

**WHATCOM COUNTY CONTRACT  
INFORMATION SHEET**

Whatcom County Contract No. \_\_\_\_\_

Originating Department:	Public Works - Bridge & Hydraulic
Division/Program: <i>(i.e. Dept. Division and Program)</i>	9059/Construction
Contract or Grant Administrator:	James E. Lee, Engineering Manager
Contractor's / Agency Name:	Washington State Department of Transportation
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 #:    201604012	
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):    LA 8896    CFDA#:    20.205	
Is this contract grant funded? Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, Whatcom County grant contract number(s):    201604012	
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:    914015	
Is this agreement excluded from E-Verify?    No <input type="radio"/> Yes <input checked="" 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"/> 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 <hr/> This Amendment Amount: \$ 100,000 <hr/> Total Amended Amount: \$ 150,000	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> 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: _____	
Local Agency Agreement Supplement to receive additional federal federal funding for the Lummi Island Breakwater Replacement Project.	
Term of Contract: N/A	Expiration Date: Project Completion

- |                   |   |                 |
|-------------------|---|-----------------|
| Contract Routing: | 1. Prepared by: James Lee                 | Date: 7/15/19   |
|                   | 2. Attorney signoff: Christopher Quinn    | Date: 7/16/2019 |
|                   | 3. AS Finance reviewed: M Caldwell        | Date: 7/16/19   |
|                   | 4. IT reviewed (if IT related): _____     | Date: _____     |
|                   | 5. Contractor signed: _____               | Date: _____     |
|                   | 6. Submitted to Exec.: _____              | Date: _____     |
|                   | 7. Council approved (if necessary): _____ | Date: _____     |
|                   | 8. Executive signed: _____                | Date: _____     |
|                   | 9. Original to Council: _____             | Date: _____     |



Agency Whatcom County		Supplement Number 1
Federal Aid Project Number FBP-A373(001)	Agreement Number LA 8896	CFDA No. <b>20.205</b> (Catalog of Federal Domestic Assistance)

The Local Agency requests to supplement the agreement entered into and executed on 5-23-16  
 All provisions in the basic agreement remain in effect except as modified by this supplement.  
 The Local Agency certifies that it is not excluded from receiving Federal funds by a Federal suspension or debarment (2 CFR Part 180). Additional changes to the agreement are as follows:

**Project Description**

Name Lummi Island Breakwater Replacement Length 0.00

Termini N/A

**Description of Work**  No Change

Whatcom County proposes to replace the timber southerly breakwater at the Lummi Island ferry terminal with a new modern steel pile supported structure

**Reason for Supplement**

Additional preliminary engineering work needed to get the project through the environmental permitting stage and prepare the final PSE bid ready package.

Are you claiming indirect cost rate?  Yes  No Project Agreement End Date 12-31-2022

Does this change require additional Right of Way or Easements?  Yes  No Advertisement Date:

Type of Work		Estimate of Funding				
		(1) Previous Agreement/Suppl.	(2) Supplement	(3) Estimated Total Project Funds	(4) Estimated Agency Funds	(5) Estimated Federal Funds
PE 80 %	a. Agency	50,000.00	100,000.00	150,000.00	30,000.00	120,000.00
	b. Other			0.00	0.00	
Federal Aid Participation Ratio for PE	c. Other			0.00		
	d. State			0.00		
	e. Total PE Cost Estimate (a+b+c+d)	50,000.00	100,000.00	150,000.00	30,000.00	120,000.00
Right of Way %	f. Agency			0.00		
	g. Other			0.00		
Federal Aid Participation Ratio for RW	h. Other			0.00		
	i. State			0.00		
	j. Total R/W Cost Estimate (f+g+h+i)	0.00	0.00	0.00	0.00	0.00
Construction %	k. Contract			0.00		
	l. Other			0.00		
	m. Other			0.00		
Federal Aid Participation Ratio for CN	n. Other			0.00		
	o. Agency			0.00		
	p. State			0.00		
	q. Total CN Cost Estimate (k+l+m+n+o+p)	0.00	0.00	0.00	0.00	0.00
r. Total Project Cost Estimate (e+j+q)		50,000.00	100,000.00	150,000.00	30,000.00	120,000.00

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the Federal funds obligated, it accepts and will comply with the applicable provisions.

