

Whatcom County Council

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Meeting Agenda

VIRTUAL MEETING - VIEW ONLINE

Tuesday, April 7, 2020

1 PM

Virtual Meeting

COUNCILMEMBERS

Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Ben Elenbaas
Carol Frazey
Kathy Kershner

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

COUNCIL AGENDA

REGULAR COUNCIL MEETING

1 p.m. Tuesday, April 7, 2020

Council Chambers, 311 Grand Avenue

CALL TO ORDER

ROLL CALL

FLAG SALUTE

ANNOUNCEMENTS

Councilmembers will participate in this meeting remotely through an online web-based meeting platform. Councilmembers will NOT be present in the Courthouse for this meeting. Per Washington State Proclamation, in-person attendance at meetings is prohibited at this time. A live stream of the meeting will be available for viewing through the Council's Legislative Information Center.

EXECUTIVE REPORT

OTHER ITEMS

1. AB2020-116 Update on COVID-19
Council Acting as the Health Board
Page 1
2. AB2020-117 Discussion of strategies related to COVID-19
Page 2
3. AB2020-157 Request authorization for the County Executive to award Bid #20-15 and enter into a contract between Whatcom County and Granite Construction Company, for annual hot mix asphalt Prelevel work on Lummi Reservation in an amount not to exceed \$436,003.05
Pages 3 - 24
4. AB2020-158 Request authorization for the County Executive to award Bid #20-16 and enter into a contract between Whatcom County and Granite Construction Company, for hot mix asphalt Prelevel at various locations (non-Lummi Reservation) work in an amount not to exceed \$628,535.00
Pages 25 - 46
5. AB2020-147 Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Bellingham to remove Yakima County Jail and add Kittitas County Jail as a Correctional Facility utilized by Whatcom County
Pages 47 - 55

INTRODUCTION

1. AB2020-163 Ordinance amending the 2020 Whatcom County Budget, request no. 9, in the amount of \$390,689
Pages 56 - 59
2. AB2020-164 Ordinance closing the Lighthouse Marine Park Improvement Fund 362
Pages 60 - 61

OTHER ITEMS

COUNCILMEMBER UPDATES

ADJOURN



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-116

File ID:	AB2020-116	Version:	1	Status:	Agenda Ready
File Created:	02/26/2020	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Report		
Assigned to:	Council (Special)			Final Action:	
Agenda Date:	04/02/2020			Enactment #:	

Primary Contact Email:

TITLE FOR AGENDA ITEM:

Update on COVID-19

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Update on COVID-19

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
03/10/2020	Council as the Health Board (Special)	DISCUSSED	
03/12/2020	Council as the Health Board (Special)	DISCUSSED	
03/17/2020	Council as the Health Board (Special)	DISCUSSED	
03/19/2020	Council as the Health Board (Special)	DISCUSSED	
03/26/2020	Council (Special)	DISCUSSED	
03/31/2020	Council (Special)	DISCUSSED	

Attachments:



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
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Agenda Bill Master Report

File Number: AB2020-117

File ID: AB2020-117	Version: 1	Status: Agenda Ready
File Created: 02/26/2020	Entered by: DBrown@co.whatcom.wa.us	
Department:	File Type: Discussion	
Assigned to: Council (Special)		Final Action:
Agenda Date: 04/02/2020		Enactment #:

Primary Contact Email: DBrown@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Discussion of strategies related to COVID-19

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Discussion of strategies related to COVID-19

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
03/19/2020	Council (Special)	DISCUSSED AND A MOTION WAS APPROVED	
03/26/2020	Council (Special)	DISCUSSED	
03/31/2020	Council (Special)	DISCUSSED	

Attachments:



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: **AB2020-157**

File ID:	AB2020-157	Version:	1	Status:	Agenda Ready
File Created:	03/20/2020	Entered by:	Tliddings@co.whatcom.wa.us		
Department:	Public Works Department	File Type:	Contract		
Assigned to:	Council Finance and Administrative Services Committee			Final Action:	
Agenda Date:	04/07/2020			Enactment #:	

Primary Contact Email: SDraper@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to award Bid #20-15 and enter into a contract between Whatcom County and Granite Construction Company, for annual hot mix asphalt Prelevel work on Lummi Reservation in an amount not to exceed \$436,003.05

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See memo

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Bid Memo, Bid Award



MEMORANDUM

TO: The Honorable Satpal Singh Sidhu, County Executive &
Honorable Members of the Whatcom County Council

THROUGH: Jon Hutchings, Public Works Director

FROM: Eric L. Schlehuber, Public Works Equipment Services Manager
Andy Bowler, Public Works Maintenance & Operations Superintendent

DATE: March 18, 2020

RE: Bid #20-15, 2020 Hot Mix Asphalt Prelevel on Lummi Reservation; Construction Contract Award

▪ Requested Action

Approval requested to award the bid and subsequent standard construction contract for the 2020 Hot Mix Asphalt Prelevel on Lummi Reservation to the lowest responsive bidder, Granite Construction Company in Everson, Washington, in an amount not to exceed \$436,003.05.

Attached for your review and signature is the standard construction contract award package consisting of:

- Memo
- Approval for Contract Award (endorsed by the County Executive)
- Project Location Summary with Quantities
- Bid Tabulation (of all bids)
- Low Bid Proposal

▪ Background and Purpose

Bids were duly advertised and submitted for the annual hot mix asphalt prelevel on Lummi Reservation. As part of the annual maintenance and repair on various county roads and on county road projects, the Public Works Maintenance and Operations Division contracts out the prelevel project. Two bid responses were received Tuesday, March 17, 2020. See the attached *Bid Tabulation* sheet for details on the two bid proposals received and the *Project Location Summary with Quantities* sheet for details on the specific locations around the County proposed for the prelevel project. Factoring in costs for mobilization, signing and traffic control, pavement repair, seeded lawn installation, and hot mix asphalt (prelevel 3/8"), Granite Construction Company is the overall lowest responsive and responsible bidder for the 2020 Hot Mix Asphalt Prelevel on Lummi Reservation Project.

▪ Funding Amount and Source

This bid award and subsequent contract for 2020 Hot Mix Prelevel on Lummi Reservation in the amount not to exceed \$436,003.05, is being submitted concurrently with the bid award and subsequent contract for the 2020 Hot Mix Asphalt Prelevel on Lummi Reservation in the amount not to exceed \$628,535.00. The combined total for the 2020 Hot Mix Prelevel Projects is \$1,064,538.05. These are regularly budget expenditures for prelevel and \$850,000.00 was approved in the 2020 Road Fund budget. Public Works has adequate funds within the existing approved 2019-2020 Road Fund M&O budget to cover the overage of \$214,538.05, and will transfer the funds accordingly to cover this contract.

▪ **Recommended Action**

Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the April 7, 2020 Whatcom County Council Meeting.

This agenda item is essential, because, if these pre-level contracts are not approved, Public Works-M&O will be unable to retain contractors to pursue this work in early-2020. This work is additionally necessary to be completed prior to M&O's summer road surface maintenance program including annual road chip sealing. Also due to some of the locations of this year's prelevel program on the Lummi Reservation, additional time is needed to secure the necessary TERO compliance permits.

Please contact Andy Bowler at extension 6417 or Gina Miller at extension 6423 if you have any questions or concerns regarding this agreement.

Enclosures

In Accordance with WCC 3.08.030, I concur with this recommendation.

Sara Winger, Purchasing Coordinator

Date

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**



MAINTENANCE & OPERATIONS DIVISION
901 W. Smith Road
Bellingham, WA 98226-9610
Phone (360) 778-6400
Fax (360) 778-6401

Jon Hutchings
Director

Andy Bowler, Superintendent

2020 Hot Mix Asphalt Prelevel on Lummi Reservation

Bid #20-15

APPROVAL FOR CONTRACT AWARD

Approval is hereby granted to award the construction contract as follows:

PROJECT: 2020 Hot Mix Asphalt Prelevel on Lummi Reservation

To: Granite Construction Company

In the amount of their bid proposal of \$436,003.05 including all taxes.

WHATCOM COUNTY
Approved:

Satpal Singh Sidhu
Whatcom County Executive

Date

Approved as to form:

Christopher Quinn
Senior Deputy Prosecutor

Date

2020 PRELEVEL - BID NO. 20-15

PROJECT LOCATION SUMMARY WITH QUANTITIES

PROPOSED & ALTERNATE ROADS

DESCRIPTION OF WORK

This project includes all labor, equipment, and materials necessary to furnish, lay, and compact approximately 9,957 tons of Hot Mix Asphalt Class 3/8" at various locations (includes both Proposed and Alternate Roads). Other work will include flagging and tack coat. Tack coat is to be applied when matching road to asphalt driveway. For estimating purposes only, the average thickness of hot mix asphalt has been estimated at 1½ inches (0.125-feet). All work shall be completed in accordance with the Special Provisions and the Standard Specifications, including the amendments thereto. All materials, equipment, labor, and other miscellaneous items required to complete the work shall be furnished by the Contractor.

