

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF APPROVING THE WEST )  
TERRACE STORMWATER PROJECT UNDER THE )  
AMERICAN RESCUE PLAN ACT )  
(ARP)/CORONAVIRUS STATE AND LOCAL FISCAL )  
RECOVERY FUNDS (CSLFRF) )

**RESOLUTION**

**WHEREAS**, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners has the care of County property and the management of County funds and business; and

**WHEREAS**, the American Rescue Plan (ARP) Act was signed into law on March 11, 2021 and Spokane County has been appropriated \$101,547,383 to combat the challenges created by the COVID-19 pandemic; and

**WHEREAS**, on May 10, 2021 as required by the U.S Treasury under the Coronavirus State and Local Fiscal Recovery Fund, Spokane County Chief Executive Officer Scott Simmons signed the award terms: and

**WHEREAS**, on March 8, 2022 the Spokane Board of County Commissioners, via Resolution 2022-0153 allocated \$5,500,000 of American Rescue Plan Act (ARP)/Coronavirus State And Local Fiscal Recovery Funds (CSLFRF) funding to Expenditure Category 5.6 Clean Water: Stormwater; and

**WHEREAS**, Spokane County Public Works submitted a project request to the Spokane Board of County Commissioners, asking Spokane County to allocate up to \$5,500,000 toward West Terrace Stormwater Project; and

**WHEREAS**, Ariane Schmidt, ARP Program Manager and Dayle Anderson, Deputy Prosecutor Spokane County Prosecutor’s Office, have approved the West Terrace Stormwater project as a sole source project to be managed and overseen by Spokane County Public Works.

**WHEREAS**, the County has adopted a Financial Assistance Policy under Resolution Nos. 2012-1017 and 2013-0219 (the “Policy”). Based on the Policy, the Spokane County Grants Administrator or designee has recommended that the Board of County Commissioners authorize and approve the West Terrace Stormwater Project as described above.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of County Commissioners of Spokane County, Washington pursuant to the provisions of RCW 36.32.120(6), that the Chairman of the Board and/or a majority of the Board at other than an open public meeting:

- (1) The Board does hereby authorize the sole source of the West Terrace Stormwater project under the American Rescue Plan Act (ARP)/Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) funding Expenditure Category 5.6 Clean Water: Stormwater; and
- (2) The Board does hereby approve the West Terrace Stormwater project by the Spokane County Public Works under the American Rescue Plan Act (ARP)/Coronavirus State And Local Fiscal Recovery Funds (CSLFRF) funding to Expenditure Category 5.6 Clean Water: Stormwater in an amount not to exceed Five Million Five Hundred Thousand Dollars (\$5,500,000.00); and
- (3) Either the Chairman of the Board, majority of the Board, Chief Executive Officer, or the Chief Budget Officer, is hereby authorized to execute, at other than an open meeting, any and all

documents to implement this award as well as any subsequent amendments after review by the Spokane County Grants Administrator, provided any changes or amendments do not increase the total amount awarded. Amendments increasing the total amount awarded shall go before the Board of County Commissioners at an open meeting.

APPROVED BY THE BOARD this 29th day of March 2022.

BOARD OF COUNTY COMMISSIONERS  
OF SPOKANE COUNTY, WASHINGTON



ATTEST:

Mary L. Kuney  
Mary L. Kuney, Chair

Al French  
Al French, Vice-Chair

Ginna Vasquez Josh Kerns  
Ginna Vasquez, Clerk of the Board Josh Kerns, Commissioner



**SOLE SOURCE DECLARATION FORM**

American Rescue Plan (ARP)

Coronavirus State and Local Fiscal Recovery Funds (CSLFRF)

Funding Authority: U.S. Department of Treasury

CFDA# 21.027 – Coronavirus Relief Fund

**Pursuant to County Code 1.04.120, the following Two conditions must both apply to your request for a Sole Source:**

1. This purchase is available from only one source, and there are no alternates, and
2. This purchase has product differentiation that makes it unique in some respect from all other products. The uniqueness or unique feature must be of demonstrably real importance and benefit in the way the end item is to be used. (please contact the purchasing department with any questions).

