

**WHATCOM COUNTY CONTRACT  
INFORMATION SHEET**

Whatcom County Contract No.

201908011-1

Originating Department:	Executive
Division/Program: <i>(i.e. Dept. Division and Program)</i>	Non-Departmental/EDI Program (Pub Util Impr Fund)
Contract or Grant Administrator:	Suzanne Mildner
Contractor's / Agency Name:	Port of Bellingham
Is this a New Contract?    If not, is this an Amendment or Renewal to an Existing Contract?    Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:    201908011	
Does contract require Council Approval?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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 type="checkbox"/> No <input checked="" type="checkbox"/> If yes, grantor agency contract number(s): _____ CFDA#: _____	
Is this contract grant funded?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process?    Contract _____ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, RFP and Bid number(s): _____ Cost Center: 332248	
Is this agreement excluded from E-Verify?    No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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): \$ 750,000.00 This Amendment Amount: \$ 0 Total Amended Amount: \$ 750,000.00	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: Interlocal Grant Agreement with the Port of Bellingham utilizing EDI Program funding (from the Public Utilities Improvement Fund) for use in the Port's Rural Broadband construction project. This amendment updates and replaces the project description and map.	
Term of Contract:    n/a	Expiration Date:    On Completion

Contract Routing:	1. Prepared by: <u>sm</u>	Date: <u>6/28/22</u>
	2. Attorney signoff: <u>Christopher Quinn</u>	Date: <u>7/28/22</u>
	3. AS Finance reviewed: <u>bbennett</u>	Date: <u>7/28/22</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: <u>7/28/22</u>
	7. Council approved (if necessary): <u>AB2022-447</u>	Date: <u>8-9-22</u>
	8. Executive signed: _____	Date: <u>8-10-22</u>
	9. Original to Council: _____	Date: _____

Amendment No. 1  
To Interlocal Grant Agreement # 201908011  
BETWEEN WHATCOM COUNTY AND THE PORT OF BELLINGHAM  
Economic Development Investment Program

This agreement is made by and between Whatcom County (hereinafter referred to as "the County") and the Port of Bellingham (hereinafter referred to as "the Port"), political subdivisions of the State of Washington, pursuant to the Interlocal Cooperation Act, RCW 39.34.

WHEREAS, the Port and County have entered into an interlocal grant agreement, dated September 11, 2019 and designated "Whatcom County Contract No. 201908011", which agreement provided for grant funding to support the Whatcom County Rural Broadband project (hereinafter referred to as "the Project"); and

WHEREAS, the Port of Bellingham pursued additional funding partners to move this Project forward and the process has resulted in delays as well as subsequent changes to the project location and scope; and

WHEREAS, the Interlocal grant agreement includes an Attachment B which is the original EDI Program application for funding, and within the application is a Project Description page as well as project area diagram (outlining proposed fiber placement); and

WHEREAS, this is a multi-year project and the Port's project description and location for Phase 1 of this project has changed;

NOW THEREFORE, in consideration of the mutual benefits to be derived, the parties agree to amend the Interlocal agreement as follows:

Attachment B -EDI Program Application

Replace Project Description sheet and Proposed Fiber Placement map with the new Project Description and location maps, attached hereto as Attachment B-1.

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: August 9, 2022, regardless of the date of signature.

IN WITNESS WHEREOF, Whatcom County and Port of Bellingham have executed this Amendment on the date and year below written.

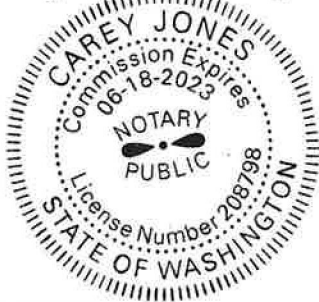
DATED this 10 day of August, 2022.

**PORT OF BELLINGHAM**

  
\_\_\_\_\_  
Rob Fix, Executive Director

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF WHATCOM )

On this 10 day of August, 2022, before me personally appeared Rob Fix, to me known to be the Executive Director and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.



Carey Jones

NOTARY PUBLIC in and for the State of Washington, residing at Bellingham My commission expires 06.18.23

**WHATCOM COUNTY:**

**Approved as to form:**

Approved:

\_\_\_\_\_  
Prosecuting Attorney                      Date

Accepted for Whatcom County:

By: \_\_\_\_\_  
Satpal Singh Sidhu, Whatcom County Executive

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF WHATCOM )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me personally appeared Satpal Singh Sidhu, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of Washington, residing at \_\_\_\_\_ My commission expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF WHATCOM )

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me personally appeared Rob Fix, to me known to be the Executive Director and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at  
\_\_\_\_\_. My commission expires  
\_\_\_\_\_.

