WHATCOM COUNTY COUNCIL

AGENDA REVISION NOTICE
FOR MAY 22, 2018
(DISTRIBUTED AT 3:45 P.M. ON MAY 17, 2018)

THE FOLLOWING ITEM HAS BEEN ADDED TO FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE AND COUNCIL:

Request authorization for the County Executive to enter into a contract amendment (amendment no. 2) between Whatcom County and the County Road Administration Board (CRAB) to allow the County to receive additional Rural Arterial Program (RAP) grant funding for the East Smith Road Pavement Rehabilitation Project (Everson-Goshen Road to SR-542) (AB2018-164)*

*Item will be scheduled under Committee Discussion and Recommendations to Council at Committee and Other Items at Council.
### TITLE OF DOCUMENT:
East Smith Road Pavement Rehabilitation, Everson-Goshen to SR-542; CRP No. 916006

### ATTACHMENTS:
1. Memo
2. Contract Information Sheet
3. Rural Arterial Program (RAP) - Project Agreement for Construction Proposal, Amendment No. 1; three (3) originals
4. Project Narrative

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:
(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Public Works respectfully requests that the County Council authorize the County Executive to enter into Amendment Number 2 with CRAB in order to receive additional RAP grant funding for the East Smith Road Pavement Rehabilitation project.

Please return all three (3) originals of the Amendment Number 2-RAP Agreements to our office for further processing. We will return one (1) fully executed original to you once they are signed by CRAB.

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**CLEARANCES**

<table>
<thead>
<tr>
<th>Originator: Cody Swan</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division Head: Joe Rutan, P.E.</td>
<td>Initial</td>
<td>Date</td>
<td>5/17/18</td>
<td>Agenda Date</td>
<td>5/22/2018</td>
</tr>
<tr>
<td>Dept. Head: Jon Hatchings</td>
<td>Initial</td>
<td>Date</td>
<td>5/17/18</td>
<td>Agenda Date</td>
<td>5/22/2018</td>
</tr>
<tr>
<td>Prosecutor: Daniel Gibson</td>
<td>Initial</td>
<td>Date</td>
<td>5/17/18</td>
<td>Agenda Date</td>
<td>5/22/2018</td>
</tr>
<tr>
<td>Purchasing/Budget: Brad Bennett</td>
<td>Initial</td>
<td>Date</td>
<td>5/17/18</td>
<td>Agenda Date</td>
<td>5/22/2018</td>
</tr>
<tr>
<td>Executive: Jack Louws</td>
<td>Initial</td>
<td>Date</td>
<td>5/17/18</td>
<td>Agenda Date</td>
<td>5/22/2018</td>
</tr>
</tbody>
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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
MEMORANDUM

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

Through: Jon Hutchings, Director

From: Joseph P. Rutan, P.E., County Engineer/Assistant Director
Cody Swan, Project Engineer

Date: May 17, 2018

Re: East Smith Road Pavement Rehabilitation, Everson-Goshen Road to SR-542
CRP No. 916006
Rural Arterial Program (RAP) Funding Contract-Amendment No. 2

Enclosed for your review and signature are three (3) originals of a contract between the County Road Administration Board (CRAB) and Whatcom County.

Requested Action
Public Works respectfully requests that the County Council authorize the County Executive to enter into Amendment Number 2 with CRAB in order to receive additional RAP grant funding for the East Smith Road Pavement Rehabilitation project.

Please return all three (3) originals of the Amendment Number 2-RAP Agreements to our office for further processing. We will return one (1) fully executed original to you once they are signed by CRAB.

Project Background
This agreement allows Rural Arterial Trust Account (RATA) funds to be used for the design and construction of the East Smith Road Pavement Rehabilitation project (from Everson-Goshen Road to SR-542).

Funding Amount and Source
Whatcom County has been awarded an additional $156,270 in RATA funds for a total of $1,000,000 for this project. Total anticipated project costs (design and construction) will be approximately $1,500,000 resulting is a local contribution of approximately $500,000 coming from the Road Fund. This project is not listed on the 2018 Annual Construction Program. It is anticipated for construction 2020.