**Additionally, the below condition must apply to your request for a Sole Source:**

1. Eligibility from the US Treasury for sole source eligibility based on current ARP category allowances accessed via this link: <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds/recipient-compliance-and-reporting-responsibilities>

**Has a Project Request Form or Requisition been completed?** YES  NO

(If no, please send a project request form or Requisition to the Purchasing Department in addition to this form)

<b>Estimated Total Cost (including tax etc.)</b>	\$5,500,000	<b>Start Date of Project:</b>	April 1, 2022	<b>Estimated End Date of Project:</b>	December 1, 2022
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**The requesting agency must provide a response to the five questions below:**

- I. Explain why the requested good, service provider, supplier or manufacturer is the only product or service that can satisfy the requirements of the requesting department and explain why there are no alternates or why alternates are unacceptable. Be specific concerning specifications, features, characteristics, requirements, capabilities, compatibility and performance.

**Spokane County Public Works is the sole provider of services in this area for requested Engineering Design of the capital improvement plan developed previously.**

- II. Explain why the requested good, services provider, supplier or manufacture is the only practicable available source from which to obtain this product or service and describe the efforts that were made to verify and confirm whether, or not, this is so. (Obtain and include a letter from the manufacturer confirming, claims made by distributors of exclusive distributorship for the product or service, if, that is cited as a reason for this Sole Source.

**Spokane County Public Works, with subcontractor services as needed, shall provide**



engineering services for the design, bidding and potential construction management and/or inspection of the West Terrace Capital Improvement Project No. SWW311. Spokane County Public Works, with subcontractor services as needed, will prepare drawings and technical specifications for the stormwater system improvements and road replacement portions of the Project and provide a complete set of bid documents. The proposed project schedule will most likely result in the need for multiple construction contracts being awarded and managed simultaneously. Review of the design will be performed by Spokane County Public Works. The final bid documents will be provided to Spokane County for issuance of the Invitation to Bid.

III. Explain the consequence(s) to the County or Public, including an estimate of the impact (financial or otherwise), if this Sole Source is not declared.

As the provider of Public Works services for this area, this project could not be completed for the benefit of the public or residents of the development for necessary services without this Sole Source declaration.

IV. Explain why the price for this product or service is considered to be reasonable

Spokane Public Works must abide by State and Federal standards, open public records and prevailing wage for all work accomplished. Only expenses incurred will be reimbursed based on the original budget.

V. Explain the efforts that were made to conduct a noncompetitive negotiation to get the best possible price for the taxpayer's dollars.

Due diligence was conducted by the project requestor, County Legal and County Grants Management to see if other providers had the ability to service this area. It was deemed not the case, hence the desire for the Sole Source declaration. See attached map for Scope of Work.

*I hereby request that a sole source, as defined by RCW and/or County Code, be declared for procurement of the aforementioned statement of work, material, equipment, supply or service.*

*I hereby certify under penalty of perjury under the laws of the State of Washington that I have performed a diligent search to determine other sources for this necessary purchase and assert a good faith determination that there are no other source for this needed for this procurement request; the statements contained herein are truthful and accurate to the best of my knowledge and ability.*

Ariane Schmidt	
Print Name of Department Head or Designee	Signature
ARP Portfolio and Program Management	3/29/2022
Department Name	Date

The Purchasing Department will have the section below completed and signed by the proper representative



The situation as stated on this form (please check all that apply):

- Does constitute a Sole Source Procurement
- Does not constitute a Sole Source Procurement
- Insufficient information to form an opinion

<i>F. Dangle Anderson</i> Print Name	<i>F. Deputy Pros.</i> Title	<i>[Signature]</i> Signature	<i>3/29/2022</i> Date
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## ATTACHMENT A – ARP/CSLFRF CFDA 21.027 FUNDING

American Rescue Plan (ARP)  
Coronavirus State and Local Fiscal Recovery Funds (CSLFRF)  
Funding Authority: U.S. Department of Treasury  
CFDA# 21.027 – Coronavirus State and Local Fiscal Recovery Funds

The Contractor specifically agrees to comply with all applicable state and federal laws, rules, regulations, requirements, program guidance, including but not limited to the following:

All applicable federal, state, and local laws, regulations, executive orders, OMB Circulars, and/or policies including, but not limited to: nondiscrimination laws and/or policies, Energy Policy and Conservation Act (PL 94-163, as amended), the Americans with Disabilities Act (ADA), Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Civil Rights Act of 1968, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended), Ethics in Public Services (RCW 42.52), Covenant Against Contingent Fees (48 CFR Section 52.203-5), Public Records Act (RCW 42.56), Prevailing Wages on Public Works (RCW 39.12), State Environmental Policy Act (RCW 43.21C), Shoreline Management Act of 1971 (RCW 90.58), State Building Code (RCW 19.27), Energy Related Building Standards (RCW 19.27A), Provisions in Buildings for Aged and Handicapped Persons (RCW 70.92), and safety and health regulations.

