

Amendment to Project Agreement

Project Sponsor: Tulalip Tribe
Project Title: Qwuloolt Estuary Restoration - Construction

Project Number: 09-1277 R
Amendment Number: 14

Amendment Type:

Time Extension

Amendment Description:

Pursuant to a request from Tulalip Tribe the Project Agreement identified above is amended to extend the end date of this agreement.

The project period of 10/16/2009 to 12/31/2015 is extended to allow the contracting party until 12/31/2016 to complete the project.

Agreement Terms

In all other respects the Agreement, to which this is an Amendment, and attachments thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this Amendment.

State Of Washington
Recreation and Conservation Office

BY:


Kaleen Cottingham

TITLE: Director

DATE:

12/12/15

Pre-approved as to form:

By:

/S/

Assistant Attorney General

Amendment Special Conditions

Project Sponsor: Tulalip Tribe

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Special Conditions

Amendment Special Conditions

- A. SRFB Review Panel Special Conditions. The \$500,000 2015-17 PSAR cost increase was reviewed by the SRFB Technical Review Panel as part of the Early Action PSAR process in 2015 and the cost increase was approved with the following conditions:
- 1) The 15% contingency value in the Stormwater Utility and 30% contingency value for the Utility/Sewer Line Modifications, provided in the Cost Increase Request Memo are ineligible funding items. Please revise the budget to address the overruns by providing better cost estimates and removing contingency line items. Review Panel received updated documents that satisfied this condition. Cleared by Review Panel July 16, 2015.
 - 2) As part of the final as-built documentation required under the project agreement, the sponsor will provide RCO with both as-built engineering plans prepared per the requirements of Manual 18, Appendix D-4, and a detailed analysis of the reasons for the project management and construction management problems that have caused lengthy delays and significant cost overruns on this project. The intent of this analysis is to provide "lessons learned" to RCO grant managers and other SRFB project sponsors so that these challenges may be avoided or reduced on future projects.
- B. Because of the delays in the WA State Legislature approving a capital budget, the \$500,000 2015-17 PSAR funding is eligible to reimburse costs incurred after July 10, 2015.
- C. Snohomish Watershed Forum Special Condition: If at the end of the project, the USACOE returns funding to the project sponsor, it will be split between SRFB and Tulalip Tribes with 85% of the refund returning to RCO to replenish the Snohomish watershed's 2015-17 PSAR funding allocation, and 15% of the refund returning to the Tulalip Tribes.
- D. Sponsor Matching Fund Commitments:
- 1) The \$490,649.52 of ALEA-required sponsor match associated with Project No. 06-1604 is not added to this project agreement because it is exceeded and satisfied by the \$500,000.00 PSAR program funding.
 - 2) The \$90,000.00 PSAR required sponsor match associated with Project No. 09-1277 is removed from this project agreement because it is exceeded and satisfied by the \$456,780.05 of ALEA program funding.
 - 3) The balance of \$366,780.05 in ALEA funds exceeds the \$27,000 match (15%) required for the additional increment of PSAR funds awarded through this Amendment No. 7.
 - 4) A balance of \$339,780.05 in ALEA funds remains available to match future RCO funding.
 - 5) On September 4, 2014, the SRFB subcommittee approved Amendment 10 to increase project funding by \$400,000 of 09-11 PSAR, and requires the sponsor to provide at least a 1:1 match of \$400,000 to afford an additional 42,000 CY of structural fill necessary to complete setback levee construction. Further, in order to reserve excess PSAR funding for return to the Puget Sound Partnership at the close of the project, the sponsor is required to first apply all other funding that is secured for this cost increase (e.g., NRCS, Tulalip Tribe, FPbD, NEP, etc.) towards payment of the materials contract, before requesting reimbursement of the PSAR funding.
- E. The 06-1604 agreement will be changed to "Closed Not Complete" and restoration work will be completed under this 09-1277 project agreement.
- F. In order to facilitate closing the 07-1624 Qwuloolt Design project agreement with submittal of 95% Draft Designs, the final design deliverables will be completed under this 09-1277 project agreement. As per SRFB Policy Manual 18b, Appendix E: Assessments and Designs - Standard Stages of Project Development Defined.
- Final Project Design
- The final design process should address and resolve all substantial issues that may have been raised in the permitting and stakeholder review process, so that all stakeholders agree on the final plans. As with the preliminary design work, preparation of the final design should be done under the supervision of a licensed professional engineer. Final Design tasks typically include the following:
1. Revision of preliminary design drawings
 2. Preparation of additional detailed drawings as needed to clarify the design of specific work items
 3. Preparation of technical specifications to fully describe each part of the work.
 4. Preparation of a final construction cost estimate
 5. Preparation of contract bidding documents and general contract conditions
 6. Permits and cultural resource review.

