

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
202112031-1

Originating Department:	Planning & Development Services
Division/Program: <i>(i.e. Dept. Division and Program)</i>	Long Range Planning
Contract or Grant Administrator:	Cliff Strong
Contractor's / Agency Name:	Herrera Environmental Consultants, Inc.

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 #: 202112031

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): _____ 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): RFP #21-62 Cost Center: 2500

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):
 \$ 40,000
 This Amendment Amount:
 \$ 60,000
 Total Amended Amount:
 \$ 100,000

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:

To develop a Feasibility Study for an Off-Site Critical Area Buffer Mitigation Program.

Term of Contract: 1/3/22

Expiration Date: 1/31/23

- Contract Routing:
- | | |
|---|------------------------|
| 1. Prepared by: <u>Cliff Strong</u> | Date: <u>3/16/22</u> |
| 2. Attorney signoff: <u>/s/ Royce Buckingham</u> | Date: <u>3/14/22</u> |
| 3. AS Finance reviewed: <u>Marianne Caldwell</u> | Date: <u>3/16/22</u> |
| 4. IT reviewed (if IT related): <u>N/A</u> | Date: _____ |
| 5. Contractor signed: <u>Theresa Wood, Herrera Inc.</u> | Date: <u>4/14/2022</u> |
| 6. Submitted to Exec.: <u>Tammy Axlund</u> | Date: <u>4/13/22</u> |
| 7. Council approved (if necessary): <u>AB2022-184</u> | Date: <u>4/12/22</u> |
| 8. Executive signed: _____ | Date: <u>4/15/2022</u> |
| 9. Original to Council: _____ | Date: _____ |

WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius
Director

Memorandum

DATE: March 11, 2022
TO: The Honorable County Council
The Honorable County Executive
FROM: Cliff Strong, Senior Planner
THROUGH: Mark Personius, Director
RE: Contract Amendment Approval – Offsite Buffer Mitigation Program Feasibility Study

Request

Attached is a contract amendment for \$60,000. These funds will be used to continue Herrera Environmental Consultants, Inc.'s, work to provide consulting services to the County regarding preparation of an Offsite Buffer Mitigation Program Feasibility Study.

Background

This contract amendment expands the scope of work, timeline, and funding to complete the Offsite Buffer Mitigation Program Feasibility Study. The Study will examine the feasibility and options associated with creating an off-site critical areas buffer mitigation program. It will result in a feasibility report analyzing alternative approaches with pros and cons including anticipated costs and recommended approach for program development. A budget amendment of \$100,000 for Planning and Development Services to contract for this work was approved by Council on 3/22/22. Part 1 had a budget of \$40,000 and was approved and signed by the County Executive prior to the end of 2021. This is Part 2 for the remaining scope of work and budget (\$60,000).

Please contact Cliff Strong (x5942) if you have any questions.

Attachments:

- Contract Information Sheet
- Contract Amendment
- Part 2 Scope of Work
- Original Contract, including Part 1 Scope of Work

Whatcom County Contract No.

202112031-1

Amendment No. 1
Whatcom County Contract No. 202112031
CONTRACT BETWEEN WHATCOM COUNTY AND
HERRERA ENVIRONMENTAL CONSULTANTS, INC.

THIS AMENDMENT is to the Contract between Whatcom County and Herrera Environmental Consultants, Inc., dated December 17, 2021, and designated "Whatcom County Contract No. 202112031." In consideration of the mutual benefits to be derived, the parties agree to the following:

This Amendment extends the term of this Agreement through January 31, 2023, and increases the maximum consideration by \$60,000 to a total consideration of \$100,000.

This Amendment also adds several phases to the Scope of Work, Exhibit A (see attached 2022 Addendum Scope of Work).

In addition, Exhibit B in the original contract is replaced with Exhibit B-1 (attached) which presents the budget for the entire contract and updates hourly rates to 2022 billing rates.

Unless specifically amended by this agreement, all other terms and conditions of the original contract shall remain in full force and effect.

This Amendment takes effect upon signing by both parties.

IN WITNESS WHEREOF, Whatcom County and Herrera Environmental Consultants, Inc., have executed this Amendment on the date and year below written.