**Agency Official**

**Washington State Department of Transportation**

By  
Title

By  
Director, Local Program  
Date Executed

Approved as to form:

*Christopher Quinn* 7/25/19  
 Christopher Quinn Date  
 Senior Civil Deputy Prosecuting Attorney

Agency Whatcom County		Supplement Number 1
Federal Aid Project Number FBP-A373(001)	Agreement Number LA 8896	CFDA No. <b>20.205</b> (Catalog of Federal Domestic Assistance)

## VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, 2 CFR Part 200. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin. Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

## VII. Audit of Federal Consultant Contracts

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant's records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency's files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and 2 CFR Part 200.501 - Audit Requirements.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation.

## IX. Payment of Billing

The Agency agrees that if payment or arrangement for payment of any of the State's billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed by the Director, Local Programs.

Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309).

Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

## VIII. Single Audit Act

The Agency, as a subrecipient of federal funds, shall adhere to the federal regulations outlined in 2 CFR Part 200.501 as well as all applicable federal and state statutes and regulations. A subrecipient who expends \$750,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of 2 CFR Part 200.501. Upon conclusion of the audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

## XVII. Assurances

Local Agencies receiving Federal funding from the USDOT or its operating administrations (i.e., Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration) are required to submit a written policy statement, signed by the Agency Executive and addressed to the State, documenting that all programs, activities and services will be conducted in compliance with Section 504 and the Americans with Disabilities Act (ADA).



**Local Agency Federal Aid  
Project Prospectus**

Prefix	Route	( )	Date	July 10, 2019
Federal Aid Project Number	FBP-A373(001)		DUNS Number	060044641
Local Agency Project Number	CRP 914015	( WSDOT Use Only )	Federal Employer Tax ID Number	916001383

Agency Whatcom County	CA Agency <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Federal Program Title <input checked="" type="checkbox"/> 20.205 <input type="checkbox"/> Other
Project Title Lummi Island Breakwater Replacement	Start Latitude N 48.7204 deg End Latitude N N/A	Start Longitude W 122.6810 deg End Longitude W N/A
Project Termini From-To N/A	Nearest City Name Bellingham	Project Zip Code (+4) 98225-4042
Begin Mile Post N/A	End Mile Post N/A	Length of Project 0.00
Award Type <input checked="" type="checkbox"/> Local <input type="checkbox"/> Local Forces <input type="checkbox"/> State <input type="checkbox"/> Railroad		
Route ID	Begin Mile Point	End Mile Point
	City Number	County Number 37
	County Name Whatcom	
WSDOT Region Northwest Region	Legislative District(s) 42	Congressional District(s) 2
		Urban Area Number

Phase	Total Estimated Cost (Nearest Hundred Dollar)	Local Agency Funding (Nearest Hundred Dollar)	Federal Funds (Nearest Hundred Dollar)	Phase Start Date	
				Month	Year
P.E.	150,000	30,000	120,000	June	2016
R/W					
Const.	1,800,000	1,150,000	650,000	April	2021
<b>Total</b>	<b>1,950,000</b>	<b>1,180,000</b>	<b>770,000</b>		

**Description of Existing Facility (Existing Design and Present Condition)**

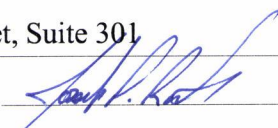
Roadway Width N/A	Number of Lanes N/A
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The existing all timber breakwater located south of the vessel slip at the Lummi Island ferry terminal was constructed in the mid 1980's is reaching the end of its service life and is need of replacement.

**Description of Proposed Work**

Description of Proposed Work (Attach additional sheet(s) if necessary)

Whatcom County proposes to replace the timber breakwater located south of the vessel slip at the Lummi Island ferry terminal with a steel pile supported structure.

