

**WHATCOM COUNTY
CONTRACT INFORMATION SHEET**

Whatcom County Contract Number:
202010012 – 2

Originating Department:	85 Health
Division/Program: (i.e. Dept. Division and Program)	8540 Environmental Health / 854085 Solid Waste
Contract or Grant Administrator:	Jennifer Hayden
Contractor's / Agency Name:	Maul Foster & Alongi, Inc.

Is this a New Contract?	If not, is this an Amendment or Renewal to an Existing Contract?	Yes <input checked="" 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 #:	202010012	

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?	If yes, grantor agency contract number(s):	CFDA#:
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

Is this contract grant funded?	If yes, Whatcom County grant contract number(s):
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Is this contract the result of a RFP or Bid process?	If yes, RFP and Bid number(s):	20-11	Contract Cost Center:	140100
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				

Is this agreement excluded from E-Verify?	No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>
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If YES, indicate exclusion(s) below:

<input checked="" type="checkbox"/> Professional services agreement for certified/licensed professional.	<input type="checkbox"/> Contract for Commercial off the shelf items (COTS).
<input type="checkbox"/> Contract work is for less than \$100,000.	<input type="checkbox"/> Work related subcontract less than \$25,000.
<input type="checkbox"/> Contract work is for less than 120 days.	<input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.
<input type="checkbox"/> Interlocal Agreement (between Governments).	

Contract Amount:(sum of original contract amount and any prior amendments):	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.
\$ 113,000	
This Amendment Amount:	
\$ 20,000	
Total Amended Amount:	
\$ 133,000	

Summary of Scope: This contract provides funding to update the Comprehensive Solid and Hazardous Waste Management Plan, as required by the Washington State Department of Ecology.

Term of Contract:	26 Months	Expiration Date:	12/31/2022
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Contract Routing:	1. Prepared by:	JT	Date:	09/14/2021
	2. Health Budget Approval	KR/JG	Date:	10/19/2021
	3. Attorney signoff:	RB	Date:	10/22/2021
	4. AS Finance reviewed:	M Caldwell	Date:	10/20/21
	5. IT reviewed (if IT related):		Date:	
	6. Contractor signed:	^{DS}	Date:	
	7. Executive Contract Review:	<i>Sm</i>	Date:	11/12/2021
	8. Council approved (if necessary):	AB2021-614	Date:	11/09/2021
	9. Executive signed:		Date:	11/12/2021
	10. Original to Council:		Date:	



MEMORANDUM

TO: Satpal Sidhu, County Executive

FROM: Erika Lautenbach, Director

RE: Maul Foster & Alongi, Inc. – Comprehensive Solid and Hazardous Waste Management Plan Contract Amendment #2

DATE: November 9, 2021

Attached is a contract amendment between Whatcom County and Maul Foster & Alongi, Inc. for your review and signature.

▪ **Background and Purpose**

As per RCW 70.A.205.040, *Comprehensive Solid Waste Management Plan*, the 2016 *Whatcom County Comprehensive Solid and Hazardous Waste Management Plan* is required to be updated every five years. This contract provides funding for the Plan update which was started within the required 5-year period. Whatcom County has made a good faith effort towards the completion of the plan update and has kept the Department of Ecology updated on the progress.

The purpose of this amendment is to extend the contract for an additional year and increase funding by \$20,000 to support costs involved with finalizing the Plan which were not included in the original contract. Finalizing the plan includes facilitation of a 60-day public comment period, incorporating comments from the public, Department of Ecology, Utilities and Transportation Commission, and the State Environmental Policy Act, attending Solid Waste Advisory Committee Meetings where the Plan will be commented on or approved, and preparing and submitting to the Health Department a final draft plan.

▪ **Funding Amount and Source**

Funding for this contract, in an amount not to exceed \$133,000, is provided by the Solid Waste Fund. These funds are included in the 2021-2022 budgets. Council approval is required as the additional funding provided by this amendment exceeds 10% of the approved budget.

Please contact Sue Sullivan, Environmental Health Manager at 360-778-6026 (SSulliva@co.whatcom.wa.us) or Kathleen Roy, Assistant Director at 360-778-6007 (KRoy@co.whatcom.wa.us), if you have any questions or concerns regarding this request.