Comply with all procurement requirements of 2 CFR Part 200.317 - 200.327. All sole source contracts expected to exceed \$50,000 must be submitted to Spokane County for review and approval prior to the award and execution of a contract.

Any contract awarded to the successful Contractor must contain and/or comply with the following provisions in accordance with 2 CFR Part 200.317 - 200.327:

- Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate;
- Termination for cause and for convenience by Spokane County or the Contractor including the manner by which it will be effected and the basis for settlement;
- Compliance with Executive Order 11246, “Equal Employment Opportunity,” (30 FR 12319, 12935, 3 CFR Part 1964-1965 Comp., p. 339), as amended by Executive Order 11375, as supplemented in Department of Labor regulations (41 CFR Chapter 60);
- For Capital Expenditure that involve the employment of mechanics of laborers: Compliance with the Contract Work Hours and Safety Standards Act (40 USC 3702 and 3704) as supplemented by Department of Labor Regulations (29 CFR Part 5);
- For all contracts in excess of \$100,000 with respect to water, sewer, or broadband that involve the employment of mechanics of laborers: Compliance with the Contract Work Hours and Safety Standards Act (40 USC 3702 and 3704) as supplemented by Department of Labor Regulations (29 CFR Part 5);
- For construction or repair contracts: Compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145) as supplemented by Department of Labor regulations (29 CFR part 3);
- For construction contracts in excess of \$2,000 when required by Federal grant program legislation: Compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144 and 3146-3148) as supplemented by Department of Labor regulations (29 CFR part 5);



- For construction contracts in excess of \$100,000 that involve the employment of mechanics and laborers: Compliance with the Contract Work Hours and Safety Standard Act (40 U.S.C. 3701-3708) as supplemented by Department of Labor regulations (29 CFR Part 5);
- Compliance with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency;
- For contracts in excess of \$150,000: Compliance with all applicable standards, orders or requirements issued under the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387) as amended;
- Compliance with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act;
- Notice of awarding agency requirements and regulations pertaining to reporting;
- Federal awarding agency requirements and regulations pertaining to copyrights and rights in data;
- Access by Spokane County, the Federal awarding agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers and records of the Contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts and transcriptions;
- Retention of all required records for six years after Spokane County makes final payment and all other pending matters are closed;
- Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871);
- Notice of awarding agency requirements and regulations governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards (37 C.F.R. Part 401) and the standard patent rights clause (37 C.F.R. section 401.14);
- Compliance with Executive Order 13858 “Strengthening Buy-American Preferences for Infrastructure Projects” as appropriate and to the extent consistent with law; and
- Compliance with 2 C.F.R. § 200.216, prohibitions regarding certain telecommunications and video surveillance services or equipment are mandated by section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY 2019 NDAA), Pub. L. No. 115-232 (2018).

Contractor must comply with Executive Orders 12549 and 12689 and 2 C.F.R. Part 180, which restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. Contractor must certify that it is not presently debarred, suspended or proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Agreement by any federal department or agency.

Contractor must comply with the requirements of 31 U.S.C. § 3729-3733 which prohibits the submission of false or fraudulent claims for payment to the Federal Government. See also 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

Contractor must maintain a Conflict of Interest Policy consistent with 2 CFR 200.318(c) that is applicable to all activities funded with the award. All potential conflicts of interest related to this award



must be reported to Spokane County and/or U.S. Treasury

Contractor is required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

Contractor's costs must be compliant with 2 CFR Part 200 Subpart E Cost Principles.

Contractor must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, Member of Congress, an officer, or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning an award, making of any federal grant, federal loan, continuation, renewal, amendment or modification of any federal contract, grant loan, or cooperative agreement, and that if any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this award, the Contractor will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

In the event of the Contractor's noncompliance or refusal to comply with any applicable law, regulation, executive order, OMB Circular or policy, Spokane County may rescind, cancel, or terminate the contract in whole or in part in its sole discretion. The Contractor is responsible for all costs or liability arising from its failure to comply with applicable laws, regulations, executive orders, OMB Circulars, or policies.





**CIP 1A: West Terrace Heights Improvements**

West Terrace Stormwater Study  
 Spokane County Public Works  
 Prepared By: Osborn, Consulting, Inc.

