

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
202308021

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

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): TBD CFDA#: _____

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

Is this contract the result of a RFP or Bid process? Contract
 Yes No If yes, RFP and Bid number(s): _____ Cost Center: CRP 919008

Is this agreement excluded from E-Verify? No Yes 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>10,000,000.00</u> This Amendment Amount: \$ _____ Total Amended Amount: \$ _____	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 agreement between Whatcom County and the Washington State County Road Administration Board will provide a total of \$10,000,000.00 in state funds to be distributed in 20 annual payments of \$500,000.00 for the Lummi Island Ferry Replacement and System Modernization Project.

Term of Contract:	Expiration Date:
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Contract Routing:	1. Prepared by: <u>JEL</u>	Date: <u>8-17-2023</u>
	2. Attorney signoff: <u>Christopher Quinn</u>	Date: <u>8/22/2023</u>
	3. AS Finance reviewed: <u>Amy Martin</u>	Date: <u>8/21/2023</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: <u>✓</u>	Date: <u>9/28/23</u>
	6. Executive contract review: <u>✓</u>	Date: <u>9/14/23</u>
	7. Council approved, if necessary: <u>AB2023-545</u>	Date: <u>9/12/23</u>
	8. Executive signed: <u>✓</u>	Date: <u>9/15/23</u>
	9. Original to Council: _____	Date: _____

Elizabeth Kosa
Director



Douglas W. Ranney II, 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
The Honorable Members of the Whatcom County Council

Through: Elizabeth Kosa, Director

From: Douglas W. Ranney II, P.E., County Engineer **DWR**
James E. Lee, P.E., Engineering Manager *[Signature]*

Date: August 17, 2023

Re: Lummi Island Ferry Replacement & System Modernization Project
CRP No. 919008
County Ferry Capital Improvement Program Reimbursement Agreement

RECEIVED

SEP 14 2023

WHATCOM COUNTY
EXECUTIVE'S OFFICE

Enclosed for your review and signature are three (3) originals each of a County Ferry Capital Improvement Program Project Reimbursement Agreement between the Washington State County Road Administration Board (CRAB) and Whatcom County for the Lummi Island Ferry Replacement and System Modernization Project, CRP No. 919008.

Requested Action

Public Works respectfully requests that the County Council authorize the County Executive to enter into an agreement with CRAB to receive \$10,000,000.00 in state funding for the above-referenced project.

Please sign the three (3) unaltered original agreements where indicated and return the originals to my office for further processing. We will return a fully executed copy following signature by CRAB.

Background and Purpose

In July of 2018 the Whatcom County Council approved resolution 2018-026 which established a level of service for the Lummi Island Ferry System and included the Lummi Island Ferry Service Action Plan. Elements of the action plan include construction of a new hybrid diesel-electric ferry vessel, modifications to the existing terminals to accommodate the new vessel, and upland improvements at the Lummi Island terminal including modified queuing and loading lanes, new ADA compliant restrooms and other ancillary improvements. Preliminary engineering work has begun on this project, but significant engineering and environmental permitting work remains to be completed prior to the construction phase of this project.

Whatcom County has been approved for a total of \$10 million in state funds through the County Ferry Capital Improvement Program (CFCIP) for this project. These funds will be distributed to Whatcom County in 20 annual payments of \$500,000.00 with the first payment scheduled to occur in 2023.

Funding Amount and Source

This CRAB agreement will provide for a total of \$10 million in state funds for this project. This project is listed as Item No. 44 on the 2023 Annual Construction Program.

Please contact James Lee at extension 6264 if you have any questions regarding this agreement.

**STATE OF WASHINGTON
 COUNTY ROAD ADMINISTRATION BOARD
 COUNTY FERRY CAPITAL IMPROVEMENT PROGRAM
 PROJECT REIMBURSEMENT AGREEMENT**

Submitting County: **Whatcom**
 Project Number: **CF3723-01**
 Project Description: **Lummi Island Ferry Replacement and System Modernization funding**
 CRABoard Approval Date: **July 28, 2022**
 Legislative Approval Date: **Washington State Legislature - April 23, 2023
 Signed by Governor Inslee – May 16, 2023**

TOTAL AMOUNT OF AUTHORIZED FUNDS: **\$10,000,000 in 20 annual payments of \$500,000**

IN CONSIDERATION of the appropriation by the state legislature of county ferry capital improvement program (CFCIP) funds to the project in the amount set out above, the county hereby agrees that as condition precedent to payment of any CFCIP 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 RCW 47.56.725; the applicable rules and regulations of the CRABoard (WAC 136-400 et.seq.) 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. The officer of the county, by his/her signature below, hereby certifies on behalf of the county, that matching funds and other funds represented to be committed to the project will be available as necessary to implement the projected development of the project as set forth in the project application, and acknowledges that funds hereby authorized are for the development of the construction proposal as defined by the project application.

The county hereby agrees and certifies that:


- (1) It is in compliance with the provisions of WAC ch. 136-400 regarding eligibility for CFCIP funds. If the county is found not to be in compliance with the provisions of Chapter 400, such non-compliance may be cause for the CRABoard to withdraw or deny the Certificate of Good Practice of that County.
- (2) The project will be constructed in accordance with the information furnished to the CRABoard, and the plans and specifications prepared by the county engineer.
- (3) It will notify the CRABoard when a construction contract has been awarded, when construction has started, and when the project has been completed.
- (4) It will reimburse the CFCIP in the event a project post audit reveals improper expenditure of CFCIP funds.

If the costs of the project exceed the amount of CFCIP funds authorized by the CRABoard, set forth above, and the required matching funds and other funds represented by the local agency to be committed to the project, the local agency will pay all additional costs necessary to complete the project as submitted to the CRABoard.


IN CONSIDERATION of the promises and performance of the stated conditions by the county, the CRABoard hereby agrees to direct the transfer of annual payment of CFCIP funds to the county after commencement of each fiscal year, and subject to the availability of CFCIP funds apportioned by the legislature.

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: 9/28/2023

COUNTY:

By: 
 Date: 9/15/2023