

**FIRST AMENDMENT
TO
SERVICE PROVIDER AGREEMENT
FOR
Greer Environmental Consulting**

This First Amendment ("Amendment") is dated effective this 19th day of July, 2022, and is entered into by and between the CITY OF TUMWATER, a Washington municipal corporation ("CITY"), and GREER ENVIRONMENTAL CONSULTING, an Oregon corporation ("SERVICE PROVIDER").

A. The CITY and the SERVICE PROVIDER entered into a Service Provider Agreement dated effective March 10, 2022 whereby the SERVICE PROVIDER agreed to provide facilitative services for the City of Tumwater. ("Agreement").

B. Section 14 of the Agreement provided that the Agreement may only be amended by written agreement signed by the parties.

C. The CITY and the SERVICE PROVIDER desire to amend the Agreement to include Third Party Rights for the Department of Ecology.

NOW, THEREFORE, the parties agree to the following terms and conditions:

1. THIRD PARTY RIGHTS.

A new section 23 is hereby added to read as follows:

23. THIRD PARTY RIGHTS.

The Agreement is between the signatory Parties and does not create any third-party rights, except the Washington State Department of Ecology is an express third-party beneficiary to the Agreement.

****Signatures on the following page****

Scope of Services for the City of Tumwater

Amendment #2



November 9, 2022
Meridith Greer, Owner and Project Manager

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Executive Summary

Greer Environmental Consulting (Consultant) will provide services outlined below to the City of Tumwater (City) pertaining to the ten projects detailed in this Scope of Services. The estimated total contract amount to complete the professional services laid out in the rest of this scope is offered on a time-and-materials basis **not-to-exceed \$21,620.00, increasing the total budget with GEC to \$305,970.00**. A cost breakdown for each project can be found below:

Project	Project Management Cost	Total Project Cost	Scope Amendment #2 PM Cost	Updated Total Project Cost
Project 1 - Percival Creek Fish Passage Barrier Removal	\$38,925.00	\$1,178,925.00	NA	\$2,102,678.00 (increased design & construction costs)
Project 2 - Pioneer Park Riparian Restoration	\$31,020.00	\$476,800.79	NA	NA
UPDATED Project 3 - East Linwood Basin Retrofit	\$32,470.00	\$202,190.00	-\$24,470.00	\$60,000.00 (project ending at alternatives analysis)
Project 4 - Thurston County Equity Index and REEP Audience Analysis	\$18,700.00	\$30,748.53	NA	NA
Project 5 - Septic to Sewer Program with Velkommen Mobile Home Park	\$48,110.00	\$1,047,964.78	NA	NA
Project 6 - Stormwater Management Action Planning for Three Priority Subbasins	\$28,475.00	\$227,840.63	NA	NA
Project 7 - Tumwater Valley Regional Golf Course Parking Lot Stormwater Retrofit	\$23,460.00	\$128,355.55	NA	\$203,569.00 (increased design & construction costs)
UPDATED Project 8 - Deschutes River Flood Reduction and Erosion Study	\$18,020.00	\$83,020.00	+\$3,995.00	\$299,376.00 (grant funding increase)
Project 9 - Tumwater Valley Regional Stormwater Facility	\$45,170.00	\$2,240,170.00	NA	NA
NEW Project 10 - Somerset Hill Culvert Replacement and Bank Stabilization			+\$42,095.00	\$8,442,095.00
Total Contract Cost Not to Exceed	\$284,350.00		\$305,970.00	
Total Cost of All Projects		\$5,616,015.28		\$15,131,242.73

UPDATED Project 3 - East Linwood Basin Retrofit

The East Linwood Basin Retrofit project aims to provide stormwater treatment and flow reductions to the 81.5-acre basin which currently discharges untreated stormwater into the Deschutes River, a 303(d) listed waterbody. The City of Tumwater received a 2013-2015 Biennial Municipal Stormwater Capacity Grant to design a solution in this basin using an Integrated Management Practice. A design report and 90% designs were completed using that funding for two construction stormwater wet ponds. In 2021, the Department of Ecology determined they would no longer fund projects that worked within wetlands, regardless of category level, rendering the current plans infeasible.

The City of Tumwater's WRS department applied for funding from the Department of Ecology to complete a new alternative analysis for upstream treatment, with additional funds to complete preliminary designs contingent upon DOE and the City agreeing on an alternative. This application was funded on July 1, 2020.