**WHATCOM COUNTY:**

Approved:

**Approved as to form:**

*[Signature]* 7/29/22  
Prosecuting Attorney Date

Accepted for Whatcom County:  
By: *Satpal Singh*  
Satpal Singh Sidhu, Whatcom County Executive

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF WHATCOM )

On this 10th day of August, 2022, before me personally appeared Satpal Singh Sidhu, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.



*Suzanne M. Mildner*  
NOTARY PUBLIC in and for the State of  
Washington, residing at  
Bellingham. My commission expires  
12-31-22.

**Update in change in location to proposed project area**

Contract number	201908011
Applicant	Port of Bellingham
Project	Whatcom County Rural Broadband project
<b>Source</b>	<b>Funding</b>
EDI	\$750,000
CERB	\$1,168,781
Port of Bellingham	\$114,000
<b>TOTAL</b>	<b>\$2,032,781</b>

**Change in Scope of Work:**

The change in location for the first phase of the Whatcom County Rural Broadband project is being changed from highway 542 towards the town of Glacier to East Nooksack and North Mosquito Lake road.

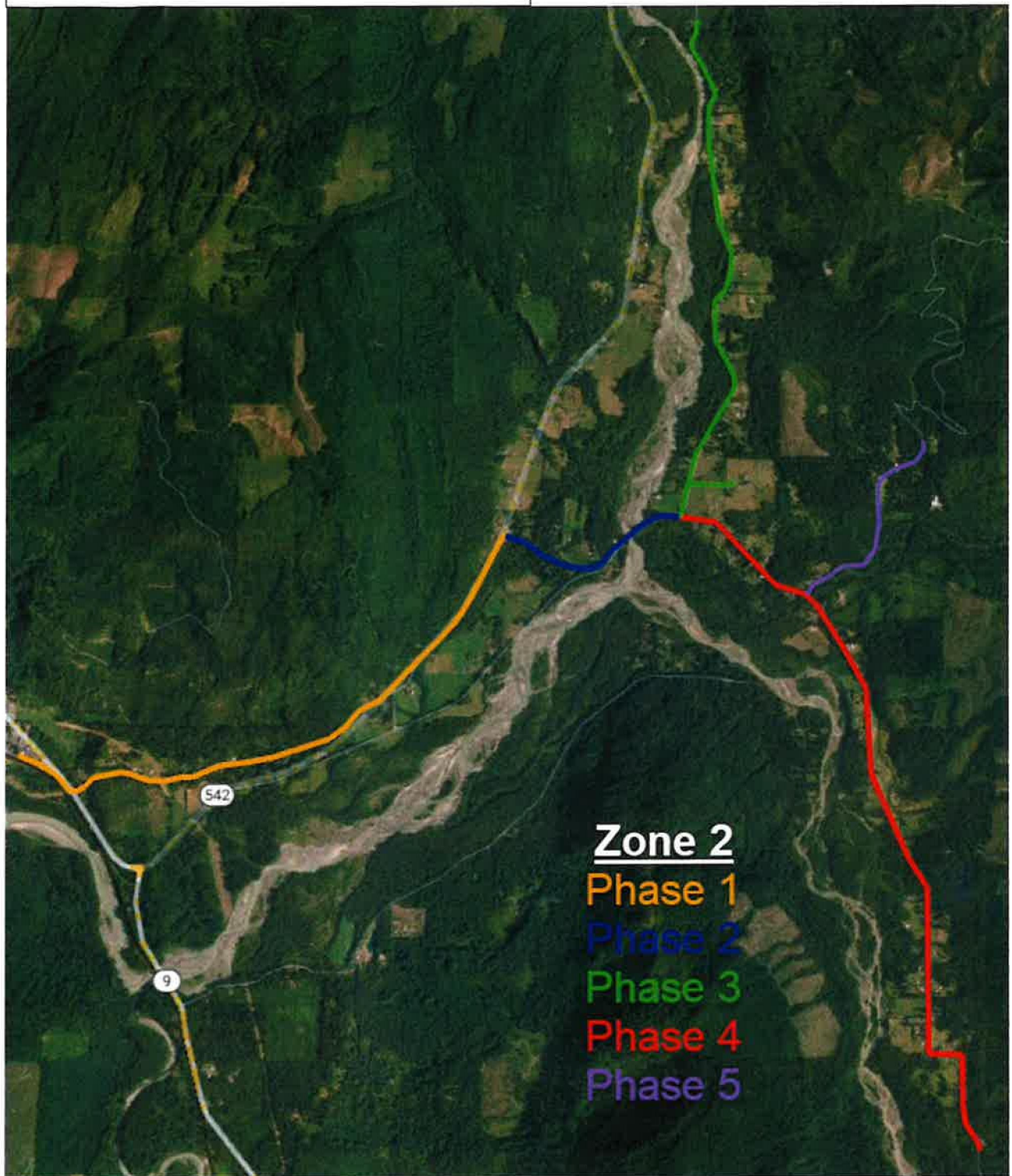
The change of location and scope was requested by the Port of Bellingham and approved by one of the projects funder Community Economic Revitalization Board (CERB) due to Zply the incoming Internet Service Provider (ISP) plans to upgrade their broadband infrastructure in the same area and requesting funding not be used to overbuild.