LOCATION AND ORDER OF WORK

The project location and approximate tonnage at each location for Hot Mix Asphalt Class 3/8" are:

Proposed Prelevel Locations Table (In Order of Completion)					
Road No.	Road Name	Mile Post	Total Lane Feet	C/L Miles Per Road	Tons Per Road
COUNTY ROADS:					
15728	DECATUR DR (SANDY PT HTS)	0.23 to 0.66	4541	0.43	518
15727	LOPEZ DR (SANDY PT HTS)	0.00 to 0.15	1584	0.15	181
15724	MORESBY WY (SANDY PT HTS)	0.00 to 0.23	2429	0.23	277
15719	ORCAS WY (SANDY PT HTS)	0.00 to 0.34	3590	0.34	409
15718	PENDER DR (SANDY PT HTS)	0.00 to 0.24	2534	0.24	289
15721	SAANICH AV (SANDY PT HTS)	0.00 to 0.05	528	0.05	60
15721	SAANICH AV (SANDY PT HTS)	0.05 to 0.08	317	0.03	33
15726	SINCLAIR DR (SANDY PT HTS)	0.00 to 0.27	2851	0.27	325
15716	SHAW COURT (SANDY PT HTS)	0.00 to 0.07	739	0.07	70
15716	SHAW COURT (SANDY PT HTS)	0.07 to 0.13	634	0.06	72
15717	SHAW COURT (SANDY PT HTS)	0.00 to 0.03	317	0.03	36
15711	WALDRON DR (SANDY PT HTS)	0.00 to 0.23	2429	0.23	277
15714	WALDRON PL	0.00 to 0.06	634	0.06	72
15712	GALIANO DR	0.00 to 0.26	2767	0.26	315
15715	GUEMES WY (SANDY PT HTS)	0.00 to 0.08	845	0.08	96
Subtotal – Proposed County Roads			26,738	2.53	3,031
Subtotal – All Proposed Roads			26,738	2.53	3,031
Proposed Prelevel Worksheet – Alternate Roads					
Road No.	Road Name	Mile Post	Total Lane Feet	C/L Miles Per Road	Tons Per Road
15600	LAKE TERRELL RD	0.16 to 0.25	961	0.09	91
15600	LAKE TERRELL RD	0.47 to 0.60	1404	0.13	133
16300	NORTH RED RIVER RD	0.00 to 0.90	9504	0.90	903
Subtotal – Alternate Roads			11,869	1.12	1,128
Total Proposed and Alternate Roads			38,607	3.66	4159

Additional locations may need to be included depending on the condition of the roadway at the time of work.

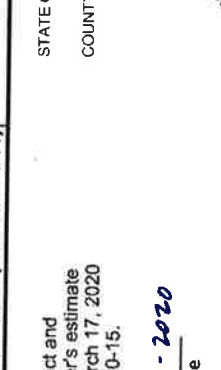
HOT MIX ASPHALT PRELEVEL ON LUMMI NATION		BID PROPOSAL		ENGINEER'S ESTIMATE		Granite Construction Company		Lakeside Industries, Inc	
ITEM NO.	ITEM DESCRIPTION	UNIT MEAS.	APPROX. QTY	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	MOBILIZATION	LS	1	\$ 50,000.00	\$ 50,000.00	\$ 22,000.00	\$ 22,000.00	\$ 10,000.00	\$ 10,000.00
2	TRAFFIC CONTROL SUPERVISOR	LS	1	\$ 4,500.00	\$ 4,500.00	\$ 5,000.00	\$ 5,000.00	\$ 10,600.00	\$ 10,600.00
3	OTHER TEMPORARY TRAFFIC CONTROL	LS	1	\$ 3,150.00	\$ 3,150.00	\$ 4,800.00	\$ 4,800.00	\$ 6,000.00	\$ 6,000.00
4	FLAGGERS	HR	480	\$ 65.00	\$ 31,200.00	\$ 55.00	\$ 26,400.00	\$ 62.00	\$ 29,760.00
5	OTHER TRAFFIC CONTROL LABOR	HR	100	\$ 65.00	\$ 6,500.00	\$ 60.00	\$ 6,000.00	\$ 62.00	\$ 6,200.00
6	PAVEMENT REPAIR (Force Account)	EST	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
7	SEEDED LAWN INSTALLATION ((Force Account))	EST	1	\$ 7,000.00	\$ 7,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
8	RAISE/ADJUST ALL MANHOLE RINGS TO FINISHED GRADE	EA	55	\$ 280.00	\$ 15,400.00	\$ 500.00	\$ 27,500.00	\$ 400.00	\$ 22,000.00
9	HMA CL. 3/8 INCH (RESERVATION - Primary Roads)	TON	3031	\$ 100.00	\$ 303,100.00	\$ 75.00	\$ 227,325.00	\$ 92.00	\$ 278,852.00
10	HMA CL. 3/8 INCH (ALTERNATE ROADS-Variou Reservation Locations)	TON	1128	\$ 100.00	\$ 112,800.00	\$ 72.00	\$ 81,216.00	\$ 92.00	\$ 103,776.00
	Subtotal (Bid Items 1-10)				\$ 543,650.00		\$ 415,241.00		\$ 482,188.00
11	TRIBAL EMPLOYMENT RIGHTS ORDINANCE REIMBURSEMENT (TERO)		5% of Bid Items 1-10		\$ 27,182.50		\$ 20,762.05		\$ 24,109.40
	TOTAL BID AMOUNT (Bid Items 1-11)				\$ 570,832.50		\$ 436,003.05		\$ 506,297.40

I hereby certify that the amounts tabulated herein are correct and accurately represent the amounts contained in the Engineer's estimate and the respective bid proposals opened at 2:30 P.M., March 17, 2020 for 2019 Hot Mix Asphalt Prelevel on Lummi Nation Bid # 20-15.

STATE OF WASHINGTON)
 SS.)
 COUNTY of WHATCOM)

James P. Karcher 3-20-2020
 James P. Karcher, P.E.
 Interim County Engineer

Andrew M. Hester
 Andrew M. Hester
 NOTARY PUBLIC
 Residing at Bellingham
 My Commission Expires 8-9-2023



On this day personally appeared before me, James P. Karcher, P.E., known to me to be the Interim County Engineer and the person described herein and who executed the within and foregoing instrument on this 20th day of March, 2020.

**Whatcom County
Bid #20-15
Hot Mix Asphalt Prelevel on Lummi Nation**

BID PROPOSAL FORMS

**Whatcom County
Bid #20-15
Hot Mix Asphalt Prelevel on Lummi Nation**

BID PROPOSAL

Date: March 17, 2020

TO: Whatcom County Executive and Council
Whatcom County Courthouse
311 Grand Avenue
Bellingham, Washington 98225

Gentlepersons:

This certifies that the Undersigned has examined the location of the project site and the conditions of work; and has carefully read and thoroughly understands the contract documents entitled: "2020 Hot Mix Asphalt Prelevel on Lummi Nation", Whatcom County, Washington, including the "Bid Procedures and Conditions", "Specifications and Conditions", "Contract Forms" and "Plans" governing the work embraced in this project, and the method by which payment will be made for said work.

The Undersigned hereby proposes to undertake and complete the work embraced in this project in accordance with said contract documents, and agrees to accept as payment for said work, the schedule of lump sum and unit prices as set forth in the "Bid" below.

The Undersigned acknowledges that payment will be based on the actual work performed and material used as measured or provided for in accordance with the said contract documents, and that no additional compensation will be allowed for any taxes not included in each lump sum or unit price, and that the basis for payment will be the actual work performed and measured or provided for in accordance with the said contract documents.

Company Name: Granite Construction Company

Submitted By: James A. Prouty, Senior Estimator
(Name & Title of Authorized Official)

Signature of Authorized Official: 

Date: 03/17/20

Whatcom County
Bid #20-15
Hot Mix Asphalt Prelevel on Lummi Nation

ITEM NO.	APPROXIMATE QUANTITY	ITEM & WRITTEN UNIT PRICE	UNIT PRICE	TOTAL
1.	LUMP SUM	MOBILIZATION (Proposed Roads on Lummi Nation) <i>Twenty-two thousand and 00/100 Dollars</i> (Written Lump Sum Price)	L.S.	\$ 22,000.00
2.	LUMP SUM	TRAFFIC CONTROL SUPERVISOR (TCS) [In accordance with WSDOT 2020 Standard Specifications] <i>Five thousand and 00/100 Dollars</i> (Written Lump Sum Price)	L.S.	\$ 5,000.00
3.	LUMP SUM	OTHER TEMPORARY TRAFFIC CONTROL [In accordance with WSDOT 2020 Standard Specifications] <i>Four thousand eight hundred 00/100 Dollars</i> (Written Lump Sum Price)	L.S.	\$ 4,800.00
4.	480 HOURS	TRAFFIC CONTROL – FLAGGERS [In accordance with WSDOT 2020 Standard Specifications] <i>Fifty-five and 00/100 Dollars</i> (Written Unit Price Per Hour)	<i>55.00</i> PER HOUR	\$ 26,400.00
5.	100 HOURS	TRAFFIC CONTROL – OTHER TRAFFIC CONTROL LABOR [In accordance with WSDOT 2020 Standard Specifications] <i>Sixty and 00/100 Dollars</i> (Written Unit Price Per Hour)	<i>60.00</i> PER HOUR	\$ 6,000.00
6.	FORCE ACCOUNT	PAVEMENT REPAIR <i>Ten thousand Dollars & No/100 Cents</i> (Written Force Account Price)	F.A.	\$ 10,000.00
7.	FORCE ACCOUNT	SEEDED LAWN INSTALLATION <i>Five thousand Dollars & No/100 Cents</i> (Written Force Account Price)	F.A.	\$ 5,000.00
8.	55 EACH (MAX.) 42-PROPOSED 13-ALTERNATE	RAISE/ADJUST ALL MANHOLE RINGS TO FINISHED GRADE. [See Section 1-04, Figure 1, page 20.] <i>FIVE HUNDRED AND 00/100 DOLLARS</i> <i>EACH -</i> (Written Price For 55 Manholes)	<i>500.00</i> PER MANHOLE	\$ 27,500.00

