

AMENDMENT NO. 1
TO
CONTRACT FOR SERVICES AGREEMENT
NO. 201205028
BETWEEN WHATCOM COUNTY "COUNTY"
AND CH2M HILL ENGINEERS, INC. "CONSULTANT"

The term of this Amendment No. 1 to the Contract for Services Agreement No. 201205028 shall commence on the 25th day of Jan., 2013, and shall, unless terminated or renewed as specified in the original contract, terminate on the 28th day of February, 2013, with an automatic extension of six (6) months.

This contract amendment is specific to Section 2.4 of the "Exhibit A: Scope of Work" within the original contract. These changes result in a \$327,038.84 increase in total budget and are outlined in "Attachment A." The scope and budget changes generally include the following:

- Additional public scoping meetings with more consultant staff support, and higher meeting reservation and advertising cost than originally anticipated
- More Co-lead Agency meetings to coordinate reviews and more draft iterations than anticipated,
- Changes in the division work among team consultants.
- Additional time spent reviewing, summarizing, and tracking scoping comments.

The new contract amount shall be \$1,288,744.84 to allow for changes. As per the original contract, this amount is being fully funded by the applicants; Pacific International Terminals, Inc. and BNSF Railway Company (Contract No. 201205029, Amendment No. 1).

WHATCOM COUNTY

Approved as to form:



Royce Buckingham,
Whatcom County Prosecuting Attorney

1-23-13
Date

Accepted for Whatcom County:




Jack Louws,
Whatcom County Executive

1/25/13
Date

STATE OF WASHINGTON)
) ss.
COUNTY OF Whatcom)

On this 25 day of Jan., 2013, before me personally appeared to me known to be the Executive of Whatcom County and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.





NOTARY PUBLIC in the State of
Washington, residing at
Ferrisdale

My commission expires 3/29/13

**ATTACHMENT A
CHANGES TO ORIGINAL CONTRACT
(EXHIBIT A: SCOPE OF WORK)**

Attachment A-1: Gateway Pacific Terminal and Custer Spur Modification EIS, Modifications 1 and 2 changes in scope and supporting budget

Context for Changes to Scope and Level of Effort:

We, the Co-Leads and the 3rd party Consultant, have been actively responding to changing expectations about attendance beyond our original expectations. As you know, we collectively laid out plans to accommodate upwards of 500 to 600 person meetings, with space for 200 to have an opportunity to sit in a verbal comment area and majority of the others to wander the open house portion of the meeting.

Due to highly organized groups actively engaging citizenry, we have collectively received information about higher than expected interest which has led us to change our set up for the Bellingham scoping meeting, open areas (upper balconies) not intended to be used in Mt Vernon and has forced us to reconsider the venue locations in Seattle and Vancouver. For most of these changes, we have had a matter of days or on the spot to accommodate the changes as a team of decision-makers. The rush and intense logistical requirements have not allowed us to document the details and allow time for the applicant to weigh-in, (although there have been several verbal conversations and even encouragements on the spot to help accommodate the volumes of attendees). We have had to choose to be responsive under the constraints of public and legal notifications that have been distributed with the Notice of Intent and the notice in the SEPA register.

The following highlights the changes in terms of the original modification submitted early October and changes that have occurred since, as reflected in Modification #2. Please find the supporting spreadsheets attached following this table.

Task No.	Task Description	Mod #1 Changes	Mod #2 Changes
GP.01	Task 1 - Project Management		
1.1	Project Management and Oversight	<ul style="list-style-type: none"> Higher number of Co-lead coordination meetings for CH2MHILL and Wheeler Consulting 	<ul style="list-style-type: none"> PRR attendance at these co-lead meetings and more coordination
1.2	Project Set-Up	<ul style="list-style-type: none"> No changes 	<ul style="list-style-type: none"> No changes
1.3	Project Controls	<ul style="list-style-type: none"> No changes 	<ul style="list-style-type: none"> No changes
1.4	Project Kick-Off	<ul style="list-style-type: none"> No changes 	<ul style="list-style-type: none"> No changes
GP.02	Task 2 - Public Involvement Process		
2.1	Public Involvement Process	<ul style="list-style-type: none"> Input from Wheeler Assoc for SEPA input/review not anticipated in original scope Proposed shift of funds from PRR noted in original Mod #1 is outdated, since they found they required the hours for 	<ul style="list-style-type: none"> Higher degree of process review/management of outreach process Mailing lists exceeded anticipated tracking Much of the posters and web design was prepared under this