Whatcom County Contract Number:

202010012 – 2

WHATCOM COUNTY CONTRACT AMENDMENT

PARTIES:

Whatcom County
Whatcom County Health Department
509 Girard Street
Bellingham, WA 98225

AND CONTRACTOR:
Maul Foster & Alongi, Inc.
3140 NE Broadway Street
Portland, OR 97232

CONTRACT PERIODS:

Original: 10/14/2020 – 12/31/2021
Amendment #1: 01/01/2021 – 12/31/2021
Amendment #2: 12/01/2021 – 12/31/2022

THE CONTRACT IDENTIFIED HEREIN, INCLUDING ANY PREVIOUS AMENDMENTS THERETO, IS HEREBY AMENDED AS SET FORTH IN THE DESCRIPTION OF THE AMENDMENT BELOW BY MUTUAL CONSENT OF ALL PARTIES HERETO

DESCRIPTION OF AMENDMENT:

1. Extend the contract through 12/31/2022.
2. Amend Exhibit A – Scope of Work, to include Task 7 – Finalize Plan.
3. Amend Exhibit B – Compensation, to increase funding by \$20,000 to support Task 7.
4. Funding for the total contract period (10/14/2020 – 12/31/2022) is not to exceed \$133,000.
5. All other terms and conditions remain unchanged.
6. The effective start date of the amendment is 12/01/2021.

ALL OTHER TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND ANY PREVIOUS AMENDMENTS THERETO REMAIN IN FULL FORCE AND EFFECT. ALL PARTIES IDENTIFIED AS AFFECTED BY THIS AMENDMENT HEREBY ACKNOWLEDGE AND ACCEPT THE TERMS AND CONDITIONS OF THIS AMENDMENT. Each signatory below to this Contract warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the contract and bind the party thereto.

APPROVAL AS TO PROGRAM: DocuSigned by: Sue Sullivan 11/10/2021
051358A396BB46E...
Sue Sullivan, Environmental Health Manager Date

DEPARTMENT HEAD APPROVAL: DocuSigned by: Erika Lautenbach 11/10/2021
955C651A303748D...
Erika Lautenbach, Health Department Director Date

APPROVAL AS TO FORM: DocuSigned by: Royce Buckingham 11/10/2021
1EE5DD8D0642404...
Royce Buckingham, Prosecuting Attorney Date

FOR THE CONTRACTOR:

<u>DocuSigned by: Ted Wall</u> 4E673625A82E411	Ted Wall, PE – Vice President	11/11/2021
Contractor Signature	Print Name and Title	Date

FOR WHATCOM COUNTY:

DocuSigned by: Satpal Singh Sidhu 11/12/2021
1192C7C18B664E3...
Satpal Singh Sidhu, County Executive Date

CONTRACTOR INFORMATION:

Maul Foster & Alongi, Inc.
3140 NE Broadway Street
Portland, OR 97232
971-544-2139
twall@maulfoster.com

EXHIBIT "A" – Amendment #2
(SCOPE OF WORK)

Maul Foster & Alongi, Inc. (Contractor) will assist Whatcom County (County) in completing a comprehensive revision to the Whatcom County Comprehensive Solid and Hazardous Waste Management Plan (CSHWMP), incorporating all elements required under RCW 70.95.090. Work to be performed and associated deliverables to be provided are defined under the following tasks:

Task 1 – Visionary Process

The Contractor will assist the County in initial project scoping, including preparing a project management and communications plan. A kickoff meeting with County staff will further define the priority issues and topics on which the CSHWMP should focus. The Contractor will also prepare a project management and communications plan that meets the expectations of County staff, the Solid Waste Advisory Committee (SWAC), the local solid waste management community, the public, and other key stakeholders. Through a visioning meeting, the Contractor will work with the County and the SWAC to develop a guiding vision and schedule for the Plan that meet Ecology's Guidelines and the required Plan elements as described in RCW 70.95.090. The updated plan will maintain the County's current flexibility in programs, goals, and objectives and provide the county service area with an implementable plan for achieving identified solid waste management goals. During this time, MFA will also initiate discussion with the Ecology program manager regarding the proposed objectives for the Plan update and to ensure that the planning process considers the current objectives of the state.

Task 1 Meetings & Deliverables:

- a. County/Contractor Kickoff/Visioning Meeting - SWAC
- b. Memorandum summarizing priority issues and vision, schedule, and outline for the unified CSHWMP
- c. Project Management and Communications Plan
- d. Memorandum of likely modifications to 2016 programmatic and facility objectives
- e. Meeting minutes

Task 2 – Background Research

The Contractor will review the information presented in the existing Plan, taking into account the information gathered in Task 1. The Contractor will also evaluate what elements of the Washington State Beyond Waste Plan should be considered by the SWAC for local implementation. The Contractor will also review state policies governing solid waste management that have been enacted since the 2016 update, such as the required Recycling (Contamination Reduction Outreach Plan (CROP).

The Contractor will access website information and interview County staff and solid waste industry representatives to update the system description and information contained in the Plan chapters. Interviews will also seek to understand the local changes or trends in collection, recycling, transfer, and disposal systems.