Whatcom County
Bid #20-15
Hot Mix Asphalt Prelevel on Lummi Nation

9.	3031 TONS	HOT MIX ASPHALT CLASS 3/8" (Proposed Roads on Lummi Nation) <i>SEVENTY-FIVE AND ⁰⁷/₁₀₀ Dollars</i>	<i>75.00</i>	
		<small>(Written Unit Price Per Ton)</small>	<small>PER TON</small>	<i>\$ 227,325.00</i>
10.	1128 TONS	HOT MIX ASPHALT CLASS 3/8" (Alternate Roads on Lummi Nation) <i>SEVENTY-TWO AND ⁰⁰/₁₀₀ Dollars</i>	<i>72.00</i>	
		<small>(Written Unit Price Per Ton)</small>	<small>PER TON</small>	<i>\$ 81,216.00</i>
SUBTOTAL (Items 1-10)				<i>\$415,241.00</i>
11.	LUMP SUM	TRIBAL EMPLOYMENT RIGHTS ORDINANCE REIMBURSEMENT (TERO FEE -- 5% of subtotal) <i>Dollars</i>	<small>5% of subtotal</small>	<i>\$ 20,762.05</i>
		<small>(Written Unit Price)</small>		
TOTAL (Subtotal + TERO fee)				<i>\$436,003.05</i>

TOTAL BID - ITEMS 1 THROUGH 11	
<i>FOUR HUNDRED THIRTY-SIX THOUSAND, THREE</i>	DOLLARS
<i>AND FIVE</i>	CENTS
<small>(Written Total Price)</small>	

Whatcom County
Bid #20-15
Hot Mix Asphalt Prelevel on Lummi Nation

NON-COLLUSION DECLARATION

I, by signing the proposal, hereby declare, under penalty of perjury under the laws of the United States that the following statements are true and correct:

1. That the undersigned person(s) firm, association or corporation has (have) not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the project for which this proposal is submitted.
2. That by signing the signature page of this proposal, I am deemed to have signed and have agreed to the provisions of this declaration.

NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

The U.S. Department of Transportation (USDOT) operates the above toll-free "hotline" Monday through Friday, 8:00 AM to 5:00 PM Eastern Time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of USDOT's continuing effort to identify and investigate highway construction contract fraud and abuse, and is operated under the direction of the USDOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

**Whatcom County
Bid #20-15
Hot Mix Asphalt Prelevel on Lummi Nation**

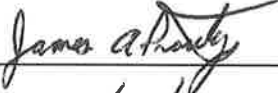
PROPOSAL FOR INCORPORATING RECYCLED MATERIALS INTO THE PROJECT

In compliance with a law that went into effect January 1, 2016 (SHB1695), the Bidder shall propose below the total percentage of construction aggregate and concrete materials to be incorporated into the Project that are recycled materials. Calculated percentages must be within the amounts allowed in Section 9-03.21(1)E, Table on Maximum Allowable Percent (By Weight) of Recycled Material, of the Standard Specifications.

Proposed total percentage: 20 percent (maximum of 20% by weight).

Note: Use of recycled materials is highly encouraged within the limits shown above, but does not constitute a Bidder Preference, and will not affect the determination of award. Regardless, the Bidder's stated proposed percentages will become a goal the Contractor should do its best to accomplish. Bidders will be required to report on recycled materials actually incorporated into the Project in accordance with the Standard Specifications in Section 1-06.6 of the Special Provisions.

Bidder: Granite Construction Company

Signature of Authorized Official: 

Date: 03/17/20

**Whatcom County
Bid #20-15
Hot Mix Asphalt Prelevel on Lummi Nation**

BIDDER IDENTIFICATION

The name of the Bidder submitting this proposal, the address and phone number to which all communications concerned with this proposal shall be made, and the number which has been assigned indicating the Bidder is licensed to do business in the State of Washington are as follows:

Firm Name: Granite Construction Company
Address: 7017 Everson Goshen Rd.
Everson, WA 98247
Telephone Number: (360) 676-2450 Fax Number: (360) 733-6735
Contact Name: Lance Chambers or James A. Prouty
Contact Phone: (360) 676-2450
Contact Email: Bid.Whatcom@gcinc.com
Contractor's WA Registration Number: 572.672-04
Contractor's WA UBI Number: 409-023-062
Contractor's WA Employment Security Number: 232166009
Contractor's WA Excise Tax Registration Number: 409-023-062

The Firm submitting this proposal is a: Sole Proprietorship
 Partnership
 Corporation

The names and titles of the principal officers of the corporation submitting this proposal, or of the partnership, or of all persons interested in this proposal as principals are as follows:

SEE CERTIFICATE OF SECRETARY ATTACHED

NOTE: Signatures of this proposal must be identified above. Failure to identify the Signatories will be cause for considering the proposal irregular and for subsequent rejection of the bid.

**Whatcom County
Bid #20-15
Hot Mix Asphalt Prelevel on Lummi Nation**

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we Granite Construction Company

of, California, as Principal, and Travelers Casualty and Surety Company of America a corporation organized and doing business under and by virtue of the laws of the State of Connecticut and duly licensed to conduct a general surety business in the State of Washington as Surety, are held and firmly bound unto Whatcom County, a Municipal Corporation and Charter County in the State of Washington, in the full and penal sum of five percent (5%) of the total amount of the bid proposal of said Principal for the work hereinafter described, for which payment, well and truly to be made, we firmly bind ourselves, our heirs, executors, administrators and assigns, and successors and assigns, jointly and severally by these presents.

The condition of this bond is such that, whereas, the Principal herein is herewith submitting his or its bid proposal for 2020 Hot Mix Asphalt Prelevel on Lummi Nation, said bid proposal, by reference thereto, being hereby made a part hereof.

NOW, THEREFORE, if the said bid proposal submitted by the said Principal be accepted, and the contract be awarded to said Principal, and if said Principal shall duly make and enter into and execute said contract and shall furnish the performance bond as required by the bidding and contract documents within a period of ten (10) days from and after said award, exclusive of the day of such award, then its obligation to pay the above-mentioned penal sum as liquidated damages shall be null and void, otherwise it shall remain and be in full force and effect.

SIGNED AND SEALED, this 10th day of March 2020.

PRINCIPAL

Granite Construction Company
Company Name

James A. Prowtz (Seal)
Signature

James A. Prowtz, Senior Estimator
Print

ATTORNEY-IN-FACT, SURETY

Travelers Casualty and Surety Company of America
Company Name

Isabel Barron
Signature

Isabel Barron, Attorney in Fact
Print

The Attorney-in-Fact (Resident Agent) who executes this bond on behalf of the surety company must attach a copy of his Power-of Attorney as evidence of his authority.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ACKNOWLEDGMENT

State of California
County of Santa Cruz)

On March 11, 2020 before me, V. Schultz, Notary Public
(insert name and title of the officer)

personally appeared Isabel Barron,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature *V. Schultz* (Seal)
V. Schultz, Notary Public





**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Isabel Barron** of **WATSONVILLE California**, their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **3rd** day of **February, 2017**.



State of Connecticut

City of Hartford ss.

By: 
Robert L. Raney, Senior Vice President

On this the **3rd** day of **February, 2017**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June, 2021**




Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **11th** day of **March**, **2020**




Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney-in-Fact and the details of the bond to which the power is attached.**

Whatcom County
Bid #20-15
Hot Mix Asphalt Prelevel on Lummi Nation



**CERTIFICATION OF COMPLIANCE WITH WAGE PAYMENT STATUTES
(Original signed form must be submitted prior to contract award.)**

The bidder hereby certifies that, within the three-year period immediately preceding the bid solicitation date March 4, 2020, the bidder is not a "willful" violator, as defined in RCW 49.48.082, of any provision of chapters 49.46, 49.48, or 49.52 RCW, as determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Granite Construction Company
Bidder's Business Name

James A. Prouty 03/17/20
Signature of Authorized Official* Date

James A. Prouty
Printed Name

Senior Estimator
Title

Everett Wa.
City State

Check One:

Sole Proprietorship Partnership Joint Venture Corporation

State of Incorporation, or if not a corporation, State where business entity was formed:

California

If a co-partnership, give firm name under which business is transacted:

n/a

* If a corporation, proposal must be executed in the corporate name by the president or vice-president (or any other corporate officer accompanied by evidence of authority to sign). If a co-partnership, proposal must be executed by a partner

**Whatcom County
Bid #20-15
Hot Mix Asphalt Prelevel on Lummi Nation**

TERO UNDERSTANDING AND ACKNOWLEDGEMENT

LUMMI NATION'S TRIBAL EMPLOYMENT RIGHTS ORDINANCE

UNDERSTANDING AND ACCEPTANCE

Portions of the work included in this solicitation will be performed on lands subject to the Lummi Tribal Employment Rights Ordinance (TERO). TERO may impose certain requirements via taxes, fees, employment policies, or ordinance that may affect the Contractor and Subcontractors. The Contractor is required to comply with all lawful Tribal requirements in the performance of the work.

