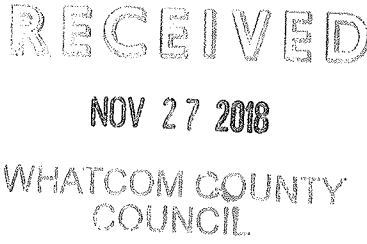


WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2018-363

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: James Lee, P.E.	JEL	11-19-18		12-4-2018	Finance/Council
Division Head: Joe Rutan, P.E.	JRK FOR JR	11-19-18			
Dept. Head: Jon Hutchings	JH	11/19/18			
Prosecutor: Chris Quinn	CDQ	11/14/2018			
Purchasing/Budget: Brad Bennett	bbennett	11/14/18			
Executive: Jack Louws	TL	11-27-18			

TITLE OF DOCUMENT:
Local Agency Agreement and Project Prospectus for the West Badger Road/Bertrand Creek Bridge No. 50 Replacement Project

- ATTACHMENTS:**
- Cover Memo
 - Contract Information Sheet
 - Local Agency Agreement Supplement No. 1 (2 originals)
 - Revised Local Agency Federal Aid Project Prospectus (2 originals)
 - Project Narrative

SEPA review required? () Yes (x) NO	Should Clerk schedule a hearing? () Yes (x) NO
SEPA review completed? () Yes () NO	Requested Date:

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.)

This Local Agency Agreement Supplement No. 1 and revised Local Agency Federal Aid Project Prospectus between Whatcom County and WSDOT are required to obligate federal funds for construction on the West Badger Road / Bertrand Creek Bridge No. 50 Replacement Project.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:	Related File Numbers:	Ordinance or Resolution Number:
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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.

**WHATCOM COUNTY
PUBLIC WORKS DEPARTMENT**

Jon Hutchings
Director



Joseph P. Rutan, P. E.
County Engineer/Assistant Director
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

RECEIVED

MEMORANDUM

NOV 20 2018

To: The Honorable Jack Louws, Whatcom County Executive and
The Honorable Members of the Whatcom County Council **JACK LOUWS
COUNTY EXECUTIVE**

Through: Jon Hutchings, Director *JH*

From: Joseph P. Rutan, P.E., County Engineer / Assistant Director *JPR FOR JOE RUTAN*
James E. Lee, P.E., Engineering Manager *JEL*

Date: November 15, 2018

Re: **W. Badger Road / Bertrand Creek Bridge No. 50 Replacement Project
CRP #915024, Fed Aid No. BRS-2037(107)
Local Agency Agreement Supplement No. 1**

Enclosed for your review and signature are two (2) originals each of the Project Prospectus and Local Agency Agreement Supplement No. 1 between the Washington State Department of Transportation (WSDOT) and Whatcom County for the above-referenced project.

Requested Action

Public Works respectfully requests the County Council authorize the County Executive to sign the attached Local Agency Agreement Supplement No. 1 and Project Prospectus to obligate federal construction funding for the W. Badger Road/Bertrand Creek Bridge No. 50 Replacement Project.

Please keep one original of the Project Prospectus for your files and return the other original to my office, as it requires no signatures from WSDOT. Please return **both** originals of the Local Agency Agreement Supplement to my office for further processing. We will return a fully executed original to you once they are signed by WSDOT.

Background and Purpose

This Local Agency Agreement Supplement No. 1 and Project Prospectus are required to obligate Bridge Replacement Advisory Committee (BRAC) funds for the construction phase of the W. Badger Road/Bertrand Creek Bridge No. 50 Replacement Project. Construction of this project is scheduled for the summer of 2019. This project is listed as Item No. 29 on the 2019 Annual Construction Program.

Funding Amount and Source

This supplement increases the agreement amount by \$3,149,851.00 for a new project total of \$3,368,689.00. Whatcom County has been awarded federal BRAC funds totaling \$1,430,008.00 for this project, with \$175,070.00 allotted to the PE phase and \$1,254,938.00 allotted to the construction phase. The remaining portion of the total project cost, an estimated maximum of \$1,938,681.00, will be covered with local road funds. Sufficient budget authority exists for this supplement.

Please contact James Lee at extension 6264 if you have any questions or concerns regarding the terms of this agreement.

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.