Greer Environmental Consulting (GEC) managed the first phase of the project, overseeing the completion and approval of the alternatives analysis portion of the project. GEC reviewed and approved work completed by JSA Civil as they evaluated 10 upper basin alternatives to treat stormwater runoff. A preferred alternative was identified and approved by Ecology to move forward with preliminary designs, but an agreement with the current land owner was not reached. Given the alternatives in the upper basin, the City of Tumwater is refocusing efforts towards downstream alternatives as part of the Tumwater Valley Regional Stormwater Facility and larger flood reduction and floodplain reconnection projects in the lower Deschutes River watershed.

Following this refocusing, GEC will be closing out the grant agreement with the Department of Ecology and closing out this project early. The scope below details the changes made based on ending the project early.

A. Scope of Work

Project 3 - Task 100. Project Management

This task covers project management work associated with executing the project and includes the following:

- Prepare a project management plan
- Manage the project schedule
- Manage the project risks
- Handle project communications
- Manage project team members, including other consultants
- Engage with stakeholders
- Manage the scope and project budget

This task includes providing up-to-date project schedules, regular project status updates at a minimum every two-week interval during active phases of the project and monthly project billing reports.

Project 3 - Task 100. Deliverables

1. Project management plan - **Completed**
2. Project schedule updated quarterly - **Completed**
3. Project budget updated quarterly - **Completed**
4. Monthly reports and invoices - **Completed**
5. Meeting agendas - **Completed**
6. Presentations for at least two PWC and one CC meeting - **Completed**
7. Consultant deliverable and invoice review and approval - **Completed**

Project 3 - Task 200. Permit and Agreement Management

This task covers the completion and/or submission of all necessary permits and agreements to complete the project while complying with all local, state, and federal regulations. Anticipated permits and agreements include, but are not limited to:

- Apply for Right of Entry Agreement(s)
- Manage Cultural Resources Report
 - Completed by cultural resources consultant
 - Coordination with local stakeholders by Greer Environmental Consulting
- Apply for Right of Way Permit
- Apply for Temporary Construction Easement
- Manage Service Provider Agreement(s)
- Apply for Construction Stormwater General Permit

This task includes completion, submission, and communication with permitting agencies and relevant stakeholders.

Project 3 - Task 200. Deliverables

1. Right of entry agreement(s) - **Not Necessary**
2. Temporary construction easement - **Not Necessary**
3. Signed service provider agreement(s) - **Completed**
4. Construction stormwater general permit application - **Not Necessary**

Project 3 - Task 300. Grant Management

This task covers all aspects of grant management to acquire the majority of funding for both phases of the project. This includes grant research, writing, negotiating, management, and closeout. The funding structure for this project is detailed below:

- \$127,290 from the Department of Ecology's Water Quality Combined Funding for PS&E deliverables
 - Awarded July 1, 2020
 - Expires April 30, 2023

- \$60,000 for an alternatives analysis with the rest of the funding contingent on finding an agreeable alternative with the Department of Ecology
- \$XX from the Department of Ecology’s Water Quality Combined Funding for construction
 - Price dependent on which alternative is chosen
 - Water Quality Combined Funding applications are accepted annually between August and October

Project 3 - Task 300. Deliverables

1. Negotiated grant agreement(s) - **Not Necessary**
2. Quarterly progress and payment reports - **Completed**
3. Closeout report(s) for funding agencies - **Will be completed November 2022**
4. Department of Ecology Water Quality Combined Funding Program grant application - **Not Necessary**

Project 3 - Task 400. Construction Management - Dependent on funding and City approval

This task covers construction management work associated with constructing the project and includes the following:

- Acquire permits, easements, and agreements
- Manage bid process and documentation
- Engage stakeholders
- Prepare final project documentation, including photos and videos

Project 3 - Task 400. Deliverables

1. Bid documentation - **Not Necessary**
2. Project closeout report for the City of Tumwater - **Not Necessary**

Project 3 - Task 500. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Tasks 100-400 in this Scope of Services. No work can be performed under *Task 500. Contingency* without the written authorization from the City.

Project 3 - Task 500. Deliverables

1. To be determined and agreed upon by the City and GEC - **Not Necessary**

B. Project Timeline

Neither final phase of the project will be undertaken.

Phase	Start Date	End Date
Final PS&E	January 2022	February 2023
Construction	May 2024	December 2024

C. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$32,470.00**. The following are estimated professional services costs for the tasks provided in this scope of services. The following table shows the task budgets based on the original service provider agreement alongside the final budgets for this project.

