

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:

RESOLUTION NO. 24-229

APPROVE A GRANT AMENDMENT WITH THE
WASHINGTON STATE BROADBAND OFFICE

WHEREAS, the Lewis County Board of County Commissioners approved Contract No. 22-96810-005 with the Washington State Broadband Office (WSBO) via Resolution 22-313 on Sept. 27, 2022, to accept grant funding from WSBO totaling \$23,500,000 for the installation of fiber optic broadband infrastructure to every parcel within Winlock and the surrounding rural areas; and

WHEREAS, the BOCC modified its scope of work via Contract No. 22-96810-005 Amendment A, as approved via Resolution 23-006 on Jan. 3, 2023; and

WHEREAS, the BOCC and WSBO would like to again amend their contract; and

WHEREAS, the amendment -- attached hereto as Contract No. 22-96810-005 Amendment B -- would increase the contract amount by \$3,593,556 for a new contract total of \$27,093,556.

NOW THEREFORE BE IT RESOLVED the BOCC hereby approves of Contract No. 22-96810-005 Amendment B and authorizes the County Manager to sign on its behalf.

DONE IN OPEN SESSION this 16th day of July, 2024.



From the desk of County Manager Ryan Barrett

Connie Rivera, State Broadband Office Infrastructure and Finance Manager
Washington State Department of Commerce, Broadband Office
connie.rivera@commerce.wa.gov

April 5, 2024

Subject: Request for Additional Funding for Winlock FTTP Project

Dear Connie Rivera,

I am writing to formally request additional funding for the Winlock Fiber-to-the-Premises (FTTP) project in Lewis County, in accordance with section 6.14 of the Washington State Broadband Office (WSBO) Infrastructure Acceleration Grants Handbook regarding Additional Funding Needs for Projects.

Our project, like many others initiated in the past four years, has encountered unforeseen escalations in material and associated labor costs. During the application process, engineering and construction budgets were built based on similar projects in terms of size, scope, and geography. However, since then, our industry has struggled with unprecedented challenges, leading to higher inflationary pressures. These pressures stem from various factors, including increased costs for fiber optic cable and other construction materials such as handholes, pedestals, and splice cases, driven by supply chain disruptions and heightened broadband investments linked to large carrier 5G wireless buildouts, FCC auctions, state grant programs, and pandemic-related funding (CARES, etc.). Compounding these challenges is a severe labor shortage, significantly impacting the construction industry nationwide.

To ensure the fulfillment of our original contract's scope of work and to effectively serve the residents of Lewis County, additional funding is imperative.

In support of our request, I have enclosed all necessary documentation, including construction bid tabulations, material estimates, engineering costs, and the finalized construction contract amount for Phase 2 of the project. It's worth noting that the bids exceeded the initial estimates outlined in our grant application, as the original budget was developed in late 2021. At that time, costs were calculated based on labor and material expenses from recent projects prior to 2021.

Although ToledoTel accounted for annual cost increases in our projections, the unforeseen double-digit inflation since the budget's creation underscores the need for additional support.

In accordance with the provisions outlined in the WSBO Infrastructure Acceleration Grants Handbook, we are requesting additional funding. The revised project total, including the most recent bid for the final phase, is estimated at \$29,802,912, reflecting an increase of \$3,952,912 from our original projection of \$25,850,000.

We respectfully request an additional \$3,593,556 in grant funds from the State Broadband Office to ensure the successful completion of this critical project in our community. ToledoTel is committed to adjusting its matching contribution from \$2,350,000 to \$2,709,355 to align with the program's requirements.

We remain committed to upholding the agreed-upon scope of work outlined in our original contract.

Thank you for your attention to this matter and your consideration for additional funding. Should further documentation be required, please do not hesitate to contact me at 360-740-2697 or ryan.barrett@lewiscountywa.gov or the Broadband Project Coordinator, Becky Butler at 360-740-1198 or becky.butler@lewiscountywa.gov.

Best regards,



Ryan Barrett
County Manager
Lewis County, Washington

Cost Category	Original Project Amount Per Grant Contract	Revised Total Project Amount	Amount Requested	Comments
Site Acquisition	0			
Architecture, Engineering, Permits	\$3,500,000.00	3,200,000.00	(300,000.00)	Total amount of VPS contract
Design contingency	\$50,000.00	-	(50,000.00)	Included in VPS Contract
Construction	\$18,950,000.00	24,292,912.00	5,342,912.00	Includes both RBC Contract Amounts
Construction contingency	\$1,000,000.00	-	(1,000,000.00)	
Construction Management	2,245,000.00	2,245,000.00	-	Includes LC & ToledoTel Technical Oversight and Cultural Resources Monitoring
Indirect Costs 10% MTDC	65,000.00	65,000.00	-	
Permits	\$40,000.00	-	(40,000.00)	Included in the VPS Contract
Other:			-	
TOTAL PROJECT COSTS	25,850,000.00	29,802,912.00	3,952,912.00	