**Legend**

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|---|--|---|
| <p><b>Proposed Conduits</b></p> <ul style="list-style-type: none"> <li>— Pipe</li> <li>— Deep Pipe (Groundwater)</li> <li>— Shallow Pipe (Road Runoff)</li> <li>— Underdrain</li> </ul> <p><b>Existing Conduits</b></p> <ul style="list-style-type: none"> <li>--- Existing Pipe</li> <li>--- Existing Ditch/Swale</li> <li>--- Existing Force Main</li> <li>--- Existing Force Main (Not Functioning)</li> </ul> | <p><b>Proposed Structures</b></p> <ul style="list-style-type: none"> <li>⊗ Catch Basin Tie-In</li> <li>● Control Structure</li> <li>● New Catch Basin</li> <li>□ Proposed Detention Pond</li> <li>■ Roadway Replacement</li> <li>▨ Existing Storm Facilities</li> <li>▨ Reuse Pond</li> <li>▨ Evaporation Pond</li> <li>□ Detention Pond</li> <li>■ Infiltration Pond</li> </ul> | <p><b>Existing Structures</b></p> <ul style="list-style-type: none"> <li>○ Catch Basin</li> <li>⊗ Drywell</li> <li>● Manhole</li> <li>● Ditch/Swale</li> <li>■ Storm Pond</li> <li>■ Pump Station</li> <li>■ Pump Station (Not Functioning)</li> <li>— 10-ft USGS Contours</li> <li>— Roads</li> <li>— Parcels</li> </ul> |
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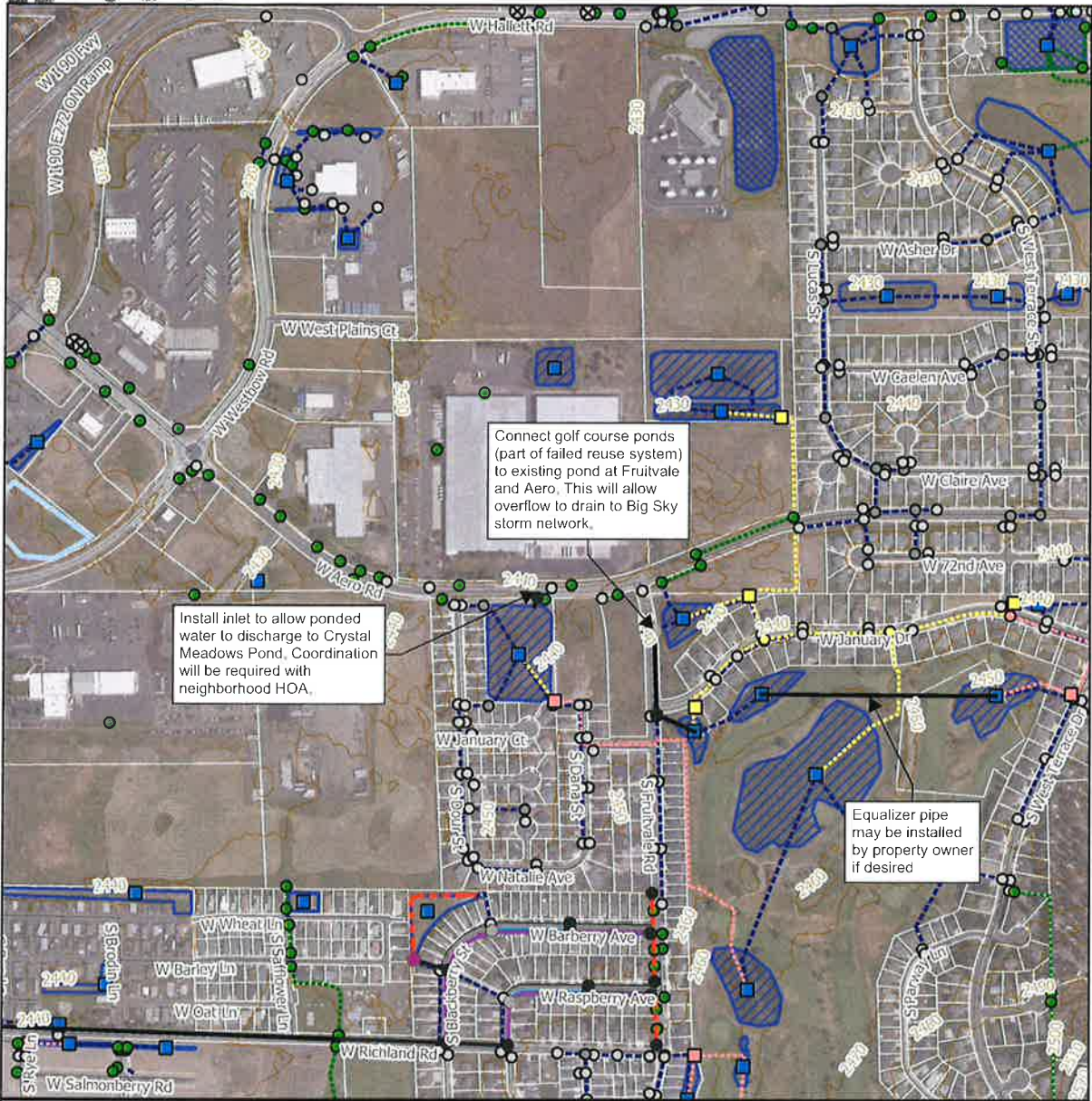
**CIP 1B: New Storm Drain for Richland and Hayford Roads**

