

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
202209012-1

Originating Department:	Public Works
Division/Program: <i>(i.e. Dept. Division and Program)</i>	Stormwater Division-907620
Contract or Grant Administrator:	Cathy Craver
Contractor's / Agency Name:	Washington State Department of Ecology
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 #: 202209012	
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 checked="" type="radio"/> No <input type="radio"/> If yes, grantor agency contract number(s): WDSWCAP-2123-WhCoPW-00156 CFDA#: _____	
Is this contract grant funded? Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process? Contract _____ Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, RFP and Bid number(s): _____ Cost Center: _____	
Is this agreement excluded from E-Verify? No <input checked="" type="radio"/> Yes <input 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): \$ 50,000 This Amendment Amount: \$ 25,000 Total Amended Amount: \$ 75,000	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: This \$25,000 amendment to the 2021-2023 Biennial Stormwater Capacity Grant will be utilized to implement required programs of the 2019-2024 Western Washington Phase II Municipal Stormwater Permit.	
Term of Contract:	Expiration Date: 6/30/23

Contract Routing:	1. Prepared by: Cathy Craver	Date: 3/2/23
	2. Attorney signoff: Christopher Quinn	Date: 3/6/2023
	3. AS Finance reviewed: Amy Martin	Date: 3/8/2023
	4. IT reviewed (if IT related):	Date: _____
	5. Contractor signed:	Date: _____
	6. Submitted to Exec.: <input checked="" type="checkbox"/>	Date: 3/27/23
	7. Council approved (if necessary): AB2023-198	Date: 3/21/23
	8. Executive signed: <input checked="" type="checkbox"/>	Date: 4/3/23
	9. Original to Council: <input checked="" type="checkbox"/> 4	Date: 4-25-23



**AMENDMENT NO. 1
TO AGREEMENT NO. WQSWCAP-2123-WhCoPW-00156
BETWEEN
THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
AND
Whatcom County**

PURPOSE: To amend the above-referenced agreement (AGREEMENT) between the state of Washington Department of Ecology (ECOLOGY) and Whatcom County (RECIPIENT) for the 2021-2023 Biennial Stormwater Capacity Grants (PROJECT).

The purpose of this amendment is to increase the grant funding by an additional \$25,000. The grant end date will also be extended from the original end date of 3/31/23 to 6/30/23 to allow more time for the additional funding to be utilized.

IT IS MUTUALLY AGREED that the AGREEMENT is amended as follows:

Total Cost:

Original: 50,000.00 Amended: 75,000.00

Total Eligible Cost:

Original: 50,000.00 Amended: 75,000.00

Expiration Date:

Original: 03/31/2023 Amended: 06/30/2023

CHANGES TO THE BUDGET

Funding Distribution EG220392

Funding Title: 2021-23 capacity grant

Funding Type: Grant

Funding Effective Date: 07/01/2021

Funding Expiration Date: 06/30/2023

Funding Source:

Title: Model Toxics Control Operating Account (MTCOA)

Fund: FD

Type: State

Funding Source %: 100%

Description: MTCA

Approved Indirect Costs Rate: Approved State Indirect: 30%
 Recipient Match %: 0%
 InKind Interlocal Allowed: No
 InKind Other Allowed: No
 Is this Funding Distribution used to match a federal grant? No

2021-23 capacity grant	Task Total
Project Administration/Management	\$ 1,000.00
Permit Implementation	\$ 74,000.00

Total: \$ 75,000.00

CHANGES TO SCOPE OF WORK

Task Number: 1 **Task Cost: \$1,000.00**

Task Title: Project Administration/Management

Task Description:

- A. The RECIPIENT shall carry out all work necessary to meet ECOLOGY grant or loan administration requirements. Responsibilities include, but are not limited to: maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation; progress reports; and a recipient closeout report (including photos).
- B. The RECIPIENT shall maintain documentation demonstrating compliance with applicable procurement, contracting, and interlocal agreement requirements; application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items.
- C. The RECIPIENT shall manage the project. Efforts include, but are not limited to: conducting, coordinating, and scheduling project activities and assuring quality control. Every effort will be made to maintain effective communication with the RECIPIENT's designees; ECOLOGY; all affected local, state, or federal jurisdictions; and any interested individuals or groups. The RECIPIENT shall carry out this project in accordance with any completion dates outlined in this agreement.