DATED this 13th day of April, 2022.

Each person signing this Contract represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Contract.

CONTRACTOR:

CONTRACTOR NAME

DocuSigned by:



4/14/2022

5EB9E50233AE420

Theresa M. Wood, Vice President

Herrera Environmental Consultants, Inc.
2200 Sixth Ave., Suite 1 100
Seattle, WA 98121

Contact Name: Theresa M. Wood
Contact Phone: (206) 441-9080
Contact Email: twood@herrerainc.com

WHATCOM COUNTY:

Recommended for Approval:

DocuSigned by:
Mark Personius 4/13/2022
057F28CA4FC44A5...
Department Director Date

Approved as to form:

/s/ Royce Buckingham 03/14/2022
Prosecuting Attorney Date

Approved:

Accepted for Whatcom County:

By: Satpal Sidhu 4/15/2022
1192C7C18E664E3
Satpal Singh Sidhu, Whatcom County Executive



EXHIBIT "A"

2022 ADDENDUM SCOPE OF WORK

WHATCOM COUNTY OFF-SITE CRITICAL AREAS BUFFER MITIGATION FEASIBILITY STUDY – 2022

On November 3, 2021, Whatcom County Planning and Development Services (County) authorized Herrera Environmental Consultants (Herrera) and subconsultant Jacobs, jointly referred as the Consultant, to prepare a scope of work and cost estimate to assist in the preparation of a Feasibility Study for the development of an Off-Site Critical Areas Buffer Mitigation Program (Program) for Whatcom County. On December 17, 2021, Whatcom County approved the scope of work and budget (\$40,000) for the development of the first two phases (Preliminary Program Research and Implementation, Oversight and Management Structure) of the project and associated project management (Phase 3) through June 1, 2022.

This addendum scope of work includes a discussion of the activities, assumptions, deliverables, and a schedule associated with the final five phases of the project and associated project management proposed for completion in 2022.

Throughout all phases of the project, the Consultant will use an established system of quality assurance/quality control review to ensure high quality deliverables that comply with the requirements of the scope of work, as well as provide the most responsive and technically accurate work product. Work products will be reviewed by technical leads, technical editors, the Project Manager, and ultimately by the Client Satisfaction Reviewer.

PHASE 3.0 CONTINUED PROJECT MANAGEMENT/CONTRACT ADMINISTRATION

The objective of this work is to manage the scope, schedule and budget of the final phases of the project while providing continued coordination with the County. The Consultant will coordinate with Whatcom County's Project Manager on a regular monthly basis regarding the project progress, project issues and schedule.

The Consultant will prepare monthly progress reports that describe the work items and percentage of work items that were accomplished that is independent of budget expended, as well as a forecast of work to be completed over the following month. Progress reports will include a status of budget spent and remaining for each individual task. The monthly progress reports will also identify any other issues or problems that may occur in any given month. The Consultant will submit these monthly progress reports to the County's Project Manager with the



SCOPE OF WORK

monthly invoices. The monthly invoices will bill by individual task. The Consultant Project Manager will notify the County's Project Manager, in writing (memo format), of any out of scope and/or budgetary issues that are inconsistent with this Scope of Services. The Consultant Project Manager will also manage the subconsultant budgets and invoices, manage change, and prepare amendments, if/as necessary. Any expense or subconsultant charge will have supporting documents included with the invoices.

Deliverables

- Monthly project work progress and budget tracking reports and invoices for phases 4 – 7 of the project
- Project Schedule (up to one)

Assumptions

- Duration of the described phases in this 2022 scope of work will not exceed 11 months.
- Meetings among Consultant team members that do not involve County staff will be conducted under other tasks in the scope of work.
- Herrera will prepare one subcontract and track subcontractor's performance.
- Monthly coordination meetings and/or conference calls with key County/Consultant team members to cover project status.
- Subconsultant participation will be as described under the subconsultant work element.