Amendment Special Conditions

Final Project Design would conclude with a comprehensive and detailed set of project drawings, technical specifications, and contract documents (if the project is to be advertised for contractor bidding). An "Engineer's Estimate" of construction cost should also be prepared by the designer, for comparison with estimates provided by general contractors (bids).

Amendment Milestone Report

Project Number: 09-1277 R
Project Name: Qwuloolt Estuary Restoration - Construction
Sponsor: Tulalip Tribe
IAC Project Manager: Elizabeth Butler

Amendment Number: 14

X	!	Milestone	Target Date	Comments/Description
X		Project Start	10/16/2009	
X	!	Cultural Resources Complete	10/16/2009	Completed in 2008
X	!	Applied for Permits	03/01/2010	Federal permits were submitted in 2009
X	!	Progress Report Submitted	03/15/2011	
X	!	Annual Project Billing	03/15/2011	and at least once per year thereafter
X	!	Progress Report Submitted	09/30/2011	
X	!	Progress Report Submitted	03/16/2012	
X		RFP Complete/Consultant Hired	05/30/2012	was 07/01/2011
X	!	Annual Project Billing	07/31/2012	
X	!	Progress Report Submitted	07/31/2012	
X		Permits Complete	09/21/2012	
X		Bid Awarded/Contractor Hired	09/24/2012	
X	!	Progress Report Submitted	12/31/2012	
X		Restoration Started	02/13/2013	USACE portion
X	!	Progress Report Submitted	04/30/2013	
X	!	Final Design to RCO	07/31/2013	Per Special Condition to Grant Agreement
X	!	Progress Report Submitted	09/30/2013	
X	!	Progress Report Submitted	12/31/2013	
X	!	Progress Report Submitted	03/31/2014	
X	!	Annual Project Billing	11/30/2014	
X	!	Progress Report Submitted	12/31/2014	
X	!	Progress Report Submitted	06/01/2015	
X		Restoration Complete	10/31/2015	Setback Levee & Breach
X	!	Progress Report Submitted	11/13/2015	
X	!	Final Design to RCO	12/07/2015	Tulalip As-built designs and Memos on the channels and berms
	!	Progress Report Submitted	03/31/2016	Update on status of remaining corps work items (reconciliation and as-builts)

Amendment Milestone Report

	!	Progress Report Submitted	06/01/2016	Update on status of remaining corps work items (reconciliation and as-builts)
		Stewardship Plan to RCO	06/30/2016	Per SRFB standards.
	!	Final Design to RCO	06/30/2016	Tulalip Tribes portions of the project as-builts, with lessons learned report (Special Condition from SRFB Technical Review Panel)
	!	Progress Report Submitted	09/30/2016	Update on status of remaining corps work items (reconciliation and as-builts)
		Final Billing to RCO	12/30/2016	Or as soon as USACOE completes the reconciliation
	!	Final Design to RCO	12/30/2016	USACOE Setback dike
	!	Agreement End Date	12/31/2016	Or sooner if USACOE completes the reconciliation and delivers as-builts
		Final Report in PRISM	12/31/2016	In order to reflect the final project costs as USACOE determines

X = Milestone Complete

! = Critical Milestone

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STATE OF WASHINGTON

RECREATION AND CONSERVATION OFFICE

December 17, 2015

Kurt Nelson
Tulalip Tribe
Tulalip Tribes Natural Resources
6406 Marine Dr
Tulalip, WA 98271

RE: Qwuloolt Estuary Restoration - Construction, RCO #09-1277R
Amendment #: 14

Dear Mr. Nelson:

Staff has received your time extension request for the above-referenced project. Based on a review of Project Agreement milestones and circumstances you have described in your correspondence, your request is approved.

Attached are an original Project Agreement amendment and revised Milestone Report for your records. No signature is required on your part; this amendment is fully executed. If you have any questions, please call Elizabeth Butler at (360) 725-3944 or send an e-mail to elizabeth.butler@rco.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Kaleen Cottingham".

Kaleen Cottingham
Director

Enclosures