		attending almost weekly meetings during scoping meeting planning	task. Credit from PRR, but the volume and iterations of reviews exceeded level of effort anticipated <ul style="list-style-type: none"> Prepared an Agency Coordination Plan to help direct our interactions with regulatory agencies.
2.2.1	Public Participation Plan and EJ Outreach Plan	<ul style="list-style-type: none"> No changes 	<ul style="list-style-type: none"> No changes
2.2.2	Media Scan and Summaries	<ul style="list-style-type: none"> No changes 	<ul style="list-style-type: none"> No changes
2.3.1	Project Definition and Purpose and Need	<ul style="list-style-type: none"> No changes, these funds were transferred to use in other tasks – such as project definition posters and materials for the public meetings. 	<ul style="list-style-type: none"> No changes
2.3.2	Development of a Draft NOI and DS	<ul style="list-style-type: none"> No changes 	<ul style="list-style-type: none"> No changes, however, we did complete a new NOI and DS to update for the change in venue.
2.4	Preparation of Scoping Report		<ul style="list-style-type: none"> Over 3 times the anticipated comments thus far. Average of 2 persons full time to review, summarize and track scoping comments. Transferred task from PRR to CH2MHILL
2.5	Public and Agency Scoping Meetings	<ul style="list-style-type: none"> Attendance for some anticipated additional staff and 2 more meetings 	<ul style="list-style-type: none"> Higher than expected planning coordination, revisiting sites, re-advertising, updating multiple materials, adding two verbal comment areas to multiple meetings, and adding more staff attendance to accommodate larger crowds Changes to meeting plan for every planning public meeting, which extended planning efforts, and set-up time. All meetings requiring more staff assistance, especially when accommodating two verbal comment areas for Bellingham, Seattle, and Vancouver Change of Seattle venue and additional AV support Change to lottery system added to the number of support staff required in Vancouver and Seattle.

			<ul style="list-style-type: none"> • Additional advertisements • From planned 12 boards to 28 boards. Larger venue requirements resulted in multiple of way finding posters set-up requirements • <i>*All expense changes related to this task are based on actual cost – and have been moved from Mod #1 to Mod #2 per the attached spreadsheets.</i>
2.6	Other Public Information Materials	<ul style="list-style-type: none"> • Shifted funds from PRR task and transferred to CH2MHILL's task 2.1 to cover additional outreach management delegated from PRR. 	<ul style="list-style-type: none"> • No changes
2.7	Comment Log	<ul style="list-style-type: none"> • Based on actual work performed today: 28hour/week for about 3 months to review approve and log comments onto web. This includes inputting metadata input and copying and mailing all comments to Co-leads for EIS record purposes. (portion of this is covered through shifting funds from PRR budget to CH2MHILL) • Bi-weekly scoping comment updates (vs. monthly). 	<ul style="list-style-type: none"> • Also, PRR supports a previously unidentified task of opening a phone line, recording questions and responses from both phone and web inquiries for logistic oriented questions.
GP.03	Task 3 - Record Material Keeping		
3.1	Records Management and the Administrative Record	<ul style="list-style-type: none"> • No changes 	<ul style="list-style-type: none"> • No changes
GP.04	Task 4 - Environmental Evaluation		
4.1	Environmental Evaluation Methodologies	<ul style="list-style-type: none"> • No changes 	<ul style="list-style-type: none"> • No changes

