

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
201209003-2

Originating Department:	Public Works - Design & Construction
Division/Program: <i>(i.e. Dept. Division and Program)</i>	(905900) Construction
Contract or Grant Administrator:	James P. Karcher, P. E.
Contractor's / Agency Name:	Washington State Dept. 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 #: <u>201209003</u>	
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): <u>LA-7784</u> CFDA#: <u>20.205</u>	
Is this contract grant funded? Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, Whatcom County grant contract number(s): <u>STPE-K370(003)</u>	
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: <u>339100</u>	
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 type="checkbox"/> Interlocal Agreement (between Governments). <input checked="" type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	
Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>1,823,000 (STP \$1,562,104; Local \$260,896)</u> This Amendment Amount: \$ <u>1,861,272 (STP \$1,610,000; Local \$251,272)</u> Total Amended Amount: \$ <u>3,684,272</u>	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 Local Agency Agreement Supplement No. 2 and Project Prospectus are required to obligate federal funds for the construction phase on the Birch Bay Drive and Pedestrian Facility Project, CRP No. 907001.	
Term of Contract: Completion of Project Expiration Date: N/A	

Contract Routing:	1. Prepared by: <u>J. Karcher</u>	Date: <u>7/23/2019</u>
	2. Attorney signoff: <u>Christopher Quinn</u>	Date: <u>7/24/2019</u>
	3. AS Finance reviewed: <u>bbennett</u>	Date: <u>7/24/2019</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: <u>7-29-19</u>
	7. Council approved (if necessary):	Date: <u>8.7.19</u>
	8. Executive signed:	Date: <u>8.8.19</u>
	9. Original to Council: _____	Date: _____



Washington State
Department of Transportation

Local Agency Agreement Supplement

Agency Whatcom County		Supplement Number 2
Federal Aid Project Number STPE-K370(003)	Agreement Number LA 7784	CFDA No. 20.205 (Catalog of Federal Domestic Assistance)

The Local Agency requests to supplement the agreement entered into and executed on 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 Birch Bay Drive and Pedestrian Facility Length 1.58 miles

Termini (MP 2.68 to MP 4.26) Lora Lane to Cedar Avenue

Description of Work No Change

This project will construct a soft shore roadway protection berm and drainage upgrades from Lora Lane to Cedar Avenue – with the exception of a 900-ft long section between the Cottonwood parking areas. An American with Disability Act (ADA) compliant pedestrian path will be constructed between Lora Lane and Cottonwood Drive.

Reason for Supplement

Obligate additional Consultant CE funds and additional consultant scope added.

Are you claiming indirect cost rate? Yes No Project Agreement End Date December 31, 2025

Does this change require additional Right of Way or Easements? Yes No Advertisement Date: August 20, 2019

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 Varies %	a. Agency	131,820.00	0.00	131,820.00	11,046.00	120,774.00
	b. Other Consultant (STP E, US)	1,618,000.00		1,618,000.00	181,670.00	1,436,330.00
Federal Aid Participation Ratio for PE	c. Other Non Participating	68,180.00		68,180.00	68,180.00	0.00
	d. State	5,000.00	0.00	5,000.00	0.00	5,000.00
	e. Total PE Cost Estimate (a+b+c+d)	1,823,000.00	0.00	1,823,000.00	260,896.00	1,562,104.00
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 86.5 %	k. Contract	0.00	1,846,269.00	1,846,269.00	249,246.00	1,597,023.00
	l. Other Contract Non-Par		6,701,530.00	6,701,530.00	6,701,530.00	0.00
	m. Other Material Testing Non-Par		30,000.00	30,000.00	30,000.00	0.00
Federal Aid Participation Ratio for CN	n. Other Consultant Non-Par		800,000.00	800,000.00	800,000.00	0.00
	o. Agency		500,000.00	500,000.00	500,000.00	0.00
	p. State		15,002.00	15,002.00	2,025.00	12,977.00
	q. Total CN Cost Estimate (k+l+m+n+o+p)	0.00	9,892,801.00	9,892,801.00	8,282,801.00	1,610,000.00
	r. Total Project Cost Estimate (e+j+q)	1,823,000.00	9,892,801.00	11,715,801.00	8,543,697.00	3,172,104.00