Task	Service Provider Agreement Budget	Scope Amendment #2 Budget	Amount Not Used
Task 100. Project Management	\$14,875.00	\$4,600.00	\$10,275.00
Task 200. Permit and Agreement Management	\$2,720.00	\$400.00	\$2,320.00
Task 300. Grant Management	\$9,350.00	\$3,000.00	\$6,350.00
Task 400. Construction Management*	\$1,275.00	\$0	\$1,275.00
Task 500. Contingency*	\$4,250.00	\$0	\$4,250.00
Total	\$32,470.00	\$8,000.00	\$24,470.00

*Dependent on funding and City approval

UPDATED Project 8 - Deschutes River Flood Reduction and Erosion Study

The Deschutes River Flood Reduction Study aims to develop solutions to flooding and erosion problems along the lower Deschutes River between Brewery Park at Tumwater Falls and Henderson Boulevard. The study will include work to describe existing conditions and the critical factors contributing to flooding and erosion problems; identification, evaluation, and conceptual alternatives to reduce or eliminate flooding and erosion; identification of required permit actions; and development of preliminary engineering drawings and cost estimates for the preferred alternative.

Changes to the scope of work for this project are the result of scope, schedule, and budget changes associated with the project. Originally, Tumwater had approximately \$75,000 allocated to complete the study over 2022 and 2023. In June of 2022, Tumwater found out that the Washington State Legislature was allocating the City \$250,000 to complete this study within the fiscal year, July 1, 2022 through June 30, 2023. In addition, this project scope has increased to now include erosion near the golf course parking lot as a priority area for stop gap measures and long term solutions.

Greer Environmental Consulting proposes the following scope of work changes for the Deschutes River Flood Reduction and Erosion Study.

A. Scope of Services

Project 8 - Task 100. Project Management

This task covers project management work associated with executing the project and includes the following:

- Prepare a project management plan
- Manage the project schedule
- Manage the project risks
- Handle project communications
- Assist in hiring a reputable consulting firm, including:
 - Creating a RFP, interviewing potential firms, negotiating the scope of service and overseeing the completion of a Service Provider Agreement (SPA)
- Manage project team members, including other consultants
- Engage with stakeholders, City, consultants, and affected/interested members of the public
- Manage the scope and project budget

This task includes providing up-to-date project schedules, regular project status updates at a minimum every two-week interval during active phases of the project and a monthly project billing report.

Project 8 - Task 100. Deliverables

1. Project management plan
2. Project schedule updated quarterly
3. Project budget updated quarterly
4. Monthly reports and invoices
5. Meeting agendas
6. Presentations for at least two Public Works Committee meetings (PWC), one City Council (CC) meeting, and one regional workgroup meeting (such as the Watershed Resources Inventory Area (WRIA) 13 Lead Entity Committee)
7. Request for Proposals and a signed Service Provider Agreement with the chosen consultant
8. Consultant deliverable/invoice review and approval

New Project 8 - Task 100. Deliverables

1. Request for Proposals for stop gap erosion measures and signed Service Provider Agreement with the chosen firm
2. Stakeholder meeting notes and coordination, including emails and letters of support.
3. Three presentations discussing the results of the study for local elected officials, City staff, and stakeholder groups.

Project 8 - Task 200. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Task 100 in this Scope of Services. No work can be performed under *Task 200 Contingency* without the written authorization from the City.

Project 8 - Task 200. Deliverables

1. To be determined and agreed upon by the City and GEC

B. Project Timeline

Phase	Start Date	End Date	New Schedule
Current State Evaluation	July 2022	May 2023	July 2022 - January 2023
Conceptual Alternatives Analysis	May 2023	December 2023	January 2023- June 2023

C. Project Schedule

Deliverable	Due Date	New Schedule
Task 100. Project Management		
1. Project management plan	July 2022	Completed July 2022
2. Project schedule updated quarterly	October 2023	June 2023
3. Project budget updated quarterly	October 2023	June 2023
4. Monthly reports and invoices	December 2023	June 2023
5. Meeting agendas	October 2023	May 2023
6. Presentations for at least two Public Works Committee meetings (PWC), one City Council (CC) meeting, and one regional workgroup meeting (such as the Watershed Resources Inventory Area (WRIA) 13 Lead Entity Committee)	November 2023	July 2023
7. Request for Proposals and a signed Service Provider Agreement with the chosen consultant	August 2022	SPA with Stantec completed September 2022. RFP and SPA with consultant for erosion due February 2023
8. Consultant deliverable and invoice review and approval	December 2023	July 2023
Task 200. Contingency*		
1. To be determined and agreed upon by the City and GEC	TBD	TBD

*Dependent on funding and City approval

D. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$22,015.00**.

The following are estimated professional services costs for the tasks provided in this

scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs.