Status as of October 16 and Budget Modification 1 and 2 Summary Sheet

		Contract Budget	7/27/2012	8/31/2012	9/28/2012	10/26/2012	Budget status - 10/26/2012	MOD #1		MOD #2	
								Labor	Expense	Labor	Expense
GP.01	Task 1 - Project Management	\$175,510.00	\$59,528.30	\$53,135.85	\$20,391.74	\$14,172.15	\$28,281.96	\$50,244.00		\$25,195.68	
1.1	Project Management and Oversight	\$67,732.00	\$8,069.50	\$36,092.66	\$15,715.24	\$11,103.65	(\$3,249.05)	\$50,244.00		\$25,195.68	
1.2	Project Set-Up	\$26,512.00	\$27,835.00	\$1,517.10	\$0.00	\$0.00	(\$2,840.10)	\$0.00		\$0.00	
1.3	Project Controls	\$37,440.00	\$795.00	\$1,868.75	\$3,691.50	\$3,068.50	\$28,016.25	\$0.00		\$0.00	
1.4	Project Kick-Off	\$43,826.00	\$22,828.80	\$13,657.34	\$985.00	\$0.00	\$6,354.86	\$0.00		\$0.00	
GP.02	Task 2 - Public Involvement Process	\$487,808.00	\$28,949.00	\$130,364.67	\$77,342.52	\$108,047.56	\$143,104.35	\$30,182.52		\$186,676.89	\$64,334.15
2.1	Public Involvement Process	\$19,878.00	\$15,548.00	\$18,066.75	\$12,687.07	\$718.46	(\$27,140.28)	\$29,416.00		\$18,277.72	
2.2.1	Public Participation Plan and EJ Outreach Plan	\$48,824.00	\$5,065.00	\$28,144.85	\$2,096.16	\$1,629.00	\$9,888.99	\$0.00		\$0.00	
2.2.2	Media Scan and Summaries	\$16,261.00	\$362.00	\$3,334.53	\$1,416.94	\$1,567.43	\$9,580.10	\$0.00		\$0.00	
2.3.1	Project Definition and Purpose and Need	\$52,404.00	\$975.00	\$12,177.00	\$18,044.50	\$5,099.90	\$16,107.60	(\$34,600.00)		\$0.00	
2.3.2	Development of a Draft NOI and DS	\$4,835.00	\$1,560.00	\$1,990.00	\$390.00	\$0.00	\$895.00	\$0.00		\$0.00	
2.4	Preparation of Scoping Report (As Billed)	\$85,069.00	\$0.00	\$33,755.91	\$23,634.25	\$33,099.53	(\$5,430.60)	\$0.00		\$0.00	
2.4	Preparation of Scoping Report (Adjusted for PRR billing errors)	\$85,069.00	\$0.00	\$1,400.00	\$3,270.00	\$3,045.00	\$77,344.00	\$510.00		\$54,989.18	
2.5	Public and Agency Scoping Meetings (As Billed)	\$144,419.00	\$362.00	\$4,193.03	\$3,161.00	\$40,045.28	\$96,657.69	\$0.00		\$0.00	
2.5	Public and Agency Scoping Meetings (Adjusted for PRR billing error)	\$144,419.00	\$362.00	\$36,548.96	\$23,525.25	\$70,099.81	\$13,882.98	\$44,493.05		\$83,409.99	\$64,334.15
	Transcribe the individual verbal comments										
2.6	Other Public Information Materials	\$77,877.00	\$5,077.00	\$27,322.45	\$10,665.43	\$7,867.06	\$26,945.06	(\$23,557.41)		\$0.00	
2.7	Comment Log	\$40,251.00		\$1,380.05	\$5,247.17	\$18,022.90	\$15,600.88	\$13,920.88		\$0.00	
GP.03	Task 3 - Record Material Keeping	\$6,984.00	\$450.00	\$1,530.00	\$180.00	\$90.00	\$4,734.00	\$0.00		\$0.00	
3.1	Records Management and the Administrative Record	\$6,984.00	\$450.00	\$1,530.00	\$180.00	\$90.00	\$4,734.00	\$0.00		\$0.00	
GP.04	Task 4 - Environmental Evaluation	\$199,382.00	\$0.00	\$0.00	\$240.00	\$2,584.00	\$196,558.00	\$0.00		\$0.00	
4.1	Environmental Evaluation Methodologies	\$199,382.00	\$0.00	\$0.00	\$240.00	\$2,584.00	\$196,558.00	\$0.00		\$0.00	
	LABOR TOTALS	\$869,684.00	\$88,927.30	\$185,030.42	\$98,154.26	\$124,893.71	\$372,678.31				
	EXPENSES	\$68,168.00	\$2,048.19	\$4,050.85	\$1,880.64	\$13,974.87	\$44,213.55				\$64,334.15
	5% EXPENSES/SUBCONSULTANTS MARK UP	\$25,851.00	\$102.41	\$6,145.11	\$1,970.57	\$4,497.27	\$13,135.64	-\$3,428.42		\$3,834.03	
	TOTAL	\$961,703.00	\$91,077.90	\$195,226.38	\$102,005.37	\$143,365.85	\$430,027.60	\$76,998.10		\$185,706.60	\$64,334.15