SCOPE OF WORK

PHASE 4.0 – IDENTIFY SITING CRITERIA & POTENTIAL MITIGATION SITES

Based on work completed during the first two phases of the project (Preliminary Program Research and Implementation, Oversight and Management Structure), the consultant will identify 5 to 7 viable and available off-site locations for compensatory buffer mitigation sites, or more as requested and approved by the County, where functional lift can be achieved. In addition to the considerations identified in Phase 2, the site or sites must individually or collectively be able to provide ecologically appropriate mitigation potential to offset the program's users anticipated buffer impacts from development (permits). Field investigations will be conducted to verify each site's potential for viable mitigation.

Deliverables

- The selected site or sites will form the basis for development of Phase 5.

Assumptions

- The Consultant will coordinate with Whatcom County staff for desktop analysis and on-site knowledge before independently advancing potential mitigation site locations.
- The Consultant will field investigate a selection of the identified sites based on criteria ranking and selection preferences outlined by the County.
- Of the 5 to 7 potentially viable mitigation sites identified, it is anticipated 5 sites will be field investigated. The level of detail required for each site investigation will be based on available background data regarding the site's conditions. An increased number of sites for field investigation may be possible within the designated budget provided that the level of detail provided by the County as background information can be obtained that supports the required analysis with less field work. Field investigation of more than 5 sites may also be potentially supported through use of the project's Contingency Reserve Fund (Phase 8).
- Field investigation consists of two biologists for up to 16 hours each, excluding travel. For safety purposes, Herrera does not conduct sole person field investigations. If the County wishes to provide staffing to support the field work, Herrera's staffing can be re-allotted among County staff-assisted teams to assess a greater number of potential sites and locations.
- Site access for field investigations to be coordinated by Whatcom County.

SCOPE OF WORK

PHASE 5.0 – ANTICIPATED COST ANALYSIS

Mitigation site development costs vary widely based on site conditions and management considerations. The County lists the following cost considerations in the RFP:

- Property or easement negotiation, appraisal, and purchase
- Developing property-specific mitigation plans for each property
- Equipment and materials to conduct mitigation actions
- Regulatory structure and amendments needed to implement the Program
- Administration/Overhead/Staffing
- An estimate of the cost of Program credits, on a per-acre or per-site basis

Herrera has experience in estimating construction costs for restoration projects including clearing, fill and grading, and native vegetation installation plans. This knowledge will be applied in estimating the cost to implement proposed mitigation measures at each of the preferred mitigation sites. Herrera also has provided cost structures for determining estimated costs per credit to offset the program's expenses over the length of the program. Refinement of anticipated program costs will be tied to recent data in Whatcom County related to current costs. Research related to costs will be based on information provided by the County, Ecology, the Army Corps of Engineers, and potential two or three private sector developers.

The Consultant will coordinate a meeting with the County to review and document cost considerations for initiating this phase of the project. The Consultant will identify the anticipated costs for sites selected under Phase 4.0. The goal is to identify sites that fully offset the anticipated need, but this will depend on variables related to site ownership and site management, which have yet to be determined.

Deliverables

- The Consultant will coordinate one meeting with the County in an on-line format to document and discuss cost considerations for development of the program.
- The Consultant will prepare an agenda for the meeting 1 week prior to the meeting.
- The Consultant will prepare meeting minutes within 1 week (5 business days) after the scheduled meeting.
- The cost analysis conducted in Phase 5.0 will be incorporated in the preparation of the Feasibility Study report prepared in Phase 6.0.

SCOPE OF WORK

Assumptions

- Based on the results of the field investigations conducted in Phase 4, conceptual designs for 3 of the sites will be developed for further analysis, including estimates of anticipated costs, in this phased of the scope of work.
- Costs will also be informed by the County's decision as to which Program type to pursue (Advanced Mitigation, Off the shelf, or In-Lieu Fee).
- Costs of buffer mitigation will be estimated based on data, as available, from local, state and federal agencies as well as private sector developers (if they are willing to share this information).

PHASE 6.0 – FEASIBILITY STUDY

The project work will culminate with the preparation of a feasibility report that summarizes the results of research conducted in all phases of the project. The feasibility report will provide analyses of the various alternative approaches, including anticipated costs and the pros and cons of each, and present a recommended approach for Program development and implementation. A draft report will be submitted to the County Project Manager via e-mail_for review and comment prior to finalizing the report.