Contractor shall designate a responsible company official to coordinate all employment, training, and contracting related activities with the TERO department to ensure that the company is in compliance with TERO.

Designated TERO Liaison: Rod Majors

On behalf of Granite Construction Company , I hereby certify that I have received and understand the requirements set forth in the attached Lummi Nation Tribal Employment Rights Ordinance (TERO) Code and TERO Compliance Plan template, and I understand the responsibility of compliance with the described requirements.

Address: 7017 Everson Goshen Rd., Everson, WA 98247

Phone: (360) 676-2450 Fax: (360) 733-6735

Printed Name: James A. Prouty Title: Senior Estimator

Signature: , Date: 03/17/20

GRANITE CONSTRUCTION COMPANY

CERTIFICATE OF SECRETARY

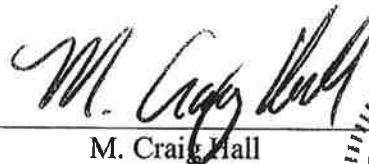
RESOLVED, that, effective January 1, 2020 through December 31, 2020, the individuals named on the attached Exhibit 1 are authorized to negotiate, execute and/or attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed \$25 million, relating to any and all domestic construction projects arising out of the Company's operations.

RESOLVED, that, effective January 1, 2020 through December 31, 2020, the individuals named on the attached Exhibit 2 are authorized to negotiate, execute and attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed \$75 million, relating to any and all domestic construction projects arising out of the Company's operations.

RESOLVED FURTHER, that the authority provided for herein shall be in accordance with applicable policies, procedures and limits of authority previously approved and the Granite Construction Incorporated Delegation of Authority and Policy then in effect.

I, M. Craig Hall, do hereby certify that I am duly qualified as Secretary of GRANITE CONSTRUCTION COMPANY, a California corporation (the "Company"); that the foregoing is a true and correct copy of resolutions duly adopted effective January 1, 2020 by unanimous written consent of the Executive Committee of the Board of Directors, held without a meeting in accordance with the provisions of Article III, Section 9 of the Bylaws of the Company; that the Directors acting were duly and regularly elected; and that the resolution adopted has not been modified or repealed and is still in full force and effect.

Dated: January 1, 2020



M. Craig Hall



EXHIBIT 2

AUTHORIZED SIGNERS
Granite Construction Company
Northwest Group

AUTHORIZED SIGNERS
Brian Dowd, VP Nevada Region
Jason Klaumann, VP Utah Region
Derek Betts, VP Alaska Region
Todd A. Hill, VP Arizona Region
Michael A. Stein, VP Washington Region
Bradly Estes, VP Construction Materials

EXHIBIT 1

AUTHORIZED SIGNERS

**Granite Construction Company
Northwest Group
Washington Region**

AUTHORIZED SIGNERS

Michael A. Stein, VP Washington Region
Cevin Ladwig Sr., Eastern WA Area Manager
Paul Harding, Southwest WA/OR Area Manager
Boudrey J. Smith, NW Washington Area Manager
Jeremy Deemer, Construction Manager
Nicholas Gerritsen, Construction Manager
Sonny Chavez, Regional Controller
Travis Walken, Chief Estimator
Grant Youngren, Senior Estimator
J. Peter Welch, Senior Estimator
James A. Prouty, Senior Estimator
Phil Meenach, Senior Estimator
James Gartside, Senior Estimator
Shane Berrett, Plants Manager
Andrew B. Thompson, Project Manager
Allen Chatriand, Project Manager
Jason Halverson, Project Manager
Cory Bell, Project Manager
Cody Rettke, Project Manager
Keith Majors, Material Sales Manager

ATTESTORS

Michael A. Stein, VP Washington Region
Cevin Ladwig Sr., Eastern WA Area Manager
Paul Harding, Southwest WA/OR Area Manager
Boudrey J. Smith, NW Washington Area Manager
Jeremy Deemer, Construction Manager
Sonny Chavez, Regional Controller
Nicolas Gerritsen, Construction Manager
Travis Walken, Chief Estimator
Grant Youngren, Senior Estimator
J. Peter Welch, Senior Estimator
James A. Prouty, Senior Estimator
Phil Meenach, Senior Estimator
James Gartside, Senior Estimator
Shane Berrett, Plants Manager
Andrew B. Thompson, Project Manager
Jason Halverson, Project Manager
Cody Rettke, Project Manager
Brynna Bennett, Estimating Assistant
Laurie Fuller, Estimating Assistant
John Newby, Estimating Assistant
Heather Young, Estimator
Keri Lee Gross, Office Manager



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: **AB2020-158**

File ID:	AB2020-158	Version:	1	Status:	Agenda Ready
File Created:	03/20/2020	Entered by:	Tliddings@co.whatcom.wa.us		
Department:	Public Works Department	File Type:	Contract		
Assigned to:	Council Finance and Administrative Services Committee			Final Action:	
Agenda Date:	04/07/2020			Enactment #:	

Primary Contact Email: SDraper@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to award Bid #20-16 and enter into a contract between Whatcom County and Granite Construction Company, for hot mix asphalt Prelevel at various locations (non-Lummi Reservation) work in an amount not to exceed \$628,535.00

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See memo

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Bid Memo, Bid Award



MEMORANDUM

TO: The Honorable Satpal Singh Sidhu, County Executive &
Honorable Members of the Whatcom County Council

THROUGH: Jon Hutchings, Public Works Director

FROM: Eric L. Schlehuber, Public Works Equipment Services Manager
Andy Bowler, Public Works Maintenance & Operations Superintendent

DATE: March 18, 2020

RE: Bid #20-16, 2020 Hot Mix Asphalt Prelevel at Various Locations; Construction Contract Award

▪ Requested Action

Approval requested to award the bid and subsequent standard construction contract for the 2020 Hot Mix Asphalt Prelevel at Various Locations to the lowest responsive bidder, Granite Construction Company in Everson, Washington, in an amount not to exceed \$628,535.00.

Attached for your review and signature is the standard construction contract award package consisting of:

- Memo
- Approval for Contract Award (endorsed by the County Executive)
- Project Location Summary with Quantities
- Bid Tabulation (of all bids)
- Low Bid Proposal

▪ Background and Purpose

Bids were duly advertised and submitted for the annual hot mix asphalt prelevel at various locations. As part of the annual maintenance and repair on various county roads and on county road projects, the Public Works Maintenance and Operations Division contracts out the prelevel project. Three bid responses were received Tuesday, March 17, 2020. See the attached [Bid Tabulation](#) sheet for details on the three bid proposals received and the [Project Location Summary with Quantities](#) sheet for details on the specific locations around the County proposed for the prelevel project. Factoring in costs for mobilization, signing and traffic control, pavement repair, seeded lawn installation, and hot mix asphalt (prelevel 3/8"), Granite Construction Company is the overall lowest responsive and responsible bidder for the 2020 Hot Mix Asphalt Prelevel at Various Locations Project.

▪ Funding Amount and Source

This bid award and subsequent contract for 2020 Hot Mix Prelevel at [Various Locations](#) in the amount not to exceed \$628,535.00, is being submitted concurrently with the bid award and subsequent contract for the 2020 Hot Mix Asphalt Prelevel on [Lummi Reservation](#) in the amount not to exceed \$436,003.05. The combined total for the 2020 Hot Mix Prelevel Projects is \$1,064,538.05. These are regularly budget expenditures for prelevel and \$850,000.00 was approved in the 2020 Road Fund budget. Public Works has adequate funds within the existing approved 2019-2020 Road Fund M&O budget to cover the overage of \$214,538.05, and will transfer the funds accordingly to cover this contract.

▪ **Recommended Action**

Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the April 7, 2020 Whatcom County Council Meeting.

This agenda item is essential, because, if these pre-level contracts are not approved, Public Works-M&O will be unable to retain contractors to pursue this work in early-2020. This work is additionally necessary to be completed prior to M&O's summer road surface maintenance program including annual road chip sealing. Also due to some of the locations of this year's prelevel program on the Lummi Reservation, additional time is needed to secure the necessary TERO compliance permits.

Please contact Andy Bowler at extension 6417 or Gina Miller at extension 6423 if you have any questions or concerns regarding this agreement.

Enclosures

In Accordance with WCC 3.08.030, I concur with this recommendation.

Sara Winger, Purchasing Coordinator

Date



Jon Hutchings
Director

Andy Bowler, Superintendent

2020 Hot Mix Asphalt Prelevel at Various Locations

Bid #20-16

APPROVAL FOR CONTRACT AWARD

Approval is hereby granted to award the construction contract as follows:

PROJECT: 2020 Hot Mix Asphalt Prelevel at Various Locations

To: Granite Construction Company

In the amount of their bid proposal of \$628,535.00 including all taxes.