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
By
Title Tyler Schroeder, Deputy County Executive

Washington State Department of Transportation
By
Director, Local Program
Date Executed

AUG 26 2019

Approved as to form:

Christopher Quinn Date 8/14/19
Senior Civil Deputy Prosecuting Attorney

Agency Whatcom County	Supplement Number 2
Federal Aid Project Number STPE-K370(003)	Agreement Number L.A. 7784 CFDA No. 20.205 (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 09, 2019
Federal Aid Project Number	STP(E)		DUNS Number	618953285
Local Agency Project Number	CRP 907001	(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 Birch Bay Drive & Pedestrian Facility	Start Latitude N 48-55-04 End Latitude N 48-56-38	Start Longitude W 122-44-43 End Longitude W 122-46-44			
Project Termini From-To Lora Ln. Cedar Ave.	Nearest City Name Blaine, WA	Project Zip Code (+4) 98230-9003			
Begin Mile Post 2.68	End Mile Post 4.26	Length of Project 1.58	Award Type <input checked="" type="checkbox"/> Local <input type="checkbox"/> Local Forces <input type="checkbox"/> State <input type="checkbox"/> Railroad		
Route ID 20010	Begin Mile Point 2.68	End Mile Point 4.26	City Number N/A	County Number 37	County Name Whatcom
WSDOT Region Northwest Region	Legislative District(s) 42	Congressional District(s) 2	Urban Area Number 99		

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.	\$1,823,000	\$260,900	\$1,562,100	September	2012
R/W	\$1,685,600	\$1,685,600	\$0	January	2013
Const.	\$9,892,800	\$8,282,800	\$1,610,000	October	2019
Total	\$13,400,300	10,229,200	\$3,172,100		

Description of Existing Facility (Existing Design and Present Condition)

Roadway Width 28 feet	Number of Lanes 2
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Birch Bay Drive lacks sufficient shoulder width to accommodate the volume of bicycles and pedestrians and is subject to frequent flooding and storm damage. The adjacent sand and gravel beaches are narrow, degraded, and offer limited protection to Birch Bay Drive and limited recreational opportunities or flood protection for inland development.

Description of Proposed Work

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

This project will construct a soft shore roadway protection berm and drainage upgrades from Lora Lane to Cedar Avenue – with the exception of a 900-ft long section between the Cottonwood parking areas. An American with Disability Act (ADA) compliant pedestrian path will be constructed between Lora Lane and Cottonwood Drive.

Local Agency Contact Person Mr. Joseph P. Rutan	Title County Engineer/Assistant Director	Phone (360)778-6219	
Mailing Address 322 N. Commercial St., Suite 301	City Bellingham	State WA	Zip Code 98225
Project Prospectus	By Approving Authority	Title County Engineer	Date 7/23/19

Agency Whatcom County	Project Title Birch Bay Drive & Pedestrian Facility	Date July 09, 2019
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Type of Proposed Work		
Project Type (Check all that Apply)	Roadway Width 28 feet	Number of Lanes 2
<input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Path / Trail <input type="checkbox"/> 3-R <input checked="" type="checkbox"/> Reconstruction <input checked="" type="checkbox"/> Pedestrian / Facilities <input type="checkbox"/> 2-R <input type="checkbox"/> Railroad <input checked="" type="checkbox"/> Parking <input checked="" type="checkbox"/> Other <input type="checkbox"/> Bridge		