Task	Estimated Task Cost from Original Scope	Proposed Budget
Task 100. Project Management*	\$15,470.00	\$19,465.00
Task 200. Contingency*	\$2,550.00	\$2,550.00
Total	\$18,020.00	\$22,015.00

*Dependent on funding and City approval

A. Funding Structure

Phase	Original Budget	Updated Budget	Source
Current State Evaluation	\$30,000.00	\$100,000.00	
Conceptual Alternatives Analysis	\$35,000.00	\$177,361.00	
Tasks Outlined Above	\$18,020.00	\$22,015.00	
Total	\$83,020.00	\$299,376.00	\$250,000 allocation from the WA State Legislature \$50,000 from the City of Tumwater Storm Drain Fund

NEW Project 10 - Somerset Hill Dr Culvert Replacement and Bank Stabilization

The Somerset Hill Dr Culvert Replacement and Bank Stabilization project aims to replace the undersized culvert conveying Percival Creek under Somerset Hill Dr. The goals of this project are two fold: 1) improve fish passage by replacing the undersized culvert and 2) reduce bank erosion by realigning the creek following more natural conditions.

This site was identified as a priority during 2022 as Tumwater field crews noticed a large amount of bank erosion at the downstream end of the pipe that conveys Percival Creek under Somerset Hill Drive. The current alignment of the culvert means that high velocity flows are directly discharged into the bank, leading to large amounts of erosion and undercutting. The bank stability has been reduced as a result of this erosion, putting in jeopardy a very large fir tree. Water Resources and Sustainability staff believe that if the tree were to fall it would break the 8 inch sewer line that runs from the neighborhood to the north to the main sewer line along Somerset Hill Dr.

The current culvert was last surveyed by the Washington Department of Fish and Wildlife in 2015 and was identified as a partial barrier due to velocity. The South Puget Sound Salmon Enhancement Group will be resurrecting the culvert on November 9 in order to determine if that passability rating has changed in the seven years since it was last surveyed.

This project has two main timelines, the first being stop gap measures during the winter of 2022 to reduce bank erosion in the interim before a larger scale solution can be found. The second phase of the project will be the long term solution, which will likely include the removal of the culvert, replacement with a bridge, and realignment of the creek to mimic natural conditions and divert flows away from the eroded bank. Greer Environmental Consulting is currently in the process of finding a contractor who could sand bag the site this winter and an arborist to evaluate the fir tree to determine risk level and options for if the tree does need to be removed.

Greer Environmental Consulting proposes the following scope of work for the project. The scope of work is based on a four-phase approach to the project: stop-gap measures, grant applications, design/permitting, and construction. The stop-gap measures will take place between November 2022 and February 2023. Grant applications will be submitted between December 2022 and June 2023. The design and permitting phase will take place between July 2023 and December 2024, while the construction phase will start in March 2025 and end in December 2025 depending on grant funding availability.

A. Scope of Services

Project 10 - Task 100. Project Management

This task covers project management work associated with executing the project and includes the following:

- Prepare a project management plan
- Manage the project schedule

- Manage the project risks
- Handle project communications
- Manage project team members, including other consultants
- Engage with stakeholders, City, consultants, and affected/interested members of the public
- Manage the scope and project budget

This task includes providing up-to-date project schedules, regular project status updates at a minimum every two-week interval during active phases of the project and a monthly project billing report.

Project 10 - Task 100. Deliverables

1. Project management plan
2. Project schedule updated quarterly
3. Project budget updated quarterly
4. Monthly reports and invoices
5. Meeting agendas
6. Presentations for at least two Public Works Committee meetings (PWC), one City Council (CC) meeting, and one regional workgroup meeting (such as the Watershed Resources Inventory Area (WRIA) 13 Lead Entity Committee)
7. Consultant deliverable/invoice review and approval

Project 10 - Task 200. Permit and Agreement Management

This task covers the completion and/or submission of all necessary permits and agreements to complete the project while complying with all local, state, and federal regulations. Anticipated permits and agreements include, but are not limited to:

- Manage Cultural Resources Report
 - Completed by reputable cultural resources firm
 - Coordination with local stakeholders by Greer Environmental Consulting (GEC)
- Apply for Joint Aquatic Resource Permit Application (JARPA) and Hydraulic Project Approval (HPA)
 - Emergency HPA submitted by GEC
 - JARPA drawings completed by hired engineering firm
 - JARPA application submitted by GEC
- Apply for Right of Way Permit
- Complete Request for Proposal (RFP) document(s) or Request for Qualifications (RFQ) document(s)
- Manage Service Provider Agreements
 - Stop Gap Measure Firm (likely JP Huta Underground)
 - Design and Permitting Firm
 - Cultural Resources Firm
- Apply for Construction Stormwater General Permit

This task includes completion, submission, and communication with permitting agencies and relevant stakeholders.