Consultant Fee Determination
 Whatcom County
 Gateway Pacific Terminal and BNSF Custer Spur Modifications Project

12/19/12

Task	Firm	CH2M HILL Hours	CH2M HILL Dollars	Confluence Environmental Hours	Confluence Environmental Dollars	PRR Hours	PRR Dollars	Sequana Hours	Sequana Dollars	BST Hours	BST Dollars	Wheeler Hours	Wheeler Dollars	TOTAL Hours	TOTAL Dollars
GP.01 Task 1 - Project Management		918	\$137,824	64	\$11,200	12	\$1,970	34	\$5,100	8	\$1,120	112	\$16,890	1146	\$172,094
1.1 Project Management and Oversight		278	\$45,332	32	\$5,600	0	\$0	16	\$2,400	0	\$0	96	\$13,440	420	\$66,772
1.2 Project set-up		160	\$26,000	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	160	\$26,000
1.3 Project Controls		292	\$36,040	8	\$1,400	0	\$0	0	\$0	0	\$0	0	\$0	300	\$37,440
1.4 Project kick-off		188	\$30,252	24	\$4,200	12	\$1,970	18	\$2,700	8	\$1,120	16	\$2,240	268	\$42,482
MOD 1 HOURS - see Att B3		180	\$33,444									120	\$18,800	300	\$50,244
MOD 2 HOURS						182	\$25,196							182	\$25,196
GP.02 Task 2 - Public Involvement Process		991	\$160,283	144	\$28,200	1871	\$192,884	90	\$13,800	280	\$37,500	104	\$14,880	3480	\$443,197
2.1 Public Involvement Process		50	\$9,840	0	\$0	75	\$10,038	0	\$0	0	\$0	0	\$0	131	\$19,878
MOD 1 HOURS - see Att B3		136	\$24,376									36	\$5,040	172	\$28,416
MOD 2 HOURS						113	\$18,278							113	\$18,278
2.2 Public and Agency Involvement										40	\$5,600			40	\$5,600
2.2.1 Public Participation Plan and EJ Outreach Plan		168	\$30,472	8	\$1,400	143	\$14,332	8	\$1,200			0	\$0	327	\$47,404
2.2.2 Media scan and summaries		12	\$2,172			144	\$14,089							156	\$16,261
2.3 Scoping Period Commencement															
2.3.1 Project Definition and Purpose and Need		56	\$9,932	0	\$0	0	\$0	28	\$4,200	250	\$37,500	8	\$1,120	342	\$52,752
2.3.2 Development of a Draft NOI and DS		17	\$2,567	0	\$0	0	\$0	8	\$1,200	8	\$1,120	8	\$1,120	33	\$4,887
MOD 1 HOURS - see Att B3								-18	-\$2,700	-210	-\$31,900			-238	-\$34,600
2.4 Preparation of Scoping Report		332	\$48,368	104	\$18,200	109	\$14,155	16	\$2,400			16	\$2,240	577	\$85,363
MOD 1 HOURS - see Att B3		90	\$11,010	-60	-\$10,500									30	\$510
MOD 2 HOURS		872	\$82,222			-40	-\$7,233							512	\$84,989
2.5 Public and Agency Scoping Meetings		210	\$36,170	32	\$5,600	631	\$67,631	30	\$4,500			64	\$8,960	967	\$122,861
MOD 1 HOURS - See Att B1		215	\$36,607	19	\$3,325	30	\$4,051							264	\$44,493
MOD 2 HOURS		278	\$42,970			337	\$40,440							615	\$83,410
2.6 Other Public Information Materials		140	\$20,832	0	\$0	269	\$31,588	0	\$0			8	\$1,120	417	\$53,540
MOD 1 HOURS - see Att B3						-211	-\$23,857							-211	-\$23,857
2.7 Comment Log		0	\$0			500	\$40,251					0	\$0	500	\$40,251
MOD 1 HOURS - see Att B3		304	\$43,558			-338	-\$29,837							28	\$13,921
GP.03 Task 3 - Record Material Keeping		52	\$7,128	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	52	\$7,128
3.1 Records management and the Administrative Record		52	\$7,128	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	52	\$7,128
GP.04 Task 4 - Environmental Evaluation		655	\$100,194	245	\$40,285	0	\$0	16	\$2,400	28	\$4,220	32	\$4,480	976	\$151,579
4.1 Environmental Evaluation Methodologies		655	\$100,194	245	\$40,285	0	\$0	16	\$2,400	28	\$4,220	32	\$4,480	976	\$151,579
CONTRACT LABOR TOTALS		2,614	\$405,299	463	\$76,688	1,883	\$194,054	140	\$21,000	288	\$37,720	248	\$34,720	5,624	\$734,788
MOD 1 LABOR TOTALS		985	\$148,808	-41	-\$7,175	-517	-\$48,633	-18	-\$2,700	-210	-\$31,900	196	\$21,840	385	\$80,427
MOD 2 LABOR TOTALS		880	\$108,192	0	\$0	642	\$78,881	0	\$0	0	\$0	0	\$0	1992	\$161,873
5% mark-up on Subs on Mod 1					-\$389		-\$2,432		-\$135		-\$1,595		\$1,092		-\$3,428
5% mark-up on Subs on Mod 2					\$0		\$3,834		\$0		\$0		\$0		\$3,834