West Terrace Stormwater Study  
 Spokane County Public Works  
 Prepared By: Osborn, Consulting, Inc.

**Legend**

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| <p><b>Proposed Conduits</b></p> <ul style="list-style-type: none"> <li>— Pipe</li> <li>— Deep Pipe (Groundwater)</li> <li>— Shallow Pipe (Road Runoff)</li> <li>— Underdrain</li> </ul> <p><b>Existing Conduits</b></p> <ul style="list-style-type: none"> <li>- - - Existing Pipe</li> <li>⋯ Existing Ditch/Swale</li> <li>⋯ Existing Force Main</li> <li>— Existing Force Main (Not Functioning)</li> </ul> | <p><b>Proposed Structures</b></p> <ul style="list-style-type: none"> <li>● Catch Basin Tie-In</li> <li>● Control Structure</li> <li>● New Catch Basin</li> <li>□ Proposed Detention Pond</li> <li>■ Roadway Replacement</li> </ul> <p><b>Existing Storm Facilities</b></p> <ul style="list-style-type: none"> <li>▨ Reuse Pond</li> <li>▨ Evaporation Pond</li> <li>□ Detention Pond</li> <li>■ Infiltration Pond</li> </ul> | <p><b>Existing Junctions</b></p> <ul style="list-style-type: none"> <li>○ Catch Basin</li> <li>⊗ Drywell</li> <li>● Manhole</li> <li>● Ditch/Swale</li> <li>■ Storm Pond</li> <li>■ Pump Station</li> <li>■ Pump Station (Not Functioning)</li> <li>— 10-ft USGS Contours</li> <li>— Roads</li> <li>— Parcels</li> </ul> |
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### CIP 2: Connection to Big Sky

West Terrace Stormwater Study  
 Spokane County Public Works  
 Prepared By: Osborn, Consulting, Inc.

#### Legend

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|---|--|---|
| <p><b>Proposed Conduits</b></p> <ul style="list-style-type: none"> <li>— Pipe</li> <li>— Deep Pipe (Groundwater)</li> <li>— Shallow Pipe (Road Runoff)</li> <li>— Underdrain</li> </ul> <p><b>Existing Conduits</b></p> <ul style="list-style-type: none"> <li>- - - Existing Pipe</li> <li>..... Existing Ditch/Swale</li> <li>..... Existing Force Main</li> <li>..... Existing Force Main (Not Functioning)</li> </ul> | <p><b>Proposed Structures</b></p> <ul style="list-style-type: none"> <li>○ Catch Basin Tie-In</li> <li>● Control Structure</li> <li>● New Catch Basin</li> <li>□ Proposed Detention Pond</li> <li>■ Roadway Replacement</li> </ul> <p><b>Existing Storm Facilities</b></p> <ul style="list-style-type: none"> <li>▨ Reuse Pond</li> <li>▨ Evaporation Pond</li> <li>□ Detention Pond</li> <li>■ Infiltration Pond</li> </ul> | <p><b>Existing Structures</b></p> <ul style="list-style-type: none"> <li>○ Catch Basin</li> <li>⊗ Drywell</li> <li>○ Manhole</li> <li>● Ditch/Swale</li> <li>■ Storm Pond</li> <li>■ Pump Station</li> <li>■ Pump Station (Not Functioning)</li> <li>— 10-ft USGS Contours</li> <li>— Roads</li> <li>▭ Parcels</li> </ul> |
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