WHATCOM COUNTY
Approved:

Satpal Singh Sidhu
Whatcom County Executive

Date

Approved as to form:

Christopher Quinn
Senior Deputy Prosecutor

Date

2020 PRELEVEL - BID NO. 20-16

PROJECT LOCATION SUMMARY WITH QUANTITIES

PROPOSED & ALTERNATE ROADS

DESCRIPTION OF WORK

This project includes all labor, equipment, and materials necessary to furnish, lay, and compact approximately 9,957 tons of Hot Mix Asphalt Class 3/8" at various locations (includes both Proposed and Alternate Roads). Other work will include flagging and tack coat. Tack coat is to be applied when matching road to asphalt driveway. For estimating purposes only, the average thickness of hot mix asphalt has been estimated at 1½ inches (0.125-feet). All work shall be completed in accordance with the Special Provisions and the Standard Specifications, including the amendments thereto. All materials, equipment, labor, and other miscellaneous items required to complete the work shall be furnished by the Contractor.

LOCATION AND ORDER OF WORK

The project location and approximate tonnage at each location for Hot Mix Asphalt Class 3/8" are:

Proposed Prelevel Locations Table (In Order of Completion)					
Road No.	Road Name	Mile Post	Total Lane Feet	C/L Miles Per Road	Tons Per Road
COUNTY ROADS:					
21000	DOUGLAS RD	1.66 to 1.77	1151	0.11	109
21000	DOUGLAS RD	2.50 to 2.63	1373	0.13	130
21000	DOUGLAS RD	2.76 to 2.84	845	0.08	80
20930	OLSON RD	4.87 to 5.01	766	0.07	73
20930	OLSON RD	4.87 to 5.07	1040	0.10	99
Subtotal – Proposed County Roads			5,175	0.49	491
Subtotal – All Proposed Roads			5,175	0.49	491

Proposed Prelevel Worksheet – Alternate Roads					
Road No.	Road Name	Mile Post	Total Lane Feet	C/L Miles Per Road	Tons Per Road
54630	KING MTN RD	0.41 to 0.44	285	0.03	30
54660	KLINE RD	0.05 to 0.25	2091	0.20	199
54660	KLINE RD	0.25 to 0.81	5924	0.56	563
55500	KELLY RD	0.04 to 0.25	2218	0.21	232
55500	KELLY RD	0.25 to 0.42	1806	0.17	189
55500	KELLY RD	0.78 to 0.92	1447	0.14	151
55500	KELLY RD	1.14 to 1.34	1072	0.10	112
55500	KELLY RD	1.21 to 1.51	850	0.08	89
55500	KELLY RD	1.69 to 1.94	1346	0.13	141
55500	KELLY RD	1.85 to 1.94	486	0.05	51
55500	KELLY RD	1.97 to 2.32	3738	0.35	391
55500	KELLY RD	2.82 to 2.97	1647	0.16	172
55500	KELLY RD	3.44 to 3.60	1668	0.16	174
55500	KELLY RD	3.91 to 3.95	348	0.03	36
54562	VAN WYCK RD (W OF SR 542)	0.15 to 0.40	2661	0.25	265
54562	VAN WYCK RD (W OF SR 542)	0.89 to 1.07	1922	0.18	192
54562	VAN WYCK RD (W OF SR 542)	1.29 to 1.42	665	0.06	66

55550	NOON RD	0.42 to 0.83	4256	0.40	404
55550	NOON RD	1.20 to 1.40	2123	0.20	202
55550	NOON RD	1.87 to 2.04	1732	0.16	165
55500	KELLY RD	3.97 to 4.43	4868	0.46	509
55500	KELLY RD	4.80 to 4.93	1426	0.14	149
55500	KELLY RD	7.46 to 7.84	4076	0.39	426
73070	GRAVELINE RD	0 to 0.31	3295	0.31	313
73070	GRAVELINE RD	0.56 to 1.04	5090	0.48	484
73030	BYERS RD	0.43 to 0.66	2397	0.23	194
73750	ALDRICH RD	1.75 to 2.67	9715	0.92	923
Subtotal – Alternate Roads			69,152	6.55	6,822
Total Proposed and Alternate Roads			69,152	6.55	6,822

Additional locations may need to be included depending on the condition of the roadway at the time of work.

Bid# 20-16 - Opening Date - March 17, 2020

HOT MIX ASPHALT PRELEVEL AT VARIOUS LOCATIONS		BID PROPOSAL		ENGINEER'S ESTIMATE		Granite Construction Company		Lakeside Industries, Inc		Western Refinery Services, Inc.	
ITEM NO.	ITEM DESCRIPTION	UNIT MEAS.	APPROX. QTY	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	MOBILIZATION	LS	1	\$ 51,800.00	\$ 51,800.00	\$ 26,000.00	\$ 26,000.00	\$ 8,500.00	\$ 8,500.00	\$ 12,000.00	\$ 12,000.00
2	MOBILIZATION (Alternate Roads)	LS	1	\$ 30,000.00	\$ 30,000.00	\$ 12,000.00	\$ 12,000.00	\$ 23,000.00	\$ 23,000.00	\$ 9,000.00	\$ 9,000.00
3	TRAFFIC CONTROL SUPERVISOR	LS	1	\$ 6,500.00	\$ 6,500.00	\$ 5,000.00	\$ 5,000.00	\$ 3,700.00	\$ 3,700.00	\$ 15,000.00	\$ 15,000.00
4	OTHER TEMPORARY TRAFFIC CONTROL	LS	1	\$ 4,550.00	\$ 4,550.00	\$ 5,000.00	\$ 5,000.00	\$ 1,800.00	\$ 1,800.00	\$ 2,500.00	\$ 2,500.00
5	FLAGGERS	HR	720	\$ 65.00	\$ 46,800.00	\$ 56.00	\$ 39,600.00	\$ 60.00	\$ 43,200.00	\$ 55.00	\$ 39,600.00
6	OTHER TRAFFIC CONTROL LABOR	HR	150	\$ 65.00	\$ 9,750.00	\$ 60.00	\$ 9,000.00	\$ 60.00	\$ 9,000.00	\$ 60.00	\$ 9,000.00
7	PAVEMENT REPAIR (Force Account)	EST	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
8	SEEDED LAWN INSTALLATION (Force Account)	EST	1	\$ 7,000.00	\$ 7,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
9	RAISE/ADJUST ALL MANHOLE RINGS TO FINISHED GRADE	EA	5	\$ 300.00	\$ 1,500.00	\$ 700.00	\$ 3,500.00	\$ 950.00	\$ 4,750.00	\$ 500.00	\$ 2,500.00
10	HMA CL. 3/8 INCH (FERNDAL - Primary Roads)	TON	491	\$ 100.00	\$ 49,100.00	\$ 87.00	\$ 42,717.00	\$ 96.00	\$ 47,136.00	\$ 92.00	\$ 45,172.00
11	HMA CL. 3/8 INCH (Alternate Roads - Various Locations)	TON	6822	\$ 100.00	\$ 682,200.00	\$ 69.00	\$ 470,718.00	\$ 88.00	\$ 600,336.00	\$ 85.00	\$ 579,870.00
TOTAL BID AMOUNT (Bid Items 1-11)					\$ 899,200.00		\$ 628,535.00		\$ 756,422.00		\$ 729,642.00

STATE OF WASHINGTON)
 ss.)
 COUNTY of WHATCOM)

I hereby certify that the amounts tabulated herein are correct and accurately represent the amounts contained in the Engineer's estimate and the respective bid proposals opened at 2:30 P.M., March 17, 2020 for Hot Mix Asphalt Prelevel at Various Locations Bid # 20-16.

James P. Karcher 3.20.2020 Date
 James P. Karcher, P.E.
 Interim County Engineer

On this day personally appeared before me, James P. Karcher, P.E., known to me to be the Interim County Engineer and the person described herein and who executed the within and foregoing instrument on this 20th day of March, 2020.

Andrew M. Hester
 NOTARY PUBLIC
 Residing at Bellingham
 My Commission Expires 8-9-2023



**Whatcom County
Bid #20-16
Hot Mix Asphalt Prelevel at Various Locations**

BID PROPOSAL FORMS

**Whatcom County
Bid #20-16
Hot Mix Asphalt Prelevel at Various Locations**

BID PROPOSAL

Date: March 17, 2020

TO: Whatcom County Executive and Council
Whatcom County Courthouse
311 Grand Avenue
Bellingham, Washington 98225

Gentlepersons:

This certifies that the Undersigned has examined the location of the project site and the conditions of work; and has carefully read and thoroughly understands the contract documents entitled: "2020 Hot Mix Asphalt Prelevel at Various Locations", Whatcom County, Washington, including the "Bid Procedures and Conditions", "Specifications and Conditions", "Contract Forms" and "Plans" governing the work embraced in this project, and the method by which payment will be made for said work.

The Undersigned hereby proposes to undertake and complete the work embraced in this project in accordance with said contract documents, and agrees to accept as payment for said work, the schedule of lump sum and unit prices as set forth in the "Bid" below.

The Undersigned acknowledges that payment will be based on the actual work performed and material used as measured or provided for in accordance with the said contract documents, and that no additional compensation will be allowed for any taxes not included in each lump sum or unit price, and that the basis for payment will be the actual work performed and measured or provided for in accordance with the said contract documents.