Please contact Cody Swan at extension 6265 if you have any questions or concerns regarding the terms of this agreement.
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division/Program:</td>
<td>Design and Construction</td>
</tr>
<tr>
<td>Contract Administrator:</td>
<td>James P. Karcher, PE-Engineering Manager</td>
</tr>
<tr>
<td>Washington State – County Road Administration Board</td>
<td></td>
</tr>
</tbody>
</table>

If this a New Contract? Yes ☑ No ☐ If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ No ☑ If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 201706003

Does contract require Council Approval? Yes ☑ No ☐ If No, include WCC: (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

Is this a grant agreement? Yes ☑ No ☐ If yes, grantor agency contract number(s): RAP 3717-01 CFDA#: __________

Is this contract grant funded? Yes ☑ No ☐ If yes, Whatcom County grant contract number(s): 201706003

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

Is this agreement excluded from E-Verify? Yes ☑ No ☐ If no, include Attachment D Contractor Declaration form.

If YES, indicate exclusion(s) below:

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

**Contract Amount:** (sum of original contract amount and any prior amendments):

- $843,730 (RATA funds)

**This Amendment Amount:**

- $156,270

**Total Amended Amount:**

- $1,000,000

**Summary of Scope:** Whatcom County has been awarded an additional $156,270 for a total of $1,000,000 in Rural Arterial Trust Account (RATA) Funds by the Washington State County Road Administration Board through an amendment to a grant from the Rural Arterial Program. Whatcom County will utilize these funds for the pavement rehabilitation of East Smith Road between Everson-Goshen Road and SR-542, a distance of approximately 3.25 miles in length.

**Term of Contract:**

<table>
<thead>
<tr>
<th>Completion of Project Date:</th>
<th>N/A</th>
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<tbody>
<tr>
<td>Date: 2018-05-17</td>
<td>5/17/18</td>
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</tbody>
</table>

**Contract Routing:**

1. Prepared by: CJS
2. Attorney signoff: Daniel L. Gibson
3. AS Finance reviewed: 
4. IT reviewed (if IT related):
5. Contractor signed: 
6. Submitted to Exec:
7. Council approved (if necessary):
8. Executive signed:
9. Original to Council:

**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, professional services, or other capital costs approved by council in a capital budget appropriation ordinance.
3. Bid or award is for supplies or equipment included approved in the budget.
4. 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.

**Last edited 10/31/16**
STATE OF WASHINGTON - COUNTY ROAD ADMINISTRATION BOARD
RURAL ARTERIAL PROGRAM
PROJECT AGREEMENT FOR CONSTRUCTION PROPOSAL

AMENDMENT NO. 2
Submit County: Whatcom
Project Number: 3717-01
Date Approved: 04/27/2017

Road Number(s)  Road Name(s)  BMP(s)  EMP(s)  Segment #
55080          East Smith Road  4.980  8.230  1

This is Amendment No. 2 to the above described Project Agreement, between the County of Whatcom, hereinafter the “County” and the State of Washington County Road Administration Board, hereinafter the “CRABoard.”

WHEREAS, the COUNTY and CRABoard desire to amend the original Project Agreement to allow an increase in RATA funding under the conditions described in WAC 136-161-070.

NOW, THEREFORE, pursuant to chapter 36.79 RCW and in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. The following new language is added as section 16 to the Project Agreement:

RATA funding is increased to $1,000,000 per CRABoard approval dated April 19, 2018.

2. All other terms and conditions of the original Project Agreement shall remain in full force and effect except as modified by this Amendment No. 2.

IN WITNESS WHEREOF, the PARTIES hereto have executed this AMENDMENT No. 2 as of the PARTY’s date last signed below.

COUNTY ROAD ADMINISTRATION BOARD:

By: ____________________________________________

Date: __________________________________________

Whatcom COUNTY:

By: ____________________________________________

______________________________
Jack Louws
County Executive

Date: __________________________________________

Approved as to form:

______________________________
Daniel L. Gibson
Chief Civil Deputy Prosecutor

Date: 05/17/18