The Contractor will work with Ecology, County staff, local waste haulers, and other solid waste system operators to obtain information necessary for developing the description of the size of the waste stream, defining reuse and recycling operations, and providing a basis for projecting the growth of the waste stream into the future. The Contractor will coordinate with County staff throughout the data-gathering effort to allow for efficiencies in time and cost by taking advantage of the staff's familiarity and access to critical data sources. The Contractor will also review the Whatcom County Comprehensive Plan to supplement demographic information or relevant growth goals.

Task 2 Deliverables:

- a. Memorandum of waste system description, statistics (material types and volumes), and regional demographics

Task 3 – Preliminary Analysis

The Contractor will start with a detailed analysis of the goals stated in the 2016 Plan and the information that is developed in Tasks 1 and 2. MFA will work with the County and SWAC to develop criteria to evaluate planning options and revisit the principles of sustainability and Beyond Waste considerations within the decision framework.

The Contractor will then work with County staff and a subcommittee of the SWAC in a detailed evaluation of the status of the goals and actions that were recommended in the 2016 Plan. The detailed review will focus on identifying in-progress or completed, actions that are not leading to the desired outcome, or new implementable actions that are needed to support a stated goal. The Contractor will collaborate with the subcommittee members in developing effective approaches in support of a goal, based on industry experience and local knowledge. An updated table of goals and supporting actions will be forwarded to the full SWAC for consideration in the Plan update. The SWAC-approved goals and actions will be used to guide the update of the Plan sections discussed in Task 4.

Because of the time commitment involved and the need for a working knowledge of the solid waste situation, a subcommittee should be formed. The evaluation of progress on the 216 goals and actions will be completed on a compressed schedule, potentially one meeting every other week, to allow completion of the recommended goals and actions by the January 2021 SWAC meeting.

Task 3 Meetings & Deliverables:

- a. Three subcommittee meetings (Goals/Actions Evaluation)
- b. January 2021 SWAC (Goals/Actions Review)
- c. Updated recommendations tables describing program goals and proposed actions
- d. Planning tool summarizing goals, actions, and implementation schedule, including project objectives and decision-making criteria to meet County and state objectives

Task 4 – Plan Update

Building on the information developed in the preceding three tasks, the Contractor will review and update the text describing each of the solid waste topics contained in the 2016 Plan. The Plan update will maintain the streamlined description of system components developed by MFA in the 2016 Plan, which made the document more accessible to the public while still maintaining compliance with Ecology guidelines. For each section, the Contractor will provide redline/strikeout edits to text, goals, actions, and policies. Tables and maps will be replaced with updated files.

Building on the waste stream data and population projections that are gathered in Task 2, the Contractor will prepare an updated waste stream characterization in addition to projections for the six and 20-year planning periods required in accordance with the guidelines. The waste stream information will be available to support the discussions concerning recycling, organic materials, solid waste collection, and transfer and disposal, so that the impact of

recommended actions can be considered with respect to the ability of the system to meet future needs. The update will discuss current trends in collection, recycling, transfer and disposal systems and will make suitable recommendations in support of the system goals. Moderate-risk waste, special waste, administration, and enforcement will also be updated to reflect current conditions. Throughout the update process, the Contractor will strive to maintain a clear, reader-friendly format of the 2016 Plan.

The Contractor will also update the appendices of the Plan, including the solid waste handling facilities list, the compliance checklist, the State Environmental Policy Act (SEPA) checklist, and the newly revised Washington Utilities and Transportation Commission (WUTC) cost assessment questionnaire.

Preliminary drafts of individual sections and appendices will be submitted for the solid waste manager's review. After content is confirmed and comments are addressed, draft sections will be submitted for SWAC's review. In order to meet the contract timeline, the Contractor will facilitate a single discussion of the edits at the April SWAC meeting. Revised chapters will be provided to the SWAC, and the Solid Waste Executive Committee (SWEC), for approval to submit the document for Ecology review by the July 2021 SWAC meeting.

In order to satisfy a new regulation (RCW 70.95.090(10)), Ecology has implemented a new requirement for solid waste management plans (and CSHWMPs) to include a Recycling CROP by July 1, 2021. Counties that are revising their SWWMPs/CSHWMPs are encouraged to incorporate their CROPs into the revised plan as a chapter or appendix.

Task 4 Meetings & Deliverables:

- a. April 2021 SWAC Draft Plan Review
- b. July 2021 SWAC Revised Plan Approval for Submittal to Ecology
- c. Updated sections and appendices of the Plan, with changes in redline/strikeout format (preliminary, draft, and revised draft)
- d. Final sections and appendices of the Plan, with all edits resolved for review by Ecology
- e. If desired by the County, incorporation of the County's Recycling CROP in the CSHWMP

Task 5 – Public and Agency Participation Process

The Contractor will work under the direction of County staff to ensure that all applicable materials are made available for review and comment with the appropriate agencies. The Contractor will take the lead in preparing for and facilitating all public meetings and events, including the component of the regular SWAC meetings in which the Plan update is reviewed. The Contractor will utilize the skills of their in-house communications staff to guide the presentation of effective presentation materials.