Company Name: Granite Construction Company

Submitted By: James A. Prouty, Senior Estimator

(Name & Title of Authorized Official)

Signature of Authorized Official: 

Date: 03/17/20

Whatcom County
 Bid #20-16
 Hot Mix Asphalt Prelevel at Various Locations

ITEM NO.	APPROXIMATE QUANTITY	ITEM & WRITTEN UNIT PRICE	UNIT PRICE	TOTAL
1.	LUMP SUM	MOBILIZATION (Proposed Roads at Various Locations) TWENTY-SIX THOUSAND AND ⁰⁰ / ₁₀₀ Dollars (Written Lump Sum Price)	L.S.	\$ 26,000.00
2.	LUMP SUM	MOBILIZATION (Alternate Roads at Various Locations) TWELVE THOUSAND AND ⁰⁰ / ₁₀₀ Dollars (Written Lump Sum Price)	L.S.	\$ 12,000.00
3.	LUMP SUM	TRAFFIC CONTROL SUPERVISOR (TCS) [In accordance with WSDOT 2020 Standard Specifications] FIVE THOUSAND AND ⁰⁰ / ₁₀₀ Dollars (Written Lump Sum Price)	L.S.	\$ 5,000.00
4.	LUMP SUM	OTHER TEMPORARY TRAFFIC CONTROL [In accordance with WSDOT 2020 Standard Specifications] FIVE THOUSAND AND ⁰⁰ / ₁₀₀ Dollars (Written Lump Sum Price)	L.S.	\$ 5,000.00
5.	720 HOURS	TRAFFIC CONTROL – FLAGGERS [In accordance with WSDOT 2020 Standard Specifications] FIFTY-FIVE AND ⁰⁰ / ₁₀₀ Dollars (Written Unit Price Per Hour)	55.00 PER HOUR	\$ 39,600.00
6.	150 HOURS	TRAFFIC CONTROL – OTHER TRAFFIC CONTROL LABOR [In accordance with WSDOT 2020 Standard Spec] SIXTY AND ⁰⁰ / ₁₀₀ Dollars (Written Unit Price Per Hour)	60.00 PER HOUR	\$ 9,000.00
7.	FORCE ACCOUNT	PAVEMENT REPAIR Ten Thousand Dollars & No/100 Cents (Written Force Account Price)	F.A.	\$ 10,000.00
8.	FORCE ACCOUNT	SEEDED LAWN INSTALLATION Five Thousand Dollars & No/100 Cents (Written Force Account Price)	F.A.	\$ 5,000.00
9.	5 EACH (MAX.)	RAISE/ADJUST ALL MANHOLE RINGS TO FINISHED GRADE. [See Section 1-04, Figure 1, page 19.] SEVEN HUNDRED AND ⁰⁰ / ₁₀₀ DOLLARS EACH - (Written Price For 5 Manholes)	700.00 PER MANHOLE	\$ 3,500.00
10.	491 TONS	HOT MIX ASPHALT CLASS 3/8" (Proposed Roads at Various Locations) EIGHTY-SEVEN AND ⁰⁰ / ₁₀₀ Dollars (Written Unit Price Per Ton)	87.00 PER TON	\$ 42,717.00
11.	6,822 TONS	HOT MIX ASPHALT CLASS 3/8" (Alternate Roads at Various Locations) SIXTY-NINE AND ⁰⁰ / ₁₀₀ Dollars (Written Unit Price Per Ton)	69.00 PER TON	\$ 470,718.00
			TOTAL	\$ 628,535.00

Whatcom County
Bid #20-16
Hot Mix Asphalt Prelevel at Various Locations

TOTAL BID - ITEMS 1 THROUGH 11	
SIX HUNDRED TWENTY-EIGHT THOUSAND, FIVE HUNDRED THIRTY-FIVE	DOLLARS
AND NO	CENTS
(Written Total Price)	

Whatcom County
Bid #20-16
Hot Mix Asphalt Prelevel at Various Locations

NON-COLLUSION DECLARATION

I, by signing the proposal, hereby declare, under penalty of perjury under the laws of the United States that the following statements are true and correct:

1. That the undersigned person(s) firm, association or corporation has (have) not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the project for which this proposal is submitted.
2. That by signing the signature page of this proposal, I am deemed to have signed and have agreed to the provisions of this declaration.

NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

The U.S. Department of Transportation (USDOT) operates the above toll-free "hotline" Monday through Friday, 8:00 AM to 5:00 PM Eastern Time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of USDOT's continuing effort to identify and investigate highway construction contract fraud and abuse, and is operated under the direction of the USDOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

Whatcom County
Bid #20-16
Hot Mix Asphalt Prelevel at Various Locations

PROPOSAL FOR INCORPORATING RECYCLED MATERIALS INTO THE PROJECT

In compliance with a law that went into effect January 1, 2016 (SHB1695), the Bidder shall propose below the total percentage of construction aggregate and concrete materials to be incorporated into the Project that are recycled materials. Calculated percentages must be within the amounts allowed in Section 9-03.21(1)E, Table on Maximum Allowable Percent (By Weight) of Recycled Material, of the Standard Specifications.

Proposed total percentage: 20 percent (maximum of 20% by weight).

Note: Use of recycled materials is highly encouraged within the limits shown above, but does not constitute a Bidder Preference, and will not affect the determination of award. Regardless, the Bidder's stated proposed percentages will become a goal the Contractor should do its best to accomplish. Bidders will be required to report on recycled materials actually incorporated into the Project in accordance with the Standard Specifications in Section 1-06.6 of the Special Provisions.

Bidder: Granite Construction Company

Signature of Authorized Official: James A. Prouty, SENIOR ESTIMATOR

Date: 03/17/20

**Whatcom County
Bid #20-16
Hot Mix Asphalt Prelevel at Various Locations**

BIDDER IDENTIFICATION

The name of the Bidder submitting this proposal, the address and phone number to which all communications concerned with this proposal shall be made, and the number which has been assigned indicating the Bidder is licensed to do business in the State of Washington are as follows:

Firm Name: Granite Construction Company
Address: 7017 Everson Goshen Rd.
Everson, WA 98247
Telephone Number: (360) 676-2450 Fax Number: (360) 733-6735
Contact Name: Lance Chambers or James A. Prouty
Contact Phone: (360) 676-2450
Contact Email: Bid.Whatcom@gcinc.com
Contractor's WA Registration Number: 572,672-04
Contractor's WA UBI Number: 409-023-062
Contractor's WA Employment Security Number: 232166009
Contractor's WA Excise Tax Registration Number: 409-023-062

The Firm submitting this proposal is a: Sole Proprietorship
 Partnership
 Corporation

The names and titles of the principal officers of the corporation submitting this proposal, or of the partnership, or of all persons interested in this proposal as principals are as follows:

SEE CERTIFICATE OF SECRETARY ATTACHED

NOTE: Signatures of this proposal must be identified above. Failure to identify the Signatories will be cause for considering the proposal irregular and for subsequent rejection of the bid.

**Whatcom County
Bid #20-16
Hot Mix Asphalt Prelevel at Various Locations**

BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we Granite Construction Company
of, California, as Principal, and Travelers Casualty and Surety Company of America
a corporation organized and doing business under and by virtue of the laws of the State of Connecticut
Connecticut and duly licensed to conduct a general surety business in the State of
Washington as Surety, are held and firmly bound unto Whatcom County, a Municipal Corporation and Charter
County in the State of Washington, in the full and penal sum of five percent (5%) of the total amount of the bid
proposal of said Principal for the work hereinafter described, for which payment, well and truly to be made, we
firmly bind ourselves, our heirs, executors, administrators and assigns, and successors and assigns, jointly and
severally by these presents.

The condition of this bond is such that, whereas, the Principal herein is herewith submitting his or its bid
proposal for **2020 Hot Mix Asphalt Prelevel at Various Locations**, said bid proposal, by reference thereto, being
hereby made a part hereof.

NOW, THEREFORE, if the said bid proposal submitted by the said Principal be accepted, and the contract
be awarded to said Principal, and if said Principal shall duly make and enter into and execute said contract and shall
furnish the performance bond as required by the bidding and contract documents within a period of ten (10) days
from and after said award, exclusive of the day of such award, then its obligation to pay the above-mentioned penal
sum as liquidated damages shall be null and void, otherwise it shall remain and be in full force and effect.

SIGNED AND SEALED, this 10th day of March 2020.

PRINCIPAL

Granite Construction Company

Company Name

James A. Prouty

Signature

James A. Prouty
Print
Senior Estimator



ATTORNEY-IN-FACT, SURETY

Travelers Casualty and Surety
Company of America

Company Name

Isabel Barron

Signature

Isabel Barron, Attorney in Fact

Print

The Attorney-in-Fact (Resident Agent) who executes this bond on behalf of the surety company must attach a copy
of his Power-of Attorney as evidence of his authority.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ACKNOWLEDGMENT

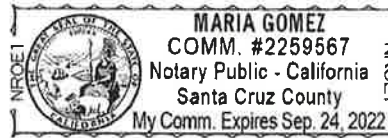
State of California
County of Santa Cruz)

On March 10, 2020 before me, Maria Gomez, Notary Public
(insert name and title of the officer)

personally appeared Isabel Barron,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Maria Gomez

(Seal)

Maria Gomez, Notary Public



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Isabel Barron** of **WATSONVILLE California**, their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 3rd day of February, 2017.



State of Connecticut

City of Hartford ss.

By: 
Robert L. Raney, Senior Vice President

On this the 3rd day of February, 2017, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2021




Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 10th day of March, 2020




Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney-in-Fact and the details of the bond to which the power is attached.**

GRANITE CONSTRUCTION COMPANY

CERTIFICATE OF SECRETARY


RESOLVED, that, effective January 1, 2020 through December 31, 2020, the individuals named on the attached Exhibit 1 are authorized to negotiate, execute and/or attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed \$25 million, relating to any and all domestic construction projects arising out of the Company's operations.

