



**AMENDMENT NO. 1
TO AGREEMENT NO. WQC-2022-EverPW-00084
BETWEEN
THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
AND
City of Everett**

PURPOSE: To amend the above-referenced agreement (AGREEMENT) between the state of Washington Department of Ecology (ECOLOGY) and City of Everett (RECIPIENT) for the 100th St. SW Regional Stormwater Facility Study (PROJECT).

The RECIPIENT experienced delays in the PROJECT due to an extended period of negotiations for property acquisition. This amendment will extend the AGREEMENT from July 1st, 2021, to June 30th, 2026, to provide the RECIPIENT with additional time to complete design deliverables for this project, now that property has been acquired. This amendment will also redistribute the budget between the tasks but will not impact the total award amount or the deliverables. The budget will be adjusted as follows:

Task 1 is increased by \$1,440.00 from \$7,560.00 to \$9,000.00

Task 2 is decreased by \$25,730.00 from \$82,892.00 to \$57,160.00

Task 3 remains the same

Task 4 is increased by \$4,017.00 from \$27,983.00 to \$32,000.00

Task 5 is increased by \$20,275.00 from \$39,725.00 to \$60,000.00

IT IS MUTUALLY AGREED that the AGREEMENT is amended as follows:

Expiration Date:

Original: 06/30/2025 Amended: 06/30/2026

CHANGES TO THE BUDGET

Funding Distribution EG220731

Funding Title: SFAP

Funding Type: Grant

State of Washington Department of Ecology

City of Everett

100th St. SW Regional Stormwater Facility Study Project

Agreement No. WQC-2022-EverPW-00084

Funding Effective Date: 07/01/2021

Funding Expiration Date: 06/30/2026

Funding Source:

Title: SFAP - SFY22

Fund: FD

Type: State

Funding Source %: 100%

Description: Model Toxics Control Capital Account(MTCCA) Stormwater

Approved Indirect Costs Rate: Approved State Indirect: 30%

Recipient Match %: 25%

InKind Interlocal Allowed: No

InKind Other Allowed: No

Is this Funding Distribution used to match a federal grant? No

SFAP	Task Total
Grant and Loan Administration	\$ 9,000.00
Cultural and Environmental Reviews, and Permitting	\$ 57,160.00
Data Collection	\$ 67,840.00
Preliminary Design and Alternative Selection	\$ 32,000.00
Design Plans and Specifications	\$ 60,000.00

Total: \$ 226,000.00**CHANGES TO SCOPE OF WORK**Task Number: 1 **Task Cost: \$9,000.00**

Task Title: Grant and Loan Administration

Task Description:

A. The RECIPIENT shall carry out all work necessary to meet ECOLOGY grant or loan administration requirements. Responsibilities include, but are not limited to: Maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation; progress reports; the EAGL (Ecology Administration of Grants and Loans) recipient closeout report; and a two-page outcome summary report (including photos, if applicable). In the event that the RECIPIENT elects to use a contractor to complete project elements, the RECIPIENT shall retain responsibility for the oversight and management of this funding agreement.

B. The RECIPIENT shall keep documentation that demonstrates the project is in compliance with applicable procurement, contracting, and interlocal agreement requirements; permitting requirements, including application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items. This documentation shall be available upon request.

C. The RECIPIENT shall maintain effective communication with ECOLOGY and maintain up-to-date staff contact information in the EAGL system. The RECIPIENT shall carry out this project in accordance with any completion dates outlined in this agreement.

Task Goal Statement:

Properly managed and fully documented project that meets ECOLOGY's grant or loan administrative requirements.

Task Expected Outcome:

* Timely and complete submittal of requests for reimbursement, quarterly progress reports, Recipient Closeout Report, and two-page outcome summary report.

* Properly maintained project documentation.

Recipient Task Coordinator: Erik Emerson

Deliverables

Number	Description	Due Date
1.1	Progress Reports that include descriptions of work accomplished, project challenges or changes in the project schedule. Submitted at least quarterly.	
1.2	Recipient Closeout Report (EAGL Form)	
1.3	Two-page Outcome Summary Report	

CHANGES TO SCOPE OF WORK

Task Number: 2

Task Cost: \$57,160.00

Task Title: Cultural and Environmental Reviews, and Permitting

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

A. The RECIPIENT will provide both the ECOLOGY project manager and separegister@ecy.wa.gov an initial consultation

on the draft State Environmental Policy Act (SEPA) documents.

