%; Local Fund 10%)
 Total Amended Amount:
 \$ 690,000

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: **Revised amts 6/30/22 to match contract** *JPK*

Whatcom County has been awarded an additional \$519,900 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 Rd., a distance of approximately 4.65 miles

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

Contract Routing:	1. Prepared by: <u>B.Walker / L.Cummings</u>	Date: <u>5/23/2022</u>
	2. Attorney signoff: <u>Christopher Quinn</u>	Date: <u>5/23/22</u>
	3. AS Finance reviewed: <u>M Caldwell</u>	Date: <u>5/23/22</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: _____
	7. Council approved (if necessary): <u>AB2022-313</u>	Date: <u>6-7-22</u>
	8. Executive signed: _____	Date: <u>6-13-22</u>
	9. Original to Council: _____	Date: <u>7-7-22</u>

STATE OF WASHINGTON - COUNTY ROAD ADMINISTRATION BOARD

RURAL ARTERIAL PROGRAM
PROJECT AGREEMENT FOR CONSTRUCTION PROPOSAL

AMENDMENT NO. 1

Submitting County: Whatcom

Project Number: 3721-01

Date Approved: 04/29/2021

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

This is Amendment No. 1 to the above described Project Agreement, between the County of Whatcom, hereinafter the "County" and the State of Washington County Road Administration Board, hereinafter the "CRABoard."

WHEREAS, the COUNTY and CRABoard desire to amend the original Project Agreement to allow an increase in authorized RATA funding under the conditions described in WAC 136-161-070.

NOW, THEREFORE, pursuant to chapter 36.79 RCW and in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

- The following new language is added as section 15 to the Project Agreement:

Authorized RATA funding is increased to \$690,000 per CRABoard approval dated April 21, 2022.

- All other terms and conditions of the original Project Agreement shall remain in full force and effect except as modified by this Amendment No. 1.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AMENDMENT No. 1 as of the PARTY's date last signed below.

COUNTY ROAD ADMINISTRATION BOARD:

By: 

Date: 6/21/2022

Whatcom COUNTY:

By: 

Satpal Singh Sidhu

County Executive

Date: 6/13/22

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

Submitting County:
Whatcom

Project Number: 3721-01

Date Approved: 04/01/2022

AUTHORIZED RATA FUNDS: \$690,000

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.

(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: _____

Date: _____

WHATCOM COUNTY:

By: Satpal Singh Sidhu

Satpal Singh Sidhu
County Executive

Date: 6/13/22

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

From: James P. Karcher, P.E., County Engineer *JPK*

Date: June 30, 2022

Re: Hampton Road Pavement Rehabilitation; CRP No. 922002
Rural Arterial Program (RAP) Funding
Contract Amendment No. 1 - RAP No. 3721-01
Revised Memo and CIS 6/30/22 *JPK*

At the June 7, 2022 Council Meeting, Public Works submitted a RAP Funding Contract Amendment that had incorrect amounts on the Memo and CIS. This revised Memo and CIS corrects the errors and shows the changes. The contract documents signed were correct.

Requested Action

Public Works respectfully requests that the County Council authorize the County Executive to enter into the RAP Funding Contract Amendment No. 1 with CRAB for increased RATA funding for the Hampton Road Pavement Rehabilitation Project; CRP No. 922002.

Please return **all three (3)** originals of the Contract Amendment 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. This Contract Amendment No. 1 allows an increase in authorized RATA funding under the conditions described in WAC 136-16-070.

Funding Amount and Source **\$519,900** *JPK*

Whatcom County has been awarded ~~\$690,000~~ in addition to the original **\$170,100** RATA funds for this project, for a total of **\$690,000**, which requires a 10% Local Fund match. Total anticipated project costs (design and construction) will be approximately **\$1,980,000** resulting in a lower local contribution, of approximately **\$1,290,000** coming from the Road Fund. However, it is anticipated that additional grant funding will be secured before construction in 2024-2025.

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