15.29%

Funding:	Existing Grant Amount	Requested Total Revised Amount	Requested Increase
Washington Department of Commerce	23,500,000.00	27,093,556.36	3,593,556.36
Local Revenue	2,350,000.00	2,709,355.64	359,355.64
Total Funding	25,850,000.00	29,802,912.00	3,952,912.00

Washington State Department of Commerce
Local Government Division
State Broadband Office
ARPA State and Local Fiscal Recovery Funds Grant

1. Grantee Lewis County Treasurer P.O. Box 29 Chehalis, WA 98532		2. Grantee Doing Business As (optional) Lewis County Auditor	
3. Grantee Representative (only if updated) Becky Butler Budget Administrator 360-740-1198 Becky.butler@lewiscountywa.gov		4. COMMERCE Representative (only if updated) Samuel Ross Broadband Infrastructure Specialist (360) 972-5832 samuel.ross@commerce.wa.gov	
5. Original Contract Amount (and any previous amendments) \$ 23,500,000.00		6. Amendment Amount \$3,593,556.00	7. New Contract Amount \$ 27,093,556.00
8. Amendment Funding Source Federal: <input checked="" type="checkbox"/> State: <input type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>		9. Amendment Start Date May 15, 2024	10. Amendment End Date October 31, 2026
11. Federal Funds (as applicable): \$ 27,093,556.00	Federal Agency: US Dept. Treasury	CFDA Number: 21.027	Indirect Rate: 10%
12. Amendment Purpose: The purpose of this amendment is to increase the contract award from \$23,500,000 to \$27,093,556, an increase of \$3,593,556. In additions, ToledoTel is increasing their match from \$2,350,000 to \$2,709,355, an increase of \$359,355.			

COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract As Amended and attachments and have executed this 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 Contract As Amended are governed by this Contract Amendment and the following other documents incorporated by reference: Contractor Terms and Conditions including Attachment "A" – Scope of Work, Attachment "B" – Certification of Availability of Funds to Complete the Project, Attachment "C" – Certification of the Payment and Reporting of Prevailing Wages, the following documents incorporated herein by reference: Grantee's Application for Funding and the Washington State Broadband Office Infrastructure Acceleration Grants Handbook 21-23 prepared by Commerce. Any reference in the original Contract to the "Contract" shall mean the "Contract as Amended".

FOR GRANTEE		FOR COMMERCE	
_____ Ryan Barrett, County Manager		_____ Mark K. Barkley, Assistant Director, Local Government Division	
_____ Date		_____ Date	
APPROVED AS TO FORM ONLY		APPROVED AS TO FORM ONLY	
_____ David Bailey, Deputy Prosecuting Attorney		_____ Sandra Adix Assistant Attorney General	
_____ Date		_____ 3/20/2014 Date	

Amendment

DECLARATIONS

CLIENT INFORMATION

Grantee Name: **Lewis County**
 Grant Number: **22-96810-005**
 Amendment Number: **B**

PROJECT INFORMATION

Project Name: **Lewis County Broadband Expansion**
 Project City: **Winlock**
 Project State: **Washington**
 Project Zip Code: **98596**

GRANT INFORMATION

Grant Amount: **\$ 27,093,556**
 Local Match(10% of the grant amount expended): **\$ 2,709,355**
 Appropriation Number: **ESSB 1080, Section 1086**
 Re-appropriation Number (if applicable):
 Grant End Date: **October 31, 2026**
 Biennium: **2023-2025**
 Biennium Close Date: **June 30, 2025**
 Earliest Date for Reimbursement: **March 3, 2021**
 Time of Performance: **In accordance with Special Terms and Conditions Number 4**

FUNDING INFORMATION

Federal Funding: **Sec. 602 Coronavirus State Fiscal Recovery Funds of Title VI of Social Security Act as added by American Rescue Plan Act of 2021 (ARPA or "Act"), Title IX, Subtitle M, Sec. 9901, Public Law 117-2, codified at 42 U.S.C. 802 et seq.**

Federal Award Agency: **US Department of Treasury**

Amount of Federal Funds Obligated by this Action: **\$ 27,093,556**

ADDITIONAL SPECIAL TERMS AND CONDITIONS GOVERNING THIS AGREEMENT

Extension of Grant Upon Reappropriation.

Notwithstanding Special Term and Condition No. 4, the End Date of this Grant **may be extended upon written notice to Grantee from Commerce** for a period of time consistent with the effective date of any re-appropriation of funds, and/or with terms reflecting new Federal requirements for ARPA funds, if any. In Commerce's sole discretion, after review of any funding re-appropriation terms and applicable Federal law or guidance, a contract amendment in accordance with Special Term and Condition No. 4 may be required to extend the End Date.

Amendment

GRANTEE Name: **Lewis County**
 Grant Number: **22-96810-005**
 Amendment: **B**

The purpose of this amendment is to modify the Budget of the above referenced Commerce ARPA State and Local Fiscal Recovery Funds Grant Program.

