

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
202308018-1

Originating Department:	Public Works - Bridge & Hydraulic
Division/Program: <i>(i.e. Dept. Division and Program)</i>	905900 / Construction
Contract or Grant Administrator:	James Lee
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 No
 Yes No If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 202308018

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): OTGP-2024-WnCoPW-00035 CFDA#: _____

Is this contract grant funded?
 Yes No If yes, Whatcom County grant contract number(s): 202308018

Is this contract the result of a RFP or Bid process? Contract _____
 Yes No If yes, RFP and Bid number(s): _____ Cost Center: 384100

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>\$ 4,122,656.00</u> This Amendment Amount: <u>\$ 1,040,989.97</u> Total Amended Amount: <u>\$ 5,163,645.97</u> Summary of Scope:	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: <ol style="list-style-type: none"> 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.
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The purpose of this amendment is to transfer \$1,040,989.97 in previously advanced state funds from the previous grant agreement WCC No. 201810012 to the current grant agreement, WCC No. 202308018. These funds will provide for continued capital construction, engineering and permitting work for SCSMAP project elements.

Term of Contract: N/A Expiration Date: _____

Contract Routing:	1. Prepared by: <u>Laura Vandervort</u>	Date: <u>11/20/2023</u>
	2. Attorney signoff: <u>Christopher Quinn</u>	Date: <u>11/20/2023</u>
	3. AS Finance reviewed: <u>A Martin</u>	Date: <u>11/20/2023</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Executive contract review: _____	Date: _____
	7. Council approved, if necessary: <u>AB2023-802</u>	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____



Whatcom County Contract No.

202308018-1

**AMENDMENT NO. 1
TO AGREEMENT NO. OTGP-2024-WhCoPW-00035
BETWEEN
THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
AND
Whatcom County Public Works**

PURPOSE: To amend the above-referenced agreement (AGREEMENT) between the state of Washington Department of Ecology (ECOLOGY) and Whatcom County Public Works (RECIPIENT) for the Sumas Mountain/Swift Creek Sediment Management Project (PROJECT).

Amendment 1:

Ecology closed the initial one-time grant (OTGP-2018-WhCoPW-00004) for the Swift Creek project. There were remaining, previously advanced funds in the amount of \$1,040,989.97 left on this initial grant that require PRPRs to be submitted against them, that is why amendment 1 is being processed under this secondary one-time grant agreement and these additional funds are being added to task 2 - Construction of Project Elements. Total amount of funding for task 2 is being amended from \$2,922,656.00 + \$1,040,989.97 for a new total task amount of \$3,963,645.97.

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

Total Cost:

Original: 4,122,656.00 Amended: 5,163,645.97

Total Eligible Cost:

Original: 4,122,656.00 Amended: 5,163,645.97

CHANGES TO THE BUDGET

Funding Distribution EG240026

Funding Title: State Building Construction Account

Funding Type: Grant

Funding Effective Date: 09/01/2023

Funding Expiration Date: 09/30/2025

Funding Source:

Title: State Building Construction Account (SBCA) TCP

Fund: FD

Type: State

Funding Source %: 100%

Description:

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

State Building Construction Account	Task Total
Engineering, Design and Permitting – J005	\$ 1,200,000.00
Construction of Project Elements – J006	\$ 3,963,645.97

Total: \$ 5,163,645.97

CHANGES TO SCOPE OF WORK

Task Number: 2 **Task Cost: \$3,963,645.97**

Task Title: Construction of Project Elements – J006

Task Description:

RECIPIENT anticipates constructing the 2024 Swift Creek Action Plan Capital Construction package. This work is anticipated to include construction of the Wetland Mitigation Site and Sediment Trap Phase 1 Management in 2024 and 2025.

This task includes but is not limited to:

1. Topographic surveying:
 - a. To confirm horizontal and vertical control points.
 - b. To establish limits of excavation and embankment.
 - c. To measure excavation and embankment volumes.
 - d. To establish and confirm final grades.
2. Construction includes:
 - a. Overall construction management (by both RECIPIENT and contractor).
 - b. Site preparation and grading to include:
 - i. Removal of existing structures, including:
 1. Barn,
 2. abandoned residence, and
 3. Associated concrete slabs.
 - ii. Clearing and grubbing of approximately 9 acres.
 - iii. Excavation and grading of approximately 18,400 cubic yards.
 - c. Earthwork for perimeter haul roads and side slope berms:
 - i. Perimeter haul road embankment and compaction of approximately 6,600 cubic yards.
 - ii. Placement of approximately 1,300 tons of crushed surfacing base course (rock).
 - iii. Berm expansion embankment and compaction of approximately 16,700 cubic yards.

- d. Placement of topsoil and soil amendments to include:
 - i. Wetland topsoil and compost embankment of approximately 54,000 square yards.
 - ii. Fertilize approximately 7.4 acres.
 - iii. Placement of mulch, approximately 77,900 square yards.
- e. Placement of woody habitat materials in support of wildlife.
- f. Swift Creek sediment management related to this project due to the presence of naturally occurring asbestos, work to include:
 - i. Utilizing wet methods to moisten soils while being disturbed.
 - ii. Removal of approximately 3,300 cubic yards of sediment deposited from 2021 floods.
 - iii. Contractor submittal and RECIPIENT review/approval of a health and safety plan for work with naturally occurring asbestos.
 - iv. Perimeter air monitoring for approximately 60 days.
 - v. Application of approximately 80 tons of lignin (tackifier) to soils for dust reduction purposes.
- g. Planting to include:
 - i. Approximately 48,000 sedges.
 - ii. Approximately 45,000 shrubs.
 - iii. Approximately 1,600 trees.
- h. Sediment trap channel excavation including removal of approximately 14,000 cubic yards.
 - i. Sediment traps have been installed in the upper Swift Creek channel to collect asbestos containing sediments that are removed and properly disposed of on an annual basis.
 - 1. Annual accumulation within the phase I sediment traps can range from 6,000 to 15,000 cubic yards.

Task Goal Statement:

Construct 2024 Swift Creek Action Plan Capital Construction package.

Task Expected Outcome:

- 1. Construction of the 2024 Swift Creek Action Plan Capital Construction package.

Recipient Task Coordinator: James Lee

Deliverables

Number	Description	Due Date
2.1	As-built for the 2024 Swift Creek Action Plan Capital Construction package.	07/31/2025

Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
State Building Construction Account	0 %	\$ 0.00	\$ 5,163,645.97	\$ 5,163,645.97
Total		\$ 0.00	\$ 5,163,645.97	\$ 5,163,645.97

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 10/01/2023.

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 Public Works

By: _____

Barry Rogowski
Toxics Cleanup
Program Manager

Date

By: _____

Elizabeth Kosa
Director

Date

Satpal Singh Sidhu

Whatcom County Executive Date

Christopher Quinn

Senior Deputy Prosecutor (Civil Division) Date

Template Approved to Form by
Attorney General's Office