Geometric Design Data		
Description	Through Route	Crossroad
Federal Functional Classification	<input type="checkbox"/> Urban	<input type="checkbox"/> Urban
	<input checked="" type="checkbox"/> Rural	<input type="checkbox"/> Rural
	<input type="checkbox"/> NHS	<input type="checkbox"/> NHS
	<input type="checkbox"/> Principal Arterial	<input type="checkbox"/> Principal Arterial
	<input type="checkbox"/> Minor Arterial	<input type="checkbox"/> Minor Arterial
	<input type="checkbox"/> Collector	<input type="checkbox"/> Collector
	<input type="checkbox"/> Major Collector	<input type="checkbox"/> Major Collector
	<input type="checkbox"/> Minor Collector	<input type="checkbox"/> Minor Collector
	<input type="checkbox"/> Local Access	<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	N/A	
Existing ADT	4,791	
Design Year ADT	N/A	
Design Year	N/A	
Design Hourly Volume (DHV)	N/A	

Performance of Work		
Preliminary Engineering Will Be Performed By Consultant and Local Agency	Others 95 %	Agency 5 %
Construction Will Be Performed By Construction Contract	Contract 100 %	Agency 0 %

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 - Categorically 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

SEPA/NEPA, Shorelines, HPA, ESA, Clean Water Act Sec 404, Water Quality certification (401), NPDES, Archaeology review

Agency Whatcom County	Project Title Birch Bay Drive & Pedestrian Facility	Date July 09, 2019
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Right of Way

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

Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project

The project includes relocation of overhead power pole guy wires.

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.

Date **8.8.19**

Agency **Whatcom County**

By  Mayor/Chairperson

Approved as to form: _____

 **Christopher Quinn** Date **7/25/19**

Civil Deputy Prosecutor
Civil Division

Jon Hutchings
Director



Joseph P. Rutan, P.E.
County Engineer/Assistant Director
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

Memorandum

RECEIVED

JUL 29 2019

JACK LOUWS
COUNTY EXECUTIVE

To: The Honorable Jack Louws, Whatcom County Executive, and
Honorable Members of the Whatcom County Council

Through: Jon Hutchings, Director *JH*

From: Joseph P. Rutan, P.E., County Engineer/Assistant Director *JPR*
James P. Karcher, P.E., Engineering Manager *JPK*

Date: July 23, 2019

Re: Birch Bay Drive and Pedestrian Facility Project, CRP No 907001; FA No. STPE-K370(003)
Local Agency Agreement Supplement No. 2 and Project Prospectus

Enclosed for your review and signature are two (2) originals each of the Local Agency Agreement Supplement No. 2 and Project Prospectus between Whatcom County and the Washington State Department of Transportation (WSDOT) for the above-referenced project.

Requested Action

Public Works respectfully requests that the County Council authorize the County Executive to sign the attached Local Agency Agreement Supplement No. 2 and Project Prospectus to obligate federal construction funding for the Birch Bay Drive and Pedestrian Facility Project, CRP No 907001.

Please sign, date and return **both** originals of the Local Agency Agreement Supplement No. 2 and Project Prospectus for further processing. We will return a fully executed original of both documents once they are signed by WSDOT.

Background and Purpose

This Local Agency Agreement Supplement No. 2 and Project Prospectus are required to obligate federal funds for the construction phase of the Birch Bay Drive and Pedestrian Facility Project. Construction of this project is scheduled for the Fall of 2019. This project is listed as Item No. 1 on the 2019 Annual Construction Program.

Funding Amount and Source

Total estimated project costs of \$14,150,000 will be covered by \$3,172,000 in federal STP funds and \$10,978,000 of Local Road Funds. Whatcom County has already obligated the \$1,562,100 in federal funds for preliminary engineering. This Local Agency Agreement Supplement No. 2 and Project Prospectus obligate \$1,610,000 of the remaining federal STP funds for construction phase work. These federal funds require a 13.5% local fund match. Sufficient budget authority exists to cover the Local Road Fund match on the federal funds.

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