Deliverables

- Draft Feasibility Report in Microsoft Word and Adobe pdf formats.
- Final Feasibility Report in Adobe pdf format.

Assumptions

- The County's review time from receipt of the Draft Feasibility Report for incorporation into the Final Feasibility Study is 3 weeks.

PHASE 7.0 – PRESENTATION TO COUNCIL

To address any additional tools or effort that might be needed for the Consultant's Presentation to Council, a kickoff meeting with the County will be coordinated at the initiation at this final phase of the project. The Consultant will develop a Microsoft PowerPoint (PPT) presentation for Council, and if desired can also develop other communication tools to support outreach and in-person engagement. Currently, the scope addresses only the creation of the PPT and presentation to Council. If additional communication tools and outreach efforts are needed,

SCOPE OF WORK

these will be covered through use of funds in Phase 8 – Contingency Reserve Fund. A draft PPT file will be sent via e-mail to the County Project Manager for review within 2 weeks of the completion of the kickoff meetings. The County will provide feedback on the presentation within 3 weeks of receiving the draft PowerPoint (ppt) presentation. A final PowerPoint (ppt) presentation incorporating the County's review comments and feedback will be presented to the County within 2 weeks prior to the packet submittal for the scheduled Council meeting when the presentation will be given.

Deliverables

- Agenda and coordination of a Phase 6.0 Kickoff Meeting with the County in an on-line format to address preparations for the Council Presentation.
- Meeting minutes from kickoff meeting will be prepared within 1 week (5 business days) of the scheduled meeting.
- Draft file in Microsoft PPT.
- Final file in Microsoft PPT.

Assumptions

- The Phase 7 kickoff meeting will occur within 1 week (5 business days) after receiving the County's review comments on the draft Feasibility Study
- The County's review time from receipt of the draft PPT for incorporation into the Final PPT is 3 weeks prior to the scheduled Council presentation.
- Council presentation is assumed to be on-line to meet COVID protocols.
- Council presentation is assumed to be 20 slides and will be scheduled for between 30 and 45-minute presentation including Q& A.
- The Final ppt presentation will be prepared in time for the County's project manager to submit into the County's Council meeting packet, two weeks prior to the Council's Scheduled Meeting (proposed for December 2022 or if necessary, in January 2023).

SCOPE OF WORK

PHASE 8.0 – CONTINGENCY RESERVE FUND

A contingency reserve fund will be established to address unexpected changes or additional scope of work requests during the project. Any work to be conducted under the Contingency Reserve Fund will be approved by the County prior to implementation. Costs under this task could include additional candidate mitigation site investigations or additional meetings than those outlined in the main scope of work phases. Should in-person meetings, rather than on-line formats be requested, travel time and direct associated expenses will be covered by the Contingency Reserve Fund. The fund will also include significant changes in the Program approach after preliminary determinations, or other assistance as needed. Herrera will clearly communicate via e-mail with County when work will require activation of this fund.

The Consultant will provide written documentation to the County justifying the purpose and need to request use of the Contingency Reserve Fund for project implementation. The Consultant's written response will include a break-down of costs for the out of scope of work for County review. The County will provide written response to the Consultant regarding the additional scope of work and budget amendment within three weeks of the requested review.

SCOPE OF WORK

PROJECT SCHEDULE

EXHIBIT "B-1" (COMPENSATION)

As consideration for the services provided pursuant to Exhibit A (Scope of Work), the County agrees to compensate the Contractor according to the hourly rates provided in the budget table below. Changes to personnel must be requested to and approved by the County's Contract Administrator in writing (email accepted) along with the substituted staff's name, position title and hourly rate. Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed. Mileage at IRS rate, lodging and per diem at a rate not to exceed the GSA rate for location services are provided. Other expenditures such as printing, postage and telephone charges shall be reimbursed at actual cost plus 2%.

The maximum consideration for this amended agreement shall not exceed \$100,000.