RESOLVED, that, effective January 1, 2020 through December 31, 2020, the individuals named on the attached Exhibit 2 are authorized to negotiate, execute and attest electronic and paper documents and contracts necessary for the conduct of the Company's affairs with respect to the submission and execution of construction project bids, bid proposals, bid addenda and all other bid-related documents prepared and submitted on behalf of the Company not to exceed \$75 million, relating to any and all domestic construction projects arising out of the Company's operations.

RESOLVED FURTHER, that the authority provided for herein shall be in accordance with applicable policies, procedures and limits of authority previously approved and the Granite Construction Incorporated Delegation of Authority and Policy then in effect.

I, M. Craig Hall, do hereby certify that I am duly qualified as Secretary of GRANITE CONSTRUCTION COMPANY, a California corporation (the "Company"); that the foregoing is a true and correct copy of resolutions duly adopted effective January 1, 2020 by unanimous written consent of the Executive Committee of the Board of Directors, held without a meeting in accordance with the provisions of Article III, Section 9 of the Bylaws of the Company; that the Directors acting were duly and regularly elected; and that the resolution adopted has not been modified or repealed and is still in full force and effect.

Dated: January 1, 2020



M. Craig Hall



EXHIBIT 2

AUTHORIZED SIGNERS

**Granite Construction Company
Northwest Group**

AUTHORIZED SIGNERS

**Brian Dowd, VP Nevada Region
Jason Klaumann, VP Utah Region
Derek Betts, VP Alaska Region
Todd A. Hill, VP Arizona Region
Michael A. Stein, VP Washington Region
Bradly Estes, VP Construction Materials**

EXHIBIT 1

AUTHORIZED SIGNERS
Granite Construction Company
Northwest Group
Washington Region

AUTHORIZED SIGNERS

Michael A. Stein, VP Washington Region
Cevin Ladwig Sr., Eastern WA Area Manager
Paul Harding, Southwest WA/OR Area Manager
Boudrey J. Smith, NW Washington Area Manager
Jeremy Deemer, Construction Manager
Nicholas Gerritsen, Construction Manager
Sonny Chavez, Regional Controller
Travis Walken, Chief Estimator
Grant Youngren, Senior Estimator
J. Peter Welch, Senior Estimator
James A. Prouty, Senior Estimator
Phil Meenach, Senior Estimator
James Gartside, Senior Estimator
Shane Berrett, Plants Manager
Andrew B. Thompson, Project Manager
Allen Chatriand, Project Manager
Jason Halverson, Project Manager
Cory Bell, Project Manager
Cody Rettke, Project Manager
Keith Majors, Material Sales Manager

ATTESTORS

Michael A. Stein, VP Washington Region
Cevin Ladwig Sr., Eastern WA Area Manager
Paul Harding, Southwest WA/OR Area Manager
Boudrey J. Smith, NW Washington Area Manager
Jeremy Deemer, Construction Manager
Sonny Chavez, Regional Controller
Nicolas Gerritsen, Construction Manager
Travis Walken, Chief Estimator
Grant Youngren, Senior Estimator
J. Peter Welch, Senior Estimator
James A. Prouty, Senior Estimator
Phil Meenach, Senior Estimator
James Gartside, Senior Estimator
Shane Berrett, Plants Manager
Andrew B. Thompson, Project Manager
Jason Halverson, Project Manager
Cody Rettke, Project Manager
Brynna Bennett, Estimating Assistant
Laurie Fuller, Estimating Assistant
John Newby, Estimating Assistant
Heather Young, Estimator
Keri Lee Gross, Office Manager



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-147

File ID:	AB2020-147	Version:	1	Status:	Agenda Ready
File Created:	03/13/2020	Entered by:	LReid@co.whatcom.wa.us		
Department:	Sheriff's Office	File Type:	Interlocal		
Assigned to:	Council Finance and Administrative Services Committee			Final Action:	
Agenda Date:	04/07/2020			Enactment #:	

Primary Contact Email: LReid@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into an interlocal agreement amendment between Whatcom County and the City of Bellingham to remove Yakima County Jail and add Kittitas County Jail as a Correctional Facility utilized by Whatcom County

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attachment

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Staff Memo, Proposed Amendment

**WHATCOM COUNTY
SHERIFF'S OFFICE**

**BILL ELFO
SHERIFF**



*PUBLIC SAFETY BUILDING
311 Grand Avenue
Bellingham, WA 98225-4078
(360) 778-6600*

MEMORANDUM

TO: Satpaul Sidhu, County Executive
FROM: Bill Elfo, Sheriff
RE: Jail Facility Use Agreement with Whatcom County Cities
DATE: March 13, 2020

Enclosed is an Amendment to the Jail Use Agreement with the City of Bellingham.

▪ **Background and Purpose**

Whatcom County provides Correctional Facility Services to surrounding Whatcom County Cities. This Amendment adds Kittitas County as one of the Correctional Facilities.

▪ **Funding Amount and Source**

The amount will vary and will come from the City of Bellingham's budget.

▪ **Differences from Previous Contract**

This Amendment removes Yakima County Jail and adds Kittitas County Jail as a Correctional Facility utilized by Whatcom County Jail.

If you have any questions, please contact Chief Wendy Jones at ext. 6505.

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.
201806020-1

Originating Department:	Sheriff
Division/Program: <i>(i.e. Dept. Division and Program)</i>	Corrections/In Custody
Contract or Grant Administrator:	Wendy Jones
Contractor's / Agency Name:	City of Bellingham
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input type="radio"/> No <input checked="" type="radio"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>201806020</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): _____ CFDA#: _____	
Is this contract grant funded? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, RFP and Bid number(s): _____ Contract Cost Center: <u>118000</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 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>Varies</u> This Amendment Amount: \$ _____ Total Amended Amount: \$ _____	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: _____	
Whatcom County provides Correctional Facility Services to City inmates lawfully committed to custody. This Amendment adds Kittitas County Jail as one of the Correctional Facilities.	
Term of Contract: 6 months	Expiration Date: 06/30/2020

Contract Routing:	1. Prepared by: LR	Date: 12/10/19
	2. Attorney signoff: _____	Date: <u>12/21/19</u>
	3. AS Finance reviewed: <u>blum</u>	Date: <u>1/16/20</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: <u>✓</u>	Date: <u>3.9.20</u>
	6. Submitted to Exec.: _____	Date: _____
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____

Last edited 04/11/19

**INTERLOCAL JAIL FACILITY USE AGREEMENT FOR
CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY AND THE
CITY OF BELLINGHAM**

2020 AMENDMENT ONE

RECITALS

- A. Whatcom County has an existing Jail Use Agreement (JUA) with all Cities within the physical confines of Whatcom County. The agreement specifies the conditions under which Whatcom County will book and hold misdemeanor and gross misdemeanor offenders from those Cities.
- B. Due to a significant construction project at the downtown Whatcom County Jail, bed space at this facility will be reduced by approximately 48 beds starting the 1st quarter of 2020, increasing the need for alternate housing facilities.
- C. In response to the conditions specified in the JUA, the Cities and the County had previously made arrangements to house overflow offenders in the Yakima County Jail.
- D. The Yakima County Jail arrangement is no longer tenable, and an alternative solution has been presented to the Cities which is more fully explained in this amendment.
- E. Whatcom County has entered into an agreement with Kittitas County Corrections to hold offenders who are booked, and are, or would be, held in one of the Whatcom County Corrections facilities under the conditions specified in the original JUA.
- F. Whatcom County is willing to book and coordinate housing for all booked and held City offenders who fall under the original JUA, including housing at the Kittitas County Jail, if the individual City government agrees to participate in this arrangement and enter into this Agreement.

AGREEMENT

1.0 Purpose of Agreement: This amendment modifies sections 4.3 and 4.4 of the current JUA, and an extension of the JUA (if it is extended), to address the circumstances set forth above. The term of this amendment shall be a two year period beginning January 1, 2020 and continuing through December 31, 2021, after which time the amendment shall no longer be in effect, unless

specifically extended by mutual agreement **PROVIDED** that nothing in this amendment precludes the County or the City from terminating the amended agreement under the process described in the original JUA (Section 8).

2.0 Modification: Whatcom County has entered into an agreement with the Kittitas County Jail (KCJ) to hold offenders from Whatcom County. The agreement includes offenders being housed in the Whatcom County Jail on City Court charges.

Under the Whatcom County agreement with KCJ, offenders who are being held in custody will be transported by Whatcom County to the KCJ in Ellensburg, WA. The offenders will also be transported by Whatcom County back to Whatcom County for release or for essential Court hearings. It is anticipated that there will be two (2) transports a week to the KCJ. The KCJ contract provides for alternative transportation in the event of an unanticipated release.

In the event an offender is unexpectedly released from custody, and it will be longer than 24 hours for a transport to be available, KCJ has agreed to take the offender to the Greyhound bus station and purchase a ticket to Bellingham for the offender. The cost of the ticket will be reimbursed to KCJ, and included as a separate charge to the City/Cities with jurisdiction over the specific offender on their Whatcom County Jail Services billing.

