# EVERETT CITY COUNCIL AGENDA ITEM COVER SHEET

**PROJECT TITLE:**
Amendment A to Public Works Trust Fund Loan PC13-961-008 to facilitate funding of the Phase C Expansion at the Water Pollution Control Facility

| | |
|---|---|
| _____ | Briefing |
| _____ | Proposed Action |
| _____ | Consent |
| _____ | Action |
| _____ | First Reading |
| _____ | Second Reading |
| _____ | Third Reading |
| _____ | Public Hearing |
| _____ | Budget Advisory |

| | |
|---|---|
| COUNCIL BILL # | |
| Originating Department | Public Works |
| Contact Person | Dave Davis |
| Phone Number | 425-257-8913 |
| FOR AGENDA OF | December 28, 2016 |

Initialed by:
Department Head _____
CAA _____
Council President _____

| **Location** | **Preceding Action** | **Attachments** | **Department(s) Approval** |
|---|---|---|---|
| Water Pollution Control Facility | Loan Agreement 9/10/12 | Amendment A | Public Works |

| | | |
|---|---|---|
| Amount Budgeted | $ 10,000,000 | |
| Expenditure Required | -0- | Account Number(s): UP3412 |
| Budget Remaining | -0- | Everett WPCF Expansion , Phase C |
| Additional Required | -0- | |

**DETAILED SUMMARY STATEMENT**:

The Public Works Department was successful in obtaining a low-interest Public Works Trust Fund Loan in the amount of $10,000,000 to facilitate funding of the Phase C Expansion at the Water Pollution Control Facility. All of the loan funds have been received but components of the project that were in the original loan application scope of work; anaerobic digesters and a co-generation facility, have not been constructed.

In order to proceed with closing out the loan, the Public Works Board has requested that the City sign a scope revision amendment followed by a loan closeout amendment. This Amendment A incorporates the revised scope into the loan documents.

Upon receipt of the signed Amendment A, the Public Works Board will prepare loan closeout documents and the City can proceed with closing out the loan within the timeframe approved in the original loan agreement.

**RECOMMENDATION** (Exact action requested of Council):

Authorize the Mayor to sign Amendment A to Public Works Trust Fund Loan PC13-961-008 to facilitate funding of the Phase C Expansion at the Water Pollution Control Facility.

# AMENDMENT FACE SHEET

## Loan Number: PC13-961-008
## Amendment Number: A

**Washington State Department of Commerce**

**PUBLIC WORKS BOARD**

| | |
|---|---|
| **1. Contractor**<br>City of Everett<br>3200 Cedar Street<br>Everett, WA 98201 | **2. Contractor Doing Business As (optional)**<br>N/A |
| **3. Contractor Representative (only if updated)**<br>N/A | **4. Public Works Board Representative (only if updated)**<br>N/A |

| | | |
|---|---|---|
| **5. Original Contract Amount**<br>**$ 10,000,000.00** | **6. Amendment Amount**<br>N/A | **7. New Contract Amount**<br>**$ 10,000,000.00** |

| | | |
|---|---|---|
| **8. Amendment Funding Source**<br>**Federal:** ☐ **State:** ☑ **Other:** ☐ **N/A:** ☐ | **9. Amendment Start Date**<br>Amendment Execution Date | **10. Amendment End Date**<br>June 1, 2032 |
| **11. Federal Funds (as applicable):**<br>N/A | **Federal Agency:**<br>N/A | **CFDA Number:**<br>N/A |

**12. Amendment Purpose:**
The purpose of this amendment is to revise the Scope of Work of the Loan.

The Board, defined as the Washington State Public Works Board, and Borrower/Contractor acknowledge and accept the terms of this Agreement/Contract As Amended and attachments and have executed this Agreement/Contract Amendment on the date below to start as of the date and year referenced above. The rights and obligations of both parties to this Agreement/Contract As Amended are governed by this Agreement/Contract Amendment and the following other documents incorporated by reference: Amendment Terms and Conditions. A copy of this Agreement/Contract Amendment shall be attached to and made a part of the original Agreement/Contract between the Board and the Borrower/Contractor. Any reference in the original Agreement/Contract to the "Agreement" or the "Contract" shall mean the "Agreement As Amended" or "Contract As Amended," respectively.

| **FOR THE BORROWER/CONTRACTOR** | **FOR PUBLIC WORKS BOARD** |
|---|---|
| _____<br>Signature | _____<br>Stan Finkelstein, Public Works Board Chair |
| _____<br>Print Name | _____<br>Date |
| _____<br>Title | **APPROVED AS TO FORM ONLY**<br>This 14th Day of March, 2013<br>Bob Ferguson<br>Attorney General |
| _____<br>Date | Signature on File<br>Kathryn Wyatt<br>Assistant Attorney General |

# AMENDMENT TERMS AND CONDITIONS

**Washington State Department of Commerce**
**PUBLIC WORKS BOARD**

| | |
|---|---|
| Contractor/Borrower: | City of Everett |
| Contract Number: | PC13-961-008 |
| Amendment Number: | A |

The purpose of this amendment is to revise the Scope of Work of the above referenced Public Works Trust Fund Agreement/Contract Number.

The Public Works Board (or its successors), a department of the State of Washington, (hereafter referred to as the "Board") and the Contractor, listed above and on the attached Face Sheet, agree to amend the declared loan as described below.

The **SCOPE OF WORK** is amended to delete the original declared Scope of Work and replace it with the **SCOPE OF WORK** as shown on the attached Declarations Page. The Scope of Work, where referenced in the Contract's Special Terms and Conditions section, shall refer to this amended text.

# AMENDMENT DECLARATIONS

## CLIENT INFORMATION

| | |
|---|---|
| Legal Name: | **City of Everett** |
| Loan Number: | **PC13-961-008** |
| Federal Tax Identification Number: | **916001248** |
| State Wide Vendor Number: | **SWV0000348** |

## PROJECT INFORMATION

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|---|---|
| Project Title: | **Everett Water Pollution Control Facility Expansion** |
| Project City: | **Everett** |
| Project State: | Washington |
| Project Zip Code: | **98201-4516** |

## LOAN INFORMATION

| | |
|---|---|
| Loan Amount: | **$ 10,000,000.00** |
| Loan Term: | **20** |
| Interest Rate: | **0.50%** |
| Payment Month: | **June 1st** |
| Earliest Date for Construction Reimbursement: | **9/1/2011** |
| Time of Performance: | **60 months from Contract execution date to Project Completion date.** |

## SPECIAL TERMS AND CONDITIONS GOVERNING THIS LOAN AGREEMENT

**N/A**

## AMENDMENT DECLARATION (continued)

| | |
|---|---|
| Loan Number: | **PC13-961-008** |
| Project Title: | **Everett Water Pollution Control Facility Expansion** |

Scope of Work (revised):
**This loan funds design and construction of additional capacity at Everett's Water Pollution Control Facility and includes a trickling filter, contact channel, and secondary clarifier.**

**The project costs include, but are not limited to, engineering, historical, cultural and environmental documentation, permits, public involvement, easements, bid documents, & construction. These improvements will allow the jurisdiction to meet Local, State, and Federal requirements.**