B. The RECIPIENT will notify the ECOLOGY project manager, in addition to the required distribution and public notice, when SEPA documents have been issued for the official comment period, which is a minimum of 21 days.

C. The RECIPIENT is responsible for application of, receipt of, and compliance with all required local, state, tribal and federal permits, licenses, easements, or property rights necessary for the project.

D. The RECIPIENT will submit the documents listed below to ECOLOGY to initiate cultural resources review. Property acquisition and above and below ground activities proposed at any project site must be reviewed for potential affects to cultural resources.

1. The RECIPIENT will submit the Cultural Resources Review Form to ECOLOGY, using the ECOLOGY template. Any supporting materials must conform to the Department of Archeology and Historic Preservation's Washington State Standards for Cultural Resource Reporting. The Cultural Resources Review Form template may be found on the ECOLOGY website.

2. The RECIPIENT will submit an Inadvertent Discovery Plan (IDP) to ECOLOGY, using the ECOLOGY template. The RECIPIENT will ensure that all contractors and subcontractors have a copy of the completed IDP prior to and while working on-site. The IDP template may be found on the ECOLOGY website.

The RECIPIENT must receive written notice from ECOLOGY prior to proceeding with work. Examples of work may include (but are not limited to) geotechnical work, acquisition, site prep work, and BMP installations. Work done prior to written notice to proceed shall not be eligible for reimbursement.

Task Goal Statement:

The RECIPIENT will complete all cultural and environmental reviews and permitting tasks in a timely manner.

Task Expected Outcome:

The project will meet the requirements set forth by the cultural resource protection requirements, State Environmental Policy Act, and all other applicable federal, state, and local laws, and regulations.

Deliverables

Number	Description	Due Date
2.1	SEPA checklist, or other documentation for projects considered exempt from SEPA review. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.2	List of permits acquired and environmental review documents. Upload to EAGL and notify ECOLOGY when upload is complete.	

2.3	Cultural Resources Review Form. Email the form and any supplemental cultural resources documentation directly to the ECOLOGY Project Manager. ECOLOGY will upload documentation to EAGL when cultural resources is complete.	
2.4	Inadvertent Discovery Plan. Upload to EAGL and notify ECOLOGY when upload is complete.	

CHANGES TO SCOPE OF WORK

Task Number: 4

Task Cost: \$32,000.00

Task Title: Preliminary Design and Alternative Selection

Task Description:

The RECIPIENT will conduct a review of the available information and examine potential stormwater treatment and flow control facilities that will serve both the existing developed areas and the future road improvements.

A. Using information collected in Data Collection task, the RECIPIENT shall prepare concept level design for potential flow control and treatment facilities. Alternatives shall consider land use, contributing areas, property acquisition scenarios and facility types. A comparative cost estimate shall be prepared for each alternative to facilitate comparison.

B. The RECIPIENT will prepare documentation for review by internal project stakeholders to examine alternatives. RECIPIENT will convene one or two charrette style meetings to select a preferred option. Stakeholders may include internal City surface water and maintenance and real property staff, Ecology and other environmental review staff. The RECIPIENT will consult property owners, prior to selecting a preferred alternative.

C. The RECIPIENT will provide a description of the selection process and the preferred alternative selected.

D. The RECIPIENT will complete initial due diligence to ensure that the selected property has no major concerns, liens, etc. before completing the design process.

Task Goal Statement:

The RECIPIENT will assess and select the best alternatives for advancement to final design with project stakeholders.

Task Expected Outcome:

Potential sites, contributing area, land use and property acquisition scenarios, and facility types will be compared and narrowed down to a list for review at a charrette, where they will be narrowed down further to one design.

Deliverables

Number	Description	Due Date
4.1	Description of proposed alternatives. Upload to EAGL and notify ECOLOGY when upload is complete.	
4.2	Memorandum describing alternatives selection process and the preferred alternative. Upload to EAGL and notify ECOLOGY when upload is complete.	
4.3	Land acquisition due diligence documentation to include: a Hazardous Substances Certification and Property Assessment Checklist, Property Appraisal and Preliminary Title Report. Upload to EAGL, notifying ECOLOGY when complete.	