Individual Cities may elect to enter into their own housing agreement with KCJ. In that event, the original conditions of the JUA would be maintained; Whatcom County would not perform the duties outlined within this document and the individual City would assume the responsibility for transporting and tracking their offenders.

3.0 Process: For all Cities electing to participate in this program, and enter into this Amended Agreement, Whatcom County Corrections would be the coordinator of the KCJ housing and transport. Decisions about which offenders will be moved to KCJ will be made by Whatcom County Corrections and determined by a combination of the following considerations:

- A.** Ability to be housed at the Work Center.
- B.** Conviction Status (all offenders considered for KCJ will be post-1st appearance).
- C.** Offense level (Felony versus Misdemeanor)
- D.** Classification.

- E.** Institutional behavior.
- F.** Medical/Behavioral Health issues.
- G.** DOC Status.
- H.** Gender
- I.** Future court dates
- J.** Any other significant factor(s) related to the offender and housing.

3.1 Transportation: Whatcom County Transport teams will make two (2) trips to KCJ a week. Each Transport trip will deliver offenders to KCJ for housing, and pick up offenders who have scheduled release dates or are scheduled for Court. The specific days of the week for the transports have not yet been determined, but it is anticipated that they will be spread out over the week. Notification to participating Cities will be made as soon as the schedule is set.

Each City will designate an individual or individuals who will be the central point of contact for essential Court appearances for that City, The liaisons for each participating City will work out the details for communicating Court dates and other Court business with the County Transport team. Notice will be given to each participating City on who the County Transport Coordinator will be no later than the first week of January.

It is anticipated that this process will be based on the current system of notification between the Cities and the Transport team for Court appearances.

3.2 Access to Courts and visiting: KCJ is in the process of installing a new video court/visiting system and they anticipate this will be available to County and Cities for Court hearings, attorney access, and visits from family and friends at the first of 2020. Whatcom County is not responsible to the Cities for the quality or arrangements of this anticipated technology and access.

4.0 Finance: Offenders booked into the Whatcom County Jail and who are housed at KCJ will remain on the Whatcom County Jail Roster, with a notation on the roster designating that they are housed at KCJ. This will be similar to the current process that identifies offenders who are housed at the Work Center.

Once a quarter, Whatcom County will be billed by KCJ for all offenders originating from the Whatcom County Jail, including offenders being held for participating Cities. Whatcom County will, in turn, bill the participating Cities at the Whatcom County per diem rate, under the same process as outlined in the JUA. This will allow Whatcom County to off-set the costs that are not included in the KCJ per diem but are included in the Whatcom County Jail per diem such as transportation to and from KCJ and routine medications. If it is necessary to

arrange transportation back from KCJ via bus for offenders being released from custody, that charge will be included for reimbursement from the City. In the event that extraordinary medical costs are incurred by a City offender, those charges will be paid and included in the City billing as described in the JUA.

The KCJ cost schedule includes:

Basic \$66.50 per diem for general population offenders, This per diem does not include medications or transportation for local services such as doctor or dental appointments in Ellensburg, or health care services provided outside of the facility. Charges for health care provided outside of the KCJ will be charged back to the City as outlined in the original JUA.

High Maintenance offenders needing additional care and/or single cell housing: \$133.00 per diem, with the additional charges for medication, outside services and transportation. Charges for health care provided outside of KCJ will be charged back to the City as outlined in the original JUA. KCJ also reserved the right to require that the offender be returned to Whatcom County if they are determined to be inappropriate for KCJ.

If a City chooses not to participate in this agreement, they would continue their process for alternative housing for their offenders as described in the original JUA.

5.0: Alternatives: Whatcom County Cities are encouraged to have an additional facility contract available for offenders with acute medical and/or behavioral health needs that make them inappropriate for KCJ and possibly the Whatcom County Jail. The SCORE facility, located in Burien Washington, may have the resources to manage high maintenance offenders and the Cities may want to consider SCORE as a backup facility in addition to others the City may be aware of.

6.0: Summary: The existing JUA is the governing document for jail services, and nothing in this amendment is intended to deviate from those conditions other than as set forth in this Amendment. This amendment serves as an option for the local Cities to facilitate moving their offenders out of the Downtown Jail into housing at another facility for the reasons outlined in the JUA.



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-163

File ID:	AB2020-163	Version:	1	Status:	Agenda Ready
File Created:	03/24/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	04/07/2020			Enactment #:	

Primary Contact Email: mcaldwel@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance amending the 2020 Whatcom County Budget, request no. 9, in the amount of \$390,689

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Supplemental #9 requests funding from the General Fund:

1. To appropriate \$128,500 in Health to fund substance use prevention program increase from grant proceeds.
2. To appropriate \$21,748 in Sheriff to fund Fraternal Order of Police settlement.
3. To appropriate \$37,600 in Sheriff to fund public safety communications manager one-time costs.
4. To appropriate \$91,962 in Sheriff to fund federal fiscal year 2018 Operation Stonegarden program.
5. To decrease appropriation by (\$21,748) in Non Departmental to transfer budget to Sheriff for Fraternal Order of Police settlement.

From the Homeless Housing Fund:

6. To appropriate \$32,627 in Health to fund increase in services from state consolidated housing grant proceeds.

From the Public Utilities Improvement (EDI) Fund:

7. To appropriate \$100,000 to fund preliminary design of NW Annex redevelopment project.

HISTORY OF LEGISLATIVE FILE

**ORDINANCE NO.
 AMENDMENT NO. 9 OF THE 2020 BUDGET**

WHEREAS, the 2019-2020 budget was adopted November 20, 2018; and,
WHEREAS, changing circumstances require modifications to the approved 2019-2020 budget;
 and,

WHEREAS, the modifications to the budget have been assembled here for deliberation by the
 Whatcom County Council,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2019-2020
 Whatcom County Budget Ordinance #2018-064 is hereby amended by adding the following additional
 amounts to the 2020 budget included therein:

Fund	Expenditures	Revenues	Net Effect
General Fund			
Health	128,500	(128,500)	-
Sheriff	151,310	(91,962)	59,348
Non Departmental	<u>(21,748)</u>	<u>-</u>	<u>(21,748)</u>
Total General Fund	258,062	(220,462)	37,600
Homeless Housing Fund	32,627	(32,627)	-
Public Utilities Improvement (EDI) Fund	100,000	-	100,000
Total Supplemental	<u>390,689</u>	<u>(253,089)</u>	<u>137,600</u>

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
 WHATCOM COUNTY, WASHINGTON

 Dana Brown-Davis, Council Clerk

 Barry Buchanan, Chair of Council

APPROVED AS TO FORM:

() Approved () Denied

Approved by email/KF/MC
 Civil Deputy Prosecutor

 Satpal Sidhu, County Executive

Date: _____

WHATCOM COUNTY				
Summary of the 2020 Supplemental Budget Ordinance No. 9				
Department/Fund	Description	Increased (Decreased) Expenditure	(Increased) Decreased Revenue	Net Effect to Fund Balance (Increase) Decrease
General Fund				
Health	To fund substance use prevention program increase from grant proceeds	128,500	(128,500)	-
Sheriff	To fund Fraternal Order of Police (FOP) settlement	21,748	-	21,748
Sheriff	To fund public safety communications manager one-time costs	37,600	-	37,600
Sheriff	To fund federal fiscal year 2018 Operation Stonegarden program	91,962	(91,962)	-
Non Departmental	To decrease wage reserve account and move budget to Sheriff for FOP settlement	(21,748)	-	(21,748)
Total General Fund		258,062	(220,462)	37,600
Homeless Housing Fund	To fund increase in services from state consolidated housing grant proceeds	32,627	(32,627)	-
Public Utilities Improvement (EDI) Fund	To fund preliminary design of NW Annex redevelopment project	100,000	-	100,000
Total Supplemental		390,689	(253,089)	137,600



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2020-164

File ID:	AB2020-164	Version:	1	Status:	Agenda Ready
File Created:	03/24/2020	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:	Finance Division	File Type:	Ordinance		
Assigned to:	Council			Final Action:	
Agenda Date:	04/07/2020			Enactment #:	

Primary Contact Email: mcaldwel@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance closing the Lighthouse Marine Park Improvement Fund 362

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Requests closing of the 2015 Lighthouse Marine Park Improvement Fund 362 and remaining funds be returned to the Real Estate Excise Tax II Fund.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Proposed Ordinance

PROPOSED BY: Executive
INTRODUCTION DATE: 04/07/20

ORDINANCE NO. _____

CLOSING LIGHTHOUSE MARINE PARK IMPROVEMENT FUND 362

WHEREAS, on November 25, 2014 Ordinance 2014-078 created 2015 Lighthouse Marine Park Improvement Fund 362 and established a project based budget for this capital project; and

WHEREAS, Real Estate Excise Tax II (REET II) Fund contributed \$328,500 towards the project; and

WHEREAS, the project has now been completed; and

WHEREAS, the project fund is no longer needed, and

WHEREAS, the current cash balance in the project fund is \$721; and

WHEREAS, remaining cash in the fund should be returned to the REET II Fund;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2015 Lighthouse Marine Park Improvement Fund 362 be dissolved and its remaining cash balance returned to the REET II Fund.

ADOPTED this ____ day of _____, 2020.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

() Approved () Denied



Civil Deputy Prosecutor

Satpal Sidhu, County Executive
Date: _____