Task Goal Statement:

Properly managed and fully documented project that meets ECOLOGY's grant and loan administrative requirements.

Task Expected Outcome:

- * Timely and complete submittal of requests for reimbursement, quarterly progress reports, Recipient Closeout Report, and two-page Outcome Summary Report.

- * Properly maintained project documentation.

Deliverables

Number	Description	Due Date
1.1	Progress Reports that include descriptions of work accomplished, project challenges, and changes in the project schedule. Submitted at least quarterly in EAGL.	
1.2	Recipient Closeout Report (EAGL Form).	
1.3	Two-page draft and Final Outcome Summary Reports.	

CHANGES TO SCOPE OF WORK

Task Number: 2 Task Cost: \$74,000.00

Task Title: Permit Implementation

Task Description:

Conduct work related to implementation of municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit requirements. If the RECIPIENT is out of compliance with the municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit, the RECIPIENT will ensure funds are used to attain compliance where applicable. The following is a list of elements RECIPIENT’s project may include.

- 1) Public education and outreach activities, including stewardship activities.
- 2) Public involvement and participation activities.
- 3) Illicit discharge detection and elimination (IDDE) program activities, including:
 - a) Mapping of municipal separate storm sewer systems (MS4s).
 - b) Staff training.
 - c) Activities to identify and remove illicit stormwater discharges.
 - d) Field screening procedures.
 - e) Complaint hotline database or tracking system improvements.
- 4) Activities to support programs to control runoff from new development, redevelopment, and construction sites, including:
 - a) Development of an ordinance and associated technical manual or update of applicable codes.
 - b) Inspections before, during, and upon completion of construction, or for post-construction long-term maintenance.
 - c) Training for plan review or inspection staff.
 - d) Participation in applicable watershed planning effort.
- 5) Pollution prevention, good housekeeping, and operation and maintenance program activities, such as:
 - a) Inspecting and/or maintaining the MS4 infrastructure.
 - b) Developing and/or implementing policies, procedures, or stormwater pollution prevention plans at municipal properties or facilities.
- 6) Annual reporting activities.
- 7) Establishing and refining stormwater utilities, including stable rate structures.
- 8) Water quality monitoring to implement permit requirements for a Water Cleanup Plan (TMDL). Note that any monitoring funded by this program requires submittal of a Quality Assurance Project Plan (QAPP) that the DEPARTMENT approves prior

to awarding funding for monitoring.

Monitoring, including:

- a) Development of applicable QAPPs.
- b) Monitoring activities, in accordance with a DEPARTMENT- approved QAPP, to meet Phase I/II permit requirements.
- 9) Structural stormwater controls program activities (Phase I permit requirement)
- 10) Source control for existing development (Phase I permit requirement), including:
 - a) Inventory and inspection program.
 - b) Technical assistance and enforcement.
 - c) Staff training.
- 11) Equipment purchases that result directly in improved permit compliance. Equipment purchases must be specific to implementing a permit requirement (such as a vactor truck) rather than general use (such as a pick-up truck). Equipment purchases over \$5,000 must be pre-approved by Ecology.

Documentation of all tasks completed is required. Documentation may include: field reports, dates and number of inspections conducted, dates of trainings held and participant lists, number of illicit discharges investigated and removed, summaries of planning, stormwater utility or procedural updates, annual reports, copies of approved QAPPs, summaries of structural or source control activities, summaries of how equipment purchases have increased or improved permit compliance. Capital construction projects, incentives or give-a-ways, grant application preparation, TAPE review for proprietary treatment systems, or tasks that do not support Municipal Stormwater Permit implementation are not eligible expenses.