Herrera Environmental Consultants

3/15/2022

BUDGET



Cost Estimate for **Whatcom County Off-Site Buffer Mitigation Feasibility Study - 2022**
 Herrera Project No. **21-07734-000**

Task No.			3	1	2	4	5	6	7	Total
			Project Management	Preliminary Program Research	Implementation Ownership	Deploy Sitting Criteria & Identify Potential Mitigation Sites	Anticipated Cost Analysis	Feasibility Study	Preentation to Council	
Herrera Labor based on: Burdened Labor Rates										
Schedule	Task Start Date		1/3/2022	1/3/2022	1/3/2022	5/16/2022	6/21/2022	6/1/2022	10/3/2022	
	Task End Date		12/21/2022	6/3/2022	6/3/2022	6/16/2022	7/31/2022	11/1/2022	12/31/2022	
Staff	Title	2022 Burdened Labor Rates								
Mirabile, Tina	Scientist IV	\$194.72	33	40	36	12	14	40	6	181
Merten, Christina	Scientist VI	\$229.09	0	5	6	0	2	10	2	25
Schmidt, Jennifer	GIS Analyst VI	\$206.79	0	2	2	2	0	6	2	14
Rudnick, Tracy	Project Accountant IV	\$147.36	2	0	0	0	0	0	0	2
Matsumoto-Hervol, Makie	GIS Analyst II	\$104.87	0	10	6	6	4	6	4	36
Jackowich, Pamela	Administrative Coordinat	\$129.20	0	0	5	0	0	6	0	11
Ode-Giles, Lauren	GIS Analyst II	\$102.88	0	10	0	0	0	0	0	10
Johansen, Sally	Project Accountant IV	\$133.79	13	0	0	0	0	0	0	13
Total Hours per Task			48	67	55	20	20	68	14	292
Subtotal Labor			\$8,460	\$11,425	\$10,073	\$3,379	\$3,604	\$12,725	\$2,460	\$52,126
Subtotal Herrera Labor			\$8,460	\$11,425	\$10,073	\$3,379	\$3,604	\$12,725	\$2,460	\$52,126

Subconsultants

Subconsultant									
Jacobs	\$0	\$9,000	\$6,000	\$8,000	\$4,940	\$8,400	\$1,123	\$37,463	
Subtotal Subconsultant Cost	\$0	\$9,000	\$6,000	\$8,000	\$4,940	\$8,400	\$1,123	\$37,463	

Travel and Per Diem (PD)

Item	Unit	Unit Cost							
Auto Use	Mile	\$0.585	500	0	0	0	0	0	500
Subtotal Per Diem			\$293	\$0	\$0	\$0	\$0	\$0	\$293

Other Direct Costs (ODCs)

Item	Unit	Unit Cost							
GPS unit (Arrow 100 w/ iPad)	Day	\$85.00	0	0	0	2	0	0	2
Subtotal ODCs			\$0	\$0	\$0	\$170	\$0	\$0	\$170

Subtotal Per Diem, Lab Costs, and ODCs	\$293	\$0	\$0	\$170	\$0	\$0	\$0	\$463	
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Grand Subtotal	\$8,752	\$20,425	\$16,073	\$11,549	\$8,544	\$21,125	\$3,583	\$90,052	
Contingency Reserve								\$9,948	
Grand Total								\$100,000	

Cost Estimate for Whatcom County Off-Site Buffer Mitigation Feasibility Study - Amendment 1
Herrera Project No. 21-07734-000

		Phase No.	1	2	3	4	5	6	7	Total	
		Number of Hours							Total		
		Preliminary Program Research	Implementation, Ownership & Management Structure	Project Management	Deploy Siting Criteria + Identify Potential Mitigation Sites	Cost Analysis	Feasibility Study	Presenttion to Council			
Jacobs Labor based on: Burdened Labor Rates for 2022											
Schedule	Task Start Date	1/3/2022	1/3/2022	1/3/2022	5/16/2022	6/21/2022	6/1/2022	10/3/2022			
	Task End Date	5/1/2022	6/1/2022	12/31/2022	6/20/2022	7/31/2022	10/31/2022	12/31/2022			
Staff	Title	2022 Burdened Labor Rates									
Jennifer Thomas	Senior Ecologist	224.54	27	40	36	22	37	5	167		
Total:			6,000	9,000	8,000	4,940	8,400	1,123	37,463		