Public participation in the plan development process can typically be facilitated and documented by advertising SWAC meetings in which the Plan content is being discussed. Additionally, public hearings or the presentation of the updated Plan to the Solid Waste Commission provides an additional opportunity to receive public comment.

Task 5 Meetings & Deliverables:

- a. July SWEC Plan Review
- b. Coordination of document review agency
- c. Plan update presentation materials for public meetings
- d. Facilitation of public meetings to discuss and collect comment on the Plan update

Task 6 – Preparation of Documents

Before it can be adopted, the Plan will require review and/or approval from state and local agencies. Several state agencies request an informal or preliminary review of the draft Plan, including Ecology, WUTC, and the Washington State Department of Agriculture; 120 days are allowed for the review. The Plan must also undergo SEPA review (typically led by the County planning department). These reviews may impact the timeline and eventual outcomes of the Plan and should be taken into account at the project onset.

As stated in Task 4, the Contractor will prepare an update of the existing SEPA document and Non-Project Review Form. The Contractor will coordinate submittal of the Plan and SEPA documentation to the lead agency.

As a final step, the Contractor will compile the elements of the Plan into a single electronic file (.pdf). The final document will include all maps, figures, tables, and appendices that have been developed for the Plan. The County is responsible for production of print copies if desired.

Task 6 Deliverables:

- a. Complete draft Plan
- b. SEPA document and Non-Project Review Form

Task 7 – Finalize Plan

Finalizing the plan will include consolidating comments received during the public comment period, to be included in the preliminary draft submittal packet to Ecology. Upon completion of Ecology's preliminary review, the contractor will prepare a document incorporating all comments received by Ecology, the public, SEPA and the UTC for the solid waste manager's review. The contractor will incorporate relevant comments, prepare, and submit a final draft of the plan. The contractor will also prepare a summary of responses to each comment received by the County, which is required to be included with the final plan submittal packet.

Task 7 Deliverables:

- a. Complete the UTC Form
- b. After 60-day public comment period, format comments to submit to the Department of Ecology along with preliminary draft plan
- c. After preliminary draft plan is returned with comments from the Department of Ecology, incorporate relevant comments from Ecology, public, UTC, and SEPA
- d. Attend SWAC meetings where the plan will be commented on or approved
- e. Prepare final draft for submittal to the Department of Ecology

EXHIBIT "B" – Amendment #2 COMPENSATION

- I. **Budget and Source of Funding:** Funding for this contract is provided by the Solid Waste Fund in an amount not to exceed \$133,000. The budget for this contract is as follows:

Task		Hours	Labor	Direct	Total Budget
1	Visionary Process	57	\$8,700	\$0	\$8,700
2	Background Research	150	\$21,960	\$400	\$22,360
3	Preliminary Analysis	124	\$18,150	\$160	\$18,310
4	Plan Update	322	\$47,360	\$200	\$47,560
5	Public & Agency Participation Process	44	\$7,240	\$0	\$7,240
6	Preparation of Documents	66	\$8,830	\$0	\$8,830
7	Finalize Plan	136	\$19,600	\$400	\$20,000
				TOTAL	\$133,000

*The contractor may transfer funds between line items with written approval by the County Contract Administrator

Project Staff	Billing Rates/Hour
Project Manager/Senior Planner	\$180
Staff Engineer	\$130
Principal Engineer	\$200
Senior Geologist	\$165
Senior GIS Analyst	\$140
Admin/Editor	\$90

II. Invoicing

- The Contractor shall submit itemized invoices on a monthly basis in a format approved by the County. Monthly invoices must be submitted by the 15th of the month following the month of service. Invoices submitted for payment must include hours worked by employee by day together with tasks accomplished. Any work performed prior to the effective date of this contract or continuing after the completion date of the same unless otherwise agreed upon in writing, will be at the contractor's expense.
- The Contractor shall submit invoices to (include contract/PO #) HL-BusinessOffice@co.whatcom.wa.us.
- Payment by the County will be considered timely if it is made within 30 days of the receipt and acceptance of billing information from Contractor. The County may withhold payment of an invoice if the Contractor submits it more than 30 days after the expiration of this contract.
- Invoices must include the following statement, with an authorized signature and date:
I certify that the materials have been furnished, the services rendered, or the labor performed as described on this invoice.
- Duplication of Billed Costs or Payments for Service: The Contractor shall not bill the County for services performed or provided under this contract, and the County shall not pay the Contractor, if the Contractor has been or will be paid by any other source, including grants, for those costs used to perform or provide the services in this contract. The Contractor is responsible for any audit exceptions or disallowed amounts paid as a result of this contract.