Project 10 - Task 200. Deliverables

1. Emergency HPA application
2. JARPA application
3. Request for Proposals/Qualifications documents
4. Signed service provider agreement(s)
5. Construction stormwater general permit application

Project 10 - Task 300. Grant Management

This task covers all aspects of grant management to acquire the majority of funding for both phases of the project. This includes grant research, writing, negotiating, management, and closeout.

Project 10 - Task 300. Deliverables

1. Grant application(s) for project design and construction
2. Negotiated grant agreement(s)
3. Quarterly progress and payment reports
4. Closeout report(s) for funding agencies

Project 10 - Task 400. Construction Management - Dependent on funding and City approval

This task covers construction management work associated with constructing the project and includes the following:

- Acquire permits, easements, and agreements
- Manage bid process and documentation
- Engage stakeholders
- Prepare final project documentation, including photos and videos

Project 10 - Task 400. Deliverables

1. Bid documentation
2. Project closeout report for the City of Tumwater

Project 10 - Task 500. Contingency - Dependent on funding and City approval

This task provides a discretionary allowance budget task for unanticipated labor, expenses, or professional services not specifically identified in Tasks 100-400 in this Scope of Services. No work can be performed under *Task 500 Contingency* without the written authorization from the City.

Project 10 - Task 500. Deliverables

1. To be determined and agreed upon by the City and GEC

B. Project Timeline

Phase	Start Date	End Date
Stop Gap Measures	November 2022	February 2023
Grant Applications	December 2022	June 2023
Design and Permitting	July 2023	December 2024
Construction	March 2025	December 2025

C. Project Schedule

Deliverable	Due Date
Task 100. Project Management	
1. Project management plan	December 2022
2. Project schedule updated quarterly	December 2025
3. Project budget updated quarterly	December 2025
4. Monthly reports and invoices	December 2025
5. Meeting agendas	December 2025
6. Presentations for at least two PWC, one CC meeting, and one regional workgroup meeting (such as the WRIA 13 Lead Entity Committee)	April 2024
7. Consultant deliverable and invoice review and approval	December 2025
Task 200. Permit and Agreement Management	
1. Emergency HPA Application	December 2022
2. JARPA application	February 2024
3. Request for Proposals/Qualifications documents	August 2023
4. Signed service provider agreements	December 2023
5. Construction stormwater general permit application	March 2025
Task 300. Grant Management	
1. Grant application(s) for project design and construction	November 2023
2. Negotiated grant agreement(s)	January 2024
3. Quarterly progress and payment reports	December 2025
4. Closeout report(s) for funding agencies	December 2025

Deliverable	Due Date
Task 400. Construction Management*	
1. Bid documentation	May 2025
2. Project closeout report for the City of Tumwater	October 2025
Task 500. Contingency*	
1. To be determined and agreed upon by the City and GEC	TBD

*Dependent on funding and City approval

D. Project Management Cost

The estimated total contract amount to complete the professional services identified in this Scope of Services is offered on a time and materials basis not to exceed **\$42,095.00**. The following are estimated professional services costs for the tasks provided in this scope of services. The following table is provided only to show the City an approximate breakdown of estimated costs.

Task	Estimated Task Cost
Task 100. Project Management	\$20,145.00
Task 200. Permit and Agreement Management	\$4,335.00
Task 300. Grant Management	\$10,625.00
Task 400. Construction Management*	\$2,040.00
Task 500. Contingency*	\$4,950.00
Total	\$42,095.00

*Dependent on funding and City approval

E. Funding Structure

Phase	Budget	Source
Final PS&E	~\$400,000	To be determined
Construction	~\$8,000,000	To be determined
Tasks Outlined Above	\$42,095.000	
Total	\$8,442,095.00	

Appendix A - Rate Structure

Greer Environmental Consulting Rate Structure as of January 1, 2023. Rates are subject to change annually, updated rates and categories of work available upon request.

Category of Work	Hourly Rate
Project Management (budget, scope, consultant management, stakeholder engagement)	\$88
WRS Existing Program Support	\$52
Project Conceptualization (new project conceptualization including budgets and schedules)	\$62
Additional Grant Management (researching, applying for, managing, and closing out of grants not outlined above)	\$57
Additional Permit Management (applying, coordinating, and managing new permits not outlined above)	\$57
Miscellaneous Support	\$62