


CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 05/26/2015

AGENDA ITEM: Amendment to Grant Agreement No. G1200561 with the Department of Ecology for the City's Decant Facility	
PREPARED BY: Kari Chennault, Water Resources Manager	DIRECTOR APPROVAL: 
DEPARTMENT: Public Works	
ATTACHMENTS: 3 original copies of the amendment to the Grant Agreement	
BUDGET CODE: 40250594.563000.D1201	AMOUNT: (\$183,333)
SUMMARY:	

Marysville City Council members authorized the Mayor's signature on the original Grant Agreement for the Decant Retrofit Project in October 2012 in the amount of \$862,500. Since then, additional funds have become available through the Department of Ecology. This proposed Amendment to the original Grant Agreement would allow the City an additional \$183,333 in grant funds, with a 25% match required by the City. These funds would be used to reimburse about \$49K in overages on the 2013 decant facility's construction, as well as reimbursing expenses associated with the decant material storage facilities, which were an approved budget request for 2015 expenditure. City staff are currently working with Ecology to identify additional qualifying expenses prior to the expiration of this Amendment.

RECOMMENDED ACTION:

Staff recommends that Council authorize the Mayor to sign and execute the Amendment to the Grant Agreement with the Department of Ecology allowing the City an additional \$183,333 in grant funding.



DEPARTMENT OF
ECOLOGY
State of Washington

AMENDMENT NO. 1

TO

GRANT AGREEMENT NO. G1200561

BETWEEN THE

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

THE CITY OF MARYSVILLE

PURPOSE: To amend the Agreement between the state of Washington Department of Ecology, hereinafter referred to as [DEPARTMENT] and The City of Marysville hereinafter referred to as [RECIPIENT] for the City of Marysville Regional Decant Facility.

WHEREAS: The RECIPIENT has requested payment for eligible bid overrun and change order allowance expenses and is providing supporting documentation.

WHEREAS: ECOLOGY agrees to provide additional funding for eligible bid overrun and change order allowance expenses, including any eligible project expenses incurred prior to the extended completion date.

IT IS MUTUALLY AGREED the agreement is amended to read as follows:

1. The Total Project Cost is increased by \$183,333, from \$1,150,000 to \$1,333,333.
2. The Total Eligible Cost is increased by \$183,333, from \$1,150,000 to \$1,333,333.
3. The DEPARTMENT share is increased by \$137,500, from \$862,500 to \$1,000,000.
4. The RECIPIENT share is increased by \$45,833 from \$287,500 to \$333,333.
5. The grant expiration date is extended from December 31, 2014, to June 30, 2015.
6. The project budget will be modified as follows:

The Original Budget will be deleted:

City of Marysville Regional Decant Facility		
TASKS/OBJECTS	TOTAL PROJECT COST	**TOTAL ELIGIBLE COST (TEC)
1 - Project Administration/Management	\$20,000	\$20,000
2 - Design Plans and Specifications-Pre-construction Activities	\$75,000	\$75,000

3 – Construction Management	\$70,000	\$70,000
4 – Construction	\$985,000	\$985,000
Total	\$1,150,000	\$1,150,000
** The DEPARTMENT's Fiscal Office will track to the Total Eligible Cost.		
MATCHING REQUIREMENTS		
DEPARTMENT Share: maximum 75% of TEC		\$862,500
RECIPIENT Share: minimum 25% of TEC Cash Other types of in-kind, such as volunteer work are not eligible		\$287,500

The Revised Budget will be added:

City of Marysville Regional Decant Facility		
TASKS/OBJECTS	TOTAL PROJECT COST	**TOTAL ELIGIBLE COST (TEC)
1 - Project Administration/Management	\$20,000	\$20,000
2 – Design Plans and Specifications-Pre-construction Activities	\$75,000	\$75,000
3 – Construction Management	\$70,000	\$70,000
4 – Construction	\$1,115,000	\$1,115,000
5 – Change Order Allowance	\$53,333	\$53,333
Total	\$1,333,333	\$1,333,333
** The DEPARTMENT's Fiscal Office will track to the Total Eligible Cost.		
MATCHING REQUIREMENTS		
DEPARTMENT Share: maximum 75% of TEC		\$1,000,000
RECIPIENT Share: minimum 25% of TEC Cash Other types of in-kind, such as volunteer work are not eligible		\$333,333

PART V. SCOPE OF WORK

7. This will be added:

Task 5 – Change Orders

- A. The RECIPIENT will negotiate all change orders to the construction contract necessary for successful completion of the PROJECT.
- B. The RECIPIENT will submit the change orders to the DEPARTMENT for approval.

Required Performance:

1. Submittal of all change orders. Changes to the construction contract must be approved prior to reimbursement for work performed under this task.

ATTACHMENT II: General Terms and Conditions Pertaining to Grant and Loan Agreements of the Department of Ecology

8. This will be added:

W. FUNDING AVAILABILITY

The DEPARTMENT's ability to make payments is contingent on availability of funding. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to completion or expiration date of this agreement, the DEPARTMENT, at its sole discretion, may elect to terminate the agreement, in whole or part, or to renegotiate the agreement subject to new funding limitations and conditions. The DEPARTMENT may also elect to suspend performance of the agreement until the DEPARTMENT determines the funding insufficiency is resolved. The DEPARTMENT may exercise any of these options with no notification restrictions.

All other terms and conditions of the original Agreement including any Amendments remain in full force and effect, except as expressly provided by this Amendment.

This Amendment is signed by persons who represent that they have the authority to execute this Amendment and bind their respective organizations to this Amendment.

This Amendment is effective on May 1, 2012.

IN WITNESS WHEREOF: the parties have signed this Amendment.

**State of Washington
Department of Ecology
By**

**The City of Marysville
By**

<i>Signature</i>	<i>Date</i>	<i>Signature</i>	<i>Date</i>
Heather R. Bartlett Water Quality Program Manager		Jon Nehring Mayor	

Approved as to form only.
Assistant Attorney General