CHANGES TO SCOPE OF WORK

Task Number: 5

Task Cost: \$60,000.00

Task Title: Design Plans and Specifications

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must review project eligibility and approve all materials prior to submitting them to ECOLOGY for acceptance.

A. The RECIPIENT will develop a stormwater retrofit project design. The design submittals must conform to the Design Deliverables for Stormwater Projects with Ecology Funding (Design Deliverables Document). Projects must be designed in accordance with the Stormwater Management Manual for Eastern Washington, Stormwater Management Manual for Western Washington, or equivalent manual. Refer to the ECOLOGY website for specific guidance. Project must be reviewed and accepted in writing by ECOLOGY to be eligible for reimbursement.

The RECIPIENT will upload the design submittals listed below to EAGL for ECOLOGY review. Reduce design figures to 11x17 inches in size and ensure they are legible.

1. The RECIPIENT will submit a Design Report to ECOLOGY for review and acceptance. Allow 45 calendar days for ECOLOGY review.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology Design Report Acceptance Letter prior to proceeding to 90 Percent Design.

2. The RECIPIENT will submit a 90 Percent Design Package to ECOLOGY for review and acceptance. At a minimum, this package must include 90 percent plans, specifications, engineer's opinion of cost, which includes a schedule of eligible costs, and project construction schedule. The current required bid inserts and specifications may be found on the Ecology website. Allow 45 calendar days for ECOLOGY review.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology 90 Percent Design Acceptance Letter prior to proceeding Final Design.

B. The RECIPIENT will calculate and submit a preliminary equivalent new/re-development area for the completed retrofit project(s) using the methods outlined in the Design Deliverables Document.

C. The RECIPIENT will submit a preliminary GIS compatible project area in shapefile, geodatabase file, or ECOLOGY-approved equivalent. The project area should include polygon features for stormwater facilities and contributing areas.

Task Goal Statement:

The RECIPIENT will complete all design tasks and respond to ECOLOGY comments in a timely manner.

Task Expected Outcome:

The project will meet the requirements set forth by ECOLOGY water quality facility design standards and all other applicable federal, state, and local laws, and regulations.

Deliverables

Number	Description	Due Date
5.1	Contract documents (if contracting out for design). Upload to EAGL and notify ECOLOGY when upload is complete.	
5.2	Design Report. Upload to EAGL and notify ECOLOGY when upload is complete.	
5.3	Responses to ECOLOGY Design Report comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
5.4	ECOLOGY Design Report Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
5.5	90 Percent Design Package. Upload to EAGL and notify ECOLOGY when complete.	
5.6	Responses to ECOLOGY 90 Percent Design Package comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
5.7	ECOLOGY 90 Percent Design Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
5.8	Preliminary equivalent new/redevelopment area determination. Upload to EAGL and notify ECOLOGY when upload is complete.	

5.9	Preliminary project area shapefile, geodatabase file, or ECOLOGY-approved equivalent. Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	
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Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
SFAP	25 %	\$ 56,500.00	\$ 169,500.00	\$ 226,000.00
Total		\$ 56,500.00	\$ 169,500.00	\$ 226,000.00

AUTHORIZING SIGNATURES

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.

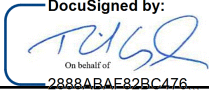
The signatories to this Amendment represent that they have the authority to execute this Amendment and bind their respective organizations to this Amendment.

This amendment will be effective 05/29/2025.



IN WITNESS WHEREOF: the parties hereto, having read this Amendment in its entirety, including all attachments, do agree in each and every particular and have thus set their hands hereunto.

Washington State
Department of Ecology

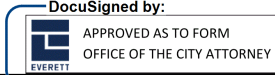
City of Everett

By:  7/2/2025

Jon Kenning, PhD Date
Water Quality
Program Manager

Signed by:  7/2/2025
By: _____
Angelique Thompson Date
Capital Program Fund Manager

APPROVED AS TO FORM: OFFICE OF THE CITY
ATTORNEY

 7/1/2025

Tim Benedict, Deputy Date

CITY OF EVERETT

Signed by:  7/2/2025
By: _____
Cassie Franklin, Mayor Date

ATTEST: OFFICE OF THE CITY CLERK

Signed by:



7/2/2025

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Ashleigh Scott, Deputy

Date

Template Approved to Form by
Attorney General's Office