Local Agency Contact Person James Lee	Title Engineering Manager	Phone (360)778-6264
Mailing Address 322 N. Commercial Street, Suite 301	City Bellingham	State WA
	Zip Code 98002	
Project Prospectus	By  County Engineer	Approving Authority
		Date 7/23/19

Agency Whatcom County	Project Title Lummi Island Breakwater Replacement	Date July 10, 2019
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### Type of Proposed Work

Project Type (Check all that Apply)	Roadway Width N/A	Number of Lanes N/A
<input type="checkbox"/> New Construction <input type="checkbox"/> Path / Trail <input type="checkbox"/> 3-R <input type="checkbox"/> Reconstruction <input type="checkbox"/> Pedestrian / Facilities <input type="checkbox"/> 2-R <input type="checkbox"/> Railroad <input type="checkbox"/> Parking <input type="checkbox"/> Other <input checked="" type="checkbox"/> Bridge		

### Geometric Design Data

Description	Through Route	Crossroad
<b>Federal Functional Classification</b>	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural <input type="checkbox"/> NHS	<input type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> NHS
	<input type="checkbox"/> Principal Arterial <input type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input checked="" type="checkbox"/> Minor Collector <input type="checkbox"/> Local Access	<input type="checkbox"/> Principal Arterial <input type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input type="checkbox"/> Major Collector <input type="checkbox"/> Minor Collector <input type="checkbox"/> Local Access
Terrain	<input checked="" type="checkbox"/> Flat <input type="checkbox"/> Roll <input type="checkbox"/> Mountain	<input type="checkbox"/> Flat <input type="checkbox"/> Roll <input type="checkbox"/> Mountain
Posted Speed	25	
Design Speed	25	
Existing ADT	250	
Design Year ADT		
Design Year		
Design Hourly Volume (DHV)		

### Performance of Work

Preliminary Engineering Will Be Performed By Agency	Others 0 %	Agency 100 %
Construction Will Be Performed By Construction Contract	Contract 100 %	Agency %

### Environmental Classification

<input type="checkbox"/> Class I - Environmental Impact Statement (EIS) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement	<input checked="" type="checkbox"/> Class II - Categorical Excluded (CE) <input checked="" type="checkbox"/> Projects Requiring Documentation (Documented CE)
<input type="checkbox"/> Class III - Environmental Assessment (EA) <input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreements	

Environmental Considerations

Agency Whatcom County	Project Title Lummi Island Breakwater Replacement	Date July 10, 2019
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**Right of Way**

<input checked="" type="checkbox"/> No Right of Way Needed * All construction required by the contract can be accomplished within the existing right of way.	<input type="checkbox"/> Right of Way Needed <input type="checkbox"/> No Relocation <input type="checkbox"/> Relocation Required
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<b>Utilities</b> <input checked="" type="checkbox"/> No utility work required <input type="checkbox"/> All utility work will be completed prior to the start of the construction contract <input type="checkbox"/> All utility work will be completed in coordination with the construction contract	<b>Railroad</b> <input checked="" type="checkbox"/> No railroad work required <input type="checkbox"/> All railroad work will be completed prior to the start of the construction contract <input type="checkbox"/> All the railroad work will be completed in coordination with the construction contract
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Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project

N/A

FAA Involvement

Is any airport located within 3.2 kilometers (2 miles) of the proposed project?  Yes  No

Remarks

This project has been reviewed by the legislative body of the administration agency or agencies, or it's designee, and is not inconsistent with the agency's comprehensive plan for community development.

Agency Whactom County

Date

By \_\_\_\_\_  
 Mayor/Chairperson

Approved as to form:  
*Christopher Quinn*  
 Christopher Quinn  
 Senior Civil Deputy Prosecuting Attorney  
 Date 7/25/19

## Lummi Island Breakwater Replacement CRP #914015

**Construction Funding Year(s):** 2019

**Project Narrative:**

This project includes replacing the southerly breakwater at the Lummi Island ferry terminal. This structure was constructed in the mid 1980's and is reaching the end of its service life. This project is listed #F3 on the 2019-2024 Six Year Transportation Improvement Program.

**Project Status:**

Design and permitting work expected to be completed in early 2019, with construction of this project scheduled in late 2019. Federal Ferry Boat Program funds have been obtained for this project.

<b>Total Estimated Project Cost:</b> \$1,950,000	<b>Funding Sources:</b>	
	Federal	\$1,251,000 (FBP)
<b>Expenditures to Date:</b> \$200,000	State	\$
	Local	\$699,000

<b>Environmental Permitting</b>	HPA, SEPA, CORPS 404, COUNTY SHORELINES
<b>Right-of-Way Acquisition (Estimate)</b>	None Required
<b>County Forces (Estimate)</b>	N/A