GPT Scoping Meeting Expenses for Mod 1 and 2

	Estimated Expense	Amount Currently Budgeted	Additional Funds Needed	Bellingham	Mt Vernon	Friday Harbor	Seattle	Ferndale	Spokane	Vancouver	General Meeting Expenses
Venue Rental	\$ 25,269.42	\$ 2,500.00	\$ 22,769.42	\$ 1,595.92	\$ 5,000.00	\$ 573.50	\$ 11,000.00	\$ 2,765.00	\$ 3,135.00	\$ 1,200.00	
Court Reporter	\$ 14,186.00	\$ 2,000.00	\$ 12,186.00	\$ 2,167.00	\$ 1,760.00	\$ 1,759.00	\$ 3,000.00	\$ 2,000.00	\$ 1,500.00	\$ 2,000.00	
Equipment Rental (chairs, microphone)	\$ 7,952.78	\$ -	\$ 7,952.78	\$ 1,043.30		\$ 619.48	\$ 4,050.00	\$ 1,700.00		\$ 540.00	
Display Ads	\$ 22,755.00	\$ 15,750.00	\$ 7,005.00								\$ 22,755.00
Printing	\$ 8,112.00	\$ 5,775.00	\$ 2,337.00	\$ 3,112.00	\$ 550.00	\$ 550.00	\$ 2,000.00	\$ 800.00	\$ 550.00	\$ 550.00	
Mailing Expense	\$ 200.00	\$ 3,045.00	\$ (2,845.00)								\$ 200.00
Video (stock photos)	\$ 300.00		\$ 300.00								\$ 300.00
Office Supplies	\$ 776.95		\$ 776.95								\$ 776.95
Travel/Hotel/Rental Car (PRR)	\$ 4,071.00		\$ 4,071.00	\$ 350.00	\$ 300.00	\$ 1,170.00	\$ 11.00	\$ 350.00	\$ 1,240.00	\$ 350.00	\$ 300.00
Travel/Hotel/Rental Car (CH)		\$ 9,123.60									
Travel/Hotel/Rental Car (Wheeler)		\$ 5,214.00									
Travel/Hotel/Rental Car (Confluence)		\$ 1,617.00									
Additional Security Costs	\$ 6,281.00		\$ 6,281.00			\$ 550.00	\$ 2,829.00	\$ 1,365.00		\$ 1,537.00	
Individual comment transcriptions	\$ 3,000.00		\$ 3,000.00								\$ 3,000.00
Web Server	\$ 500.00		\$ 500.00								
	\$ 93,404.15	\$ 45,024.60	\$ 64,334.15	\$ 8,268.22	\$ 7,610.00	\$ 5,221.98	\$ 22,890.00	\$ 8,980.00	\$ 6,425.00	\$ 6,177.00	\$ 27,331.95