The new scope is to construct 37.7 miles of open access middle mile and last mile fiber to the premise (FTTP) in two locations. One is located just east of the town of Nooksack (Map 2, including all phases) and the second is located on the northern portion of Mosquito Lake Road (Map 1, including all phases). The funding will be used to cover the costs for permitting, fiber network design, splicing, purchasing of materials, labor, boring, trenching, hanging of telecommunication fiber, and other costs as related to fiber construction.

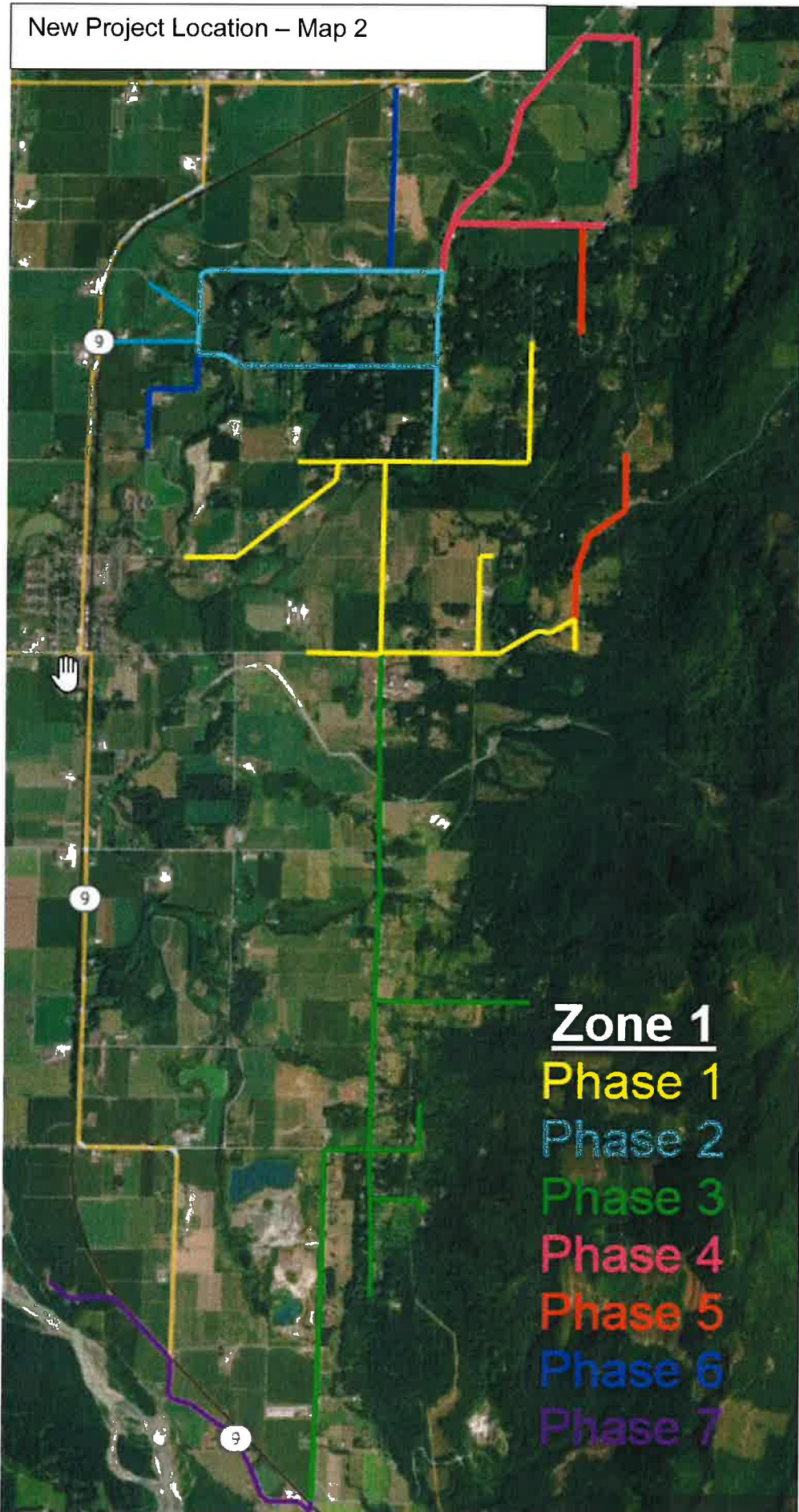
# ORIGINAL PROJECT LOCATION



New Project Location – Map 1



New Project Location – Map 2



Zone 1

- Phase 1
- Phase 2
- Phase 3
- Phase 4
- Phase 5
- Phase 6
- Phase 7