201510004-1

Originating Department:	Public Works – Bridge & Hydraulic
Division/Program: <i>(i.e. Dept. Division and Program)</i>	(9059) Construction
Contract or Grant Administrator:	James Lee, Engineering Manager
Contractor's / Agency Name:	Washington Department of Transportation
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>201510004</u>	
Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If No, include WCC: _____ Already approved? Council Approved Date: _____ (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)	
Is this a grant agreement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, grantor agency contract number(s): <u>LA-8800</u> CFDA#: <u>20.205</u>	
Is this contract grant funded? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process? Contract Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, RFP and Bid number(s): _____ Cost Center: <u>CRP 915024</u>	
Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If no, include Attachment D Contractor Declaration form.	
If YES, indicate exclusion(s) below: <input type="checkbox"/> Professional services agreement for certified/licensed professional. <input type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Contract work is for less than 120 days. <input type="checkbox"/> Work related subcontract less than \$25,000. <input type="checkbox"/> Interlocal Agreement (between Governments). <input checked="" type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	
Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>218,838.00</u> This Amendment Amount: \$ <u>3,149,851.00</u> Total Amended Amount: \$ <u>3,368,689.00</u>	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 has been awarded federal Bridge Replacement Advisory Committee (BRAC) funds for the W. Badger Road / Bertrand Creek Bridge No. 50 Replacement Project. A Local Agency Agreement was executed to obligate a portion of those funds for design. A Supplement to that Agreement is required to obligate the remaining funds for construction.	
Term of Contract: N/A	Expiration Date: 12/31/2022

Contract Routing:	1. Prepared by: <u>B. Floyd</u>	Date: <u>11/6/18</u>
	2. Attorney signoff: <u>Christopher Quinn</u>	Date: <u>11/14/2018</u>
	3. AS Finance reviewed: <u>bbennett</u>	Date: <u>11/14/18</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____ ✓	Date: <u>11-20-18</u>
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____



Washington State
Department of Transportation

Local Agency Agreement Supplement

Agency Whatcom County		Supplement Number 1
Federal Aid Project Number BRS-2037(107)	Agreement Number LA-8800	CFDA No. 20.205 (Catalog of Federal Domestic Assistance)

The Local Agency requests to supplement the agreement entered into and executed on 12/1/15

All provisions in the basic agreement remain in effect except as modified by this supplement.

The change to the agreement are as follows:

Project Description

Name West Badger Rd/Bertrand Creek Bridge No. 50 Replacement

Length 0.020

Termini MP 4.86-4.88

Description of Work ✓ No Change

Reason for Supplement

This supplement will obligate funds necessary for construction of the project

Are you claiming indirect cost rate? Yes ✓ No

Project Agreement End Date 12/31/2022

Does this change require additional Right of Way or Easements? Yes ✓ No Advertisement Date: 1/16/2019

Type of Work	Estimate of Funding				
	(1) Previous Agreement/Suppl.	(2) Supplement	(3) Estimated Total Project Funds	(4) Estimated Agency Funds	(5) Estimated Federal Funds
PE 80 % a. Agency	33,838.00		33,838.00	6,768.00	27,070.00
b. Other Consultant	180,000.00		180,000.00	36,000.00	144,000.00
Federal Aid Participation Ratio for PE c. Other			0.00		
d. State	5,000.00		5,000.00	1,000.00	4,000.00
e. Total PE Cost Estimate (a+b+c+d)	218,838.00	0.00	218,838.00	43,768.00	175,070.00
Right of Way % f. Agency			0.00		
g. Other			0.00		
Federal Aid Participation Ratio for RW h. Other			0.00		
i. State			0.00		
j. Total R/W Cost Estimate (f+g+h+i)	0.00	0.00	0.00	0.00	0.00
Construction 80 % k. Contract		1,513,673.00	1,513,673.00	302,735.00	1,210,938.00
l. Other Contract - Nonpartic		1,281,178.00	1,281,178.00	1,281,178.00	
m. Other Consultant - Nonpartic		155,000.00	155,000.00	155,000.00	
Federal Aid Participation Ratio for CN n. Other Agency - Nonpartic		145,000.00	145,000.00	145,000.00	
o. Agency		30,000.00	30,000.00	6,000.00	24,000.00
p. State		25,000.00	25,000.00	5,000.00	20,000.00
q. Total CN Cost Estimate (k+l+m+n+o+p)	0.00	3,149,851.00	3,149,851.00	1,894,913.00	1,254,938.00
r. Total Project Cost Estimate (e+j+q)	218,838.00	3,149,851.00	3,368,689.00	1,938,681.00	1,430,008.00

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the Federal funds obligated, it accepts and will comply with the applicable provisions.

Agency Official

Washington State Department of Transportation

By
Title Jack Louws, Whatcom County Executive

By
Director, Local Program
Date Executed

Approved as to form:

Christopher Quinn
Senior Deputy Prosecuting Attorney - Civil Division

Agency Whatcom County		Supplement Number I
Federal Aid Project Number BRS-2037(107)	Agreement Number LA-8800	CFDA No. 20.205 (Catalog of Federal Domestic Assistance)

VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, 2 CFR Part 200. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in 2 CFR Part 200 - Uniform Admin. Requirements, Cost Principles and Audit Requirements for Federal Awards, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

VII. Audit of Federal Consultant Contracts

The Agency, if services of a consultant are required, shall be responsible for audit of the consultant's records to determine eligible federal aid costs on the project. The report of said audit shall be in the Agency's files and made available to the State and the Federal Government.