Task Goal Statement:

This task will improve water quality in the State of Washington by reducing the pollutants delivered by stormwater to lakes, streams, and the Puget Sound by implementing measures required by Phase I and II NPDES permits.

Task Expected Outcome:

RECIPIENTS will implement measures required by Phase I and II NPDES permits.

Deliverables

Number	Description	Due Date
2.1	Documentation of tasks completed	

State of Washington Department of Ecology

Whatcom County

2021-2023 Biennial Stormwater Capacity Grants Project

Agreement No. WQSWCAP-2123-WhCoPW-00156

Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
2021-23 capacity grant	0 %	\$ 0.00	\$ 75,000.00	\$ 75,000.00
Total		\$ 0.00	\$ 75,000.00	\$ 75,000.00

AUTHORIZING SIGNATURES

All other terms and conditions of the original Agreement including any Amendments remain in full force and effect, except as expressly provided by this Amendment.

The signatories to this Amendment represent that they have the authority to execute this Amendment and bind their respective organizations to this Amendment.

This amendment will be effective 07/01/2022.

IN WITNESS WHEREOF: the parties hereto, having read this Amendment in its entirety, including all attachments, do agree in each and every particular and have thus set their hands hereunto.

Washington State
Department of Ecology

Whatcom County

DocuSigned by:

By: 28CA6880046748E

Vincent McGowan, P.E.
Water Quality
Program Manager

Date
4/11/2023


DocuSigned by:

By: 1192C7C18B664E3

Satpal Singh Sidhu
County Executive

Date
4/3/2023


Elizabeth Kosa

DocuSigned by:

870E242DD76C408

Public Works Director

Date
4/3/2023

Christopher Quinn

DocuSigned by:

05D8F77C24C6422

Senior Deputy Prosecutor-Civil Division

Date
4/7/2023

Template Approved to Form by
Attorney General's Office

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

Elizabeth Kosa
Interim Director



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Bellingham, WA 98225
Main: (360) 778-6230
FAX: (360) 778-6201
www.whatcomcounty.us

MEMORANDUM

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

THROUGH: Elizabeth Kosa, Interim Public Works Director

FROM: Cathy Craver, Senior Planner

DATE: March 7, 2023

RE: Amendment to the 2021-2023 Biennial Stormwater Capacity Grant with
the Washington Department of Ecology (Agreement WQSWCAP-2123-
WhCoPW-00156)

Please find attached for your review a copy of an amendment to a grant agreement with the State of Washington Department of Ecology for the 2021-2023 Biennial Stormwater Capacity Grant.

Requested Action

The County Executive entered into a grant agreement with the Washington State Department of Ecology for the 2021-2023 Biennial Stormwater Capacity Grant in the amount of \$50,000 in September 2022. The additional \$25,000 of funding for the Capacity Grant has been released by the Washington State Legislature. Staff requests that the Executive authorizes the amendment for the additional \$25,000 in grant funding to be utilized in the NPDES Program. The total of the grant, and what is shown in the amendment contract, is \$75,000.

Background and Purpose

This is a non-competitive, reimbursable grant through the State of Washington Department of Ecology. The 2021-2023 Biennial Stormwater Capacity Grant can be used to retroactively fund activities associated with the Western Washington Phase II Municipal Stormwater Permit that have incurred since July 1, 2021 through March 31, 2023. The grant is intended to assist municipalities in meeting their Western Washington Phase II Municipal Stormwater Permit requirements. This is the eighth round of non-competitive capacity grant funding offered to Phase II permittees since the initial Permit in 2007.

Funding Amount and Source

The amendment to the original grant agreement is for \$25,000. The grant will be used for expenses encumbered within the NPDES budget (10860.544410).

Please call Cathy Craver at extension 6299 if you have any questions regarding this grant agreement.

Encl.