CERTIFICATION OF THE AVAILABILITY OF FUNDS TO COMPLETE THE PROJECT

Estimated Project Cost:	Amount
Architecture and Engineering	\$3,500,000.00
Design contingency	50,000.00
Construction and Equipment	22,543,556.00
Construction contingency	1,000,000.00
Construction Management	2,245,000.00
Indirect Cost- 10% Modified Total Direct Cost MTDC*	65,000.00
Permits	40,000.00
Estimated Total Project Cost	\$27,093,556.00

*MTDC includes: Direct salaries, wages and applicable fringe benefits, materials and supplies, Services, Travel and up to the first \$25,000 of each subaward (regardless of the period of performance). MTDC excludes: Equipment, Capital expenditures and the portion of each subaward in excess of \$25,000.

Type of Funding	Source Description	Amount
Grant	Washington State Department of Commerce	\$27,093,556
Other Grants		
Grant #1		\$
Total Other Grants		\$0.00
Other Loans		
Loan #1		\$
Total Loans		\$0.00
Other Local Revenue		
Source #1		
Total Local Revenue		
Other Funds		
Source #1	Toledo Tel Agreement	\$2,709,355
Total Other Funds		\$2,709,355
Total Project Funding		\$29,802,911

CERTIFICATION PERFORMANCE MEASURE - AVAILABILITY OF FUNDS

The Grantee, by its signature, certifies that project funding from sources other than those provided by this Grant Agreement and identified above has been reviewed and approved by the Grantee's governing body or board of directors, as applicable, and has either been expended for eligible Project expenses, or is committed in writing and available and will remain committed and available solely and specifically for carrying out the purposes of this Project as described in elsewhere in this Grant Agreement, as of the date and year written below. The Grantee shall maintain records sufficient to evidence that it has

Amendment

expended or has access to the funds needed to complete the Project, and shall make such records available for COMMERCE's review upon reasonable request.

Ryan Barrett, County Manager

Date

ALL OTHER TERMS AND CONDITIONS OF THIS CONTRACT REMAIN IN FULL FORCE AND EFFECT.



DocuSign Routing Form

SBO Unit

Review by (Title):	Name:	Date:	Initials:
Budget Analyst	Kari Newitt	7/9/2024 10:43 AM PDT	Handwritten initials "KN" and a blue "DS" stamp.
LGD Deputy Assistant Director (before AD signature)	Tony Hanson		

Certificate Of Completion

Envelope Id: B65EA23AE3E04D1F8A038559A35E3445

Status: Sent

Subject: Complete with DocuSign: 22-96810-005 Lewis Co Amendment B_funding.docx, SBO Contract Routing Fo...

Division:

Local Government

Program: WSBO

ContractNumber: 22-96810-005

DocumentType:

Contract Amendment

Source Envelope:

Document Pages: 5

Signatures: 0

Envelope Originator:

Certificate Pages: 5

Initials: 1

Connie Rivera

AutoNav: Enabled

1011 Plum Street SE

EnvelopeId Stamping: Enabled

MS 42525

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Olympia, WA 98504-2525

connie.rivera@commerce.wa.gov

IP Address: 198.238.6.179

Record Tracking

Status: Original

Holder: Connie Rivera

Location: DocuSign

7/5/2024 12:26:16 PM

connie.rivera@commerce.wa.gov

Security Appliance Status: Connected

Pool: StateLocal

Storage Appliance Status: Connected

Pool: Washington State Department of Commerce

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Signer Events

Signature

Timestamp

Kari Newitt



Sent: 7/5/2024 12:26:25 PM

kari.newitt@commerce.wa.gov

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Security Level: Email, Account Authentication (None)

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Signature Adoption: Drawn on Device

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Electronic Record and Signature Disclosure:

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David Bailey

Sent: 7/9/2024 10:43:47 AM

david.bailey@lewiscountywa.gov

Viewed: 7/9/2024 4:45:29 PM

Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:

Accepted: 7/9/2024 4:45:29 PM

ID: a9f2f64d-79e5-40b6-92cd-77c358d20055

Ryan Barrett

Ryan.Barrett@lewiscountywa.gov

Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Tony Hanson

tony.hanson@commerce.wa.gov

Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Signer Events	Signature	Timestamp
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Mark Barkley
mark.barkley@commerce.wa.gov
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
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In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent	Hashed/Encrypted	7/5/2024 12:26:25 PM
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Electronic Record and Signature Disclosure

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Washington State Department of Commerce:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

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To advise Washington State Department of Commerce of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at docusign@commerce.wa.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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- Until or unless you notify Washington State Department of Commerce as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Washington State Department of Commerce during the course of your relationship with Washington State Department of Commerce.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

David Bailey
By: David Bailey,
Chief Civil Deputy Prosecuting Attorney

Scott J. Brummer
Scott J. Brummer, Chair

ATTEST:



Lindsey R. Pollock, DVM
Lindsey R. Pollock, DVM, Vice Chair

Rieva Lester, CMC
Rieva Lester, CMC,
Clerk of the Lewis County Board of
County Commissioners

Sean D. Swope
Sean D. Swope, Commissioner