An audit shall be conducted by the WSDOT Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United States General Accounting Office by the Comptroller General of the United States; WSDOT Manual M 27-50, Consultant Authorization, Selection, and Agreement Administration; memoranda of understanding between WSDOT and FHWA; and 2 CFR Part 200.501 - Audit Requirements.

If upon audit it is found that overpayment or participation of federal money in ineligible items of cost has occurred, the Agency shall reimburse the State for the amount of such overpayment or excess participation.

IX. Payment of Billing

The Agency agrees that if payment or arrangement for payment of any of the State's billing relative to the project (e.g., State force work, project cancellation, overpayment, cost ineligible for federal participation, etc.) is not made to the State within 45 days after the Agency has been billed, the State shall effect reimbursement of the total sum due from the regular monthly fuel tax allotments to the Agency from the Motor Vehicle Fund. No additional Federal project funding will be approved until full payment is received unless otherwise directed by the Director, Local Programs.

Project Agreement End Date - This date is based on your projects Period of Performance (2 CFR Part 200.309).

Any costs incurred after the Project Agreement End Date are NOT eligible for federal reimbursement. All eligible costs incurred prior to the Project Agreement End Date must be submitted for reimbursement within 90 days after the Project Agreement End Date or they become ineligible for federal reimbursement.

VIII. Single Audit Act

The Agency, as a subrecipient of federal funds, shall adhere to the federal regulations outlined in 2 CFR Part 200.501 as well as all applicable federal and state statutes and regulations. A subrecipient who expends \$750,000 or more in federal awards from all sources during a given fiscal year shall have a single or program-specific audit performed for that year in accordance with the provisions of 2 CFR Part 200.501. Upon conclusion of the audit, the Agency shall be responsible for ensuring that a copy of the report is transmitted promptly to the State.

XVII. Assurances

Local Agencies receiving Federal funding from the USDOT or its operating administrations (i.e., Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration) are required to submit a written policy statement, signed by the Agency Executive and addressed to the State, documenting that all programs, activities and services will be conducted in compliance with Section 504 and the Americans with Disabilities Act (ADA).



Prefix	Route	()	Date	11/8/2018
Federal Aid Project Number	BRS-2037(107)	O371	DUNS Number	61895285
Local Agency Project Number	CRP No. 915024	(WSDOT Use Only)	Federal Employer Tax ID Number	916001383

Agency Whatcom County	CA Agency <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Federal Program Title <input checked="" type="checkbox"/> 20.205 <input type="checkbox"/> Other
Project Title West Badger Rd/Bertrand Creek Bridge No. 50 Replacement	Start Latitude N 48°57'53.23" End Latitude N 48°57'53.23"	Start Longitude W 122°30'30.00" End Longitude W 122°30'28.85"
Project Termini From-To MP 4.86 to 4.88	Nearest City Name Lynden	Project Zip Code (+4) 98264-9707
Begin Mile Post 4.86	End Mile Post 4.88	Length of Project 0.20 mi.
Award Type <input checked="" type="checkbox"/> Local <input type="checkbox"/> Local Forces <input type="checkbox"/> State <input type="checkbox"/> Railroad		
Route ID N/A	Begin Mile Point N/A	End Mile Point N/A
City Number	County Number 37	County Name Whatcom
WSDOT Region Northwest Region	Legislative District(s) 42	Congressional District(s) 1
		Urban Area Number

Phase	Total Estimated Cost (Nearest Hundred Dollar)	Local Agency Funding (Nearest Hundred Dollar)	Federal Funds (Nearest Hundred Dollar)	Phase Start Date	
				Month	Year
P.E.	218,838	43,768	175,070	May	2016
R/W	20,000	20,000	0		
Const.	3,149,851	1,894,913	1,254,938	January	2019
Total	3,388,689	1,958,681	1,430,008		

Description of Existing Facility (Existing Design and Present Condition)

Roadway Width 36	Number of Lanes 2
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Bridge #50 is a 2-lane, 69-foot long, 3 span reinforced concrete channel beam bridge with concrete abutments, 28 timber piles and 4 timber pile caps. The existing structure has advanced rot in several of the caps. This bridge is deficient, especially for the heavy truck traffic loading it receives. The Pier #3 cap has been crushed and an emergency temporary repair has been completed. This route is a major collector and is a vital haul route. The existing multi-bent channel beam configuration does not meet today's design standards and does not belong on a Major Rural Collector.

Description of Proposed Work

Description of Proposed Work (Attach additional sheet(s) if necessary)

Replace existing bridge with new bridge structure

Local Agency Contact Person Ben Floyd, P.E.	Title Project Engineer	Phone (360) 778-6252
Mailing Address 322 N. Commercial Street, Suite 301	City Bellingham	State WA
	Zip Code 98225	
Project Prospectus	By <u>James P. Karcher</u> For Joe Rutan JAMES P. KARCHER, P.E. Approving Authority	
	Title County Engineer/Assistant Director	Date 11.19.18

Agency Whatcom County	Project Title West Badger Rd/Bertrand Creek Bridge No.	Date 11/8/2018
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Type of Proposed Work		
Project Type (Check all that Apply)	Roadway Width	Number of Lanes
<input type="checkbox"/> New Construction <input type="checkbox"/> Path / Trail <input type="checkbox"/> 3-R <input type="checkbox"/> Reconstruction <input type="checkbox"/> Pedestrian / Facilities <input type="checkbox"/> 2-R <input type="checkbox"/> Railroad <input type="checkbox"/> Parking <input type="checkbox"/> Other <input checked="" type="checkbox"/> Bridge	40	2

Geometric Design Data		
Description	Through Route	Crossroad
Federal Functional Classification	<input type="checkbox"/> Urban	<input type="checkbox"/> Principal Arterial
	<input checked="" type="checkbox"/> Rural	<input type="checkbox"/> Minor Arterial
	<input type="checkbox"/> NHS	<input type="checkbox"/> Collector
		<input checked="" type="checkbox"/> Major Collector
		<input type="checkbox"/> Minor Collector
	<input type="checkbox"/> Local Access	<input type="checkbox"/> Principal Arterial
		<input type="checkbox"/> Minor Arterial
		<input type="checkbox"/> Collector
		<input type="checkbox"/> Major Collector
		<input type="checkbox"/> Minor Collector
		<input type="checkbox"/> Local Access
Terrain	<input checked="" type="checkbox"/> Flat <input type="checkbox"/> Roll <input type="checkbox"/> Mountain	<input type="checkbox"/> Flat <input type="checkbox"/> Roll <input type="checkbox"/> Mountain
Posted Speed	45	(none)
Design Speed	45	
Existing ADT	2988	
Design Year ADT	3500	
Design Year	2034	
Design Hourly Volume (DHV)	525	

Performance of Work		
Preliminary Engineering Will Be Performed By Consultant Contract	Others 80 %	Agency 20 %
Construction Will Be Performed By Construction Contract	Contract 100 %	Agency % %

Environmental Classification	
<input type="checkbox"/> Class I - Environmental Impact Statement (EIS)	<input checked="" type="checkbox"/> Class II - Categorically Excluded (CE)
<input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreement	<input checked="" type="checkbox"/> Projects Requiring Documentation (Documented CE)
<input type="checkbox"/> Class III - Environmental Assessment (EA)	
<input type="checkbox"/> Project Involves NEPA/SEPA Section 404 Interagency Agreements	

Environmental Considerations

Whatcom County Planning and Development Services: SEPA, Land Disturbance, Critical Areas Review, Shorelines.

Army Corps: NWP/Section 404

USFWS/NOAA Fisheries: ESA Section 7 compliance

Department of Fish and Wildlife: HPA

Department of Ecology: Water Quality Certification/Section 401

FHWA: ECS

Agency Whatcom County	Project Title West Badger Rd/Bertrand Creek Bridge No.	Date 11/8/2018
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Right of Way		
<input type="checkbox"/> No Right of Way Needed * All construction required by the contract can be accomplished within the existing right of way.	<input checked="" type="checkbox"/> Right of Way Needed <input checked="" type="checkbox"/> No Relocation	<input type="checkbox"/> Relocation Required

Utilities	Railroad
<input type="checkbox"/> No utility work required <input checked="" type="checkbox"/> All utility work will be completed prior to the start of the construction contract <input type="checkbox"/> All utility work will be completed in coordination with the construction contract	<input checked="" type="checkbox"/> No railroad work required <input type="checkbox"/> All railroad work will be completed prior to the start of the construction contract <input type="checkbox"/> All the railroad work will be completed in coordination with the construction contract

Description of Utility Relocation or Adjustments and Existing Major Structures Involved in the Project

Temporary and permanent relocation/adjustments of existing power, communications, and water main facilities. No relocation of major structures anticipated.

FAA Involvement

Is any airport located within 3.2 kilometers (2 miles) of the proposed project? Yes No

Remarks

This project has been reviewed by the legislative body of the administration agency or agencies, or it's designee, and is not inconsistent with the agency's comprehensive plan for community development.

Agency Whatcom County

Date

By Jack Louws, Whatcom County Executive

Approved as to form:


 Christopher Quinn
 Senior Deputy Prosecuting Attorney – Civil Division