

**CONTRACT FOR PARTICIPATING MUNICIPALITY
SEEKING YORK COUNTY STORMWATER CONSORTIUM FUNDING
OF A STORMWATER BMP PROJECT INCLUDED IN THE
REGIONAL CHESAPEAKE BAY POLLUTANT REDUCTION PLAN**

This Contract is made and entered into this 27th day of February 2019 (the “Effective Date”) by and between the York County Stormwater Consortium, York County Pennsylvania, (“YCSWC”) and the City of York (the “Municipality”).

WHEREAS, YCSWC was created by a number of York County municipalities through the approval of an Intergovernmental Cooperation Agreement for the Implementation of the York County Regional Chesapeake Bay Pollutant Reduction Plan (the “Intergovernmental Cooperation Agreement”); and

WHEREAS, the Intergovernmental Cooperation Agreement includes an extensive Background, Guiding Principles and other terms, all of which are incorporated by reference herein; and

WHEREAS, defined terms in the Intergovernmental Cooperation Agreement shall have the same meaning for purposes of this Contract; and

WHEREAS, the YCSWC desires to implement stormwater best management practice (BMP) projects included in the York County Regional Chesapeake Bay Pollutant Reduction Plan (CBPRP); and

WHEREAS, the Municipality has requested funding from the YCSWC Account for Poor House Run (Memorial Park) Stream Restoration, Project ID #47, as a BMP project eligible for funding from the YCSWC account (the “Project”); and

WHEREAS, the YCSWC Regional Committee has approved the Project for funding from the YCSWC Account on the Effective Date above; and

WHEREAS, the YCSWC desires to enter into a Contract with the Municipality to implement the Project.

NOW, THEREFORE, the parties, intending to be legally bound, agree as follows:

1. THE MUNICIPALITY SHALL:

- a. Compile and timely submit invoices related to the approved Project to the York County Planning Commission (“YCPC”) for review, approval, and payment, to the extent that payment is being requested to be made from YCSWC funds. All invoices shall be accompanied by a signed *Request for Payment and Status of Consortium Expenditures* form and other information as required by the Standard Operating Procedure for processing payments for CBPRP BMP Projects Funded by the York County Stormwater Consortium (the “SOP”). The current SOP is attached to this Contract as Exhibit “A.” If a Project is only partially funded from the YCSWC Account, YCSWC funds shall be the last funds used.

The final invoice must be accompanied by documentation demonstrating that the project is completed. For design/permitting projects not requiring a permit or other outside regulatory approvals, submit a signed/sealed design plan. For design/permitting projects that require a permit or other outside regulatory approvals, submit a copy of the permit or regulatory approval. For construction projects, submit the “Final Report for YCSWC Completed Projects.”

- b. Municipality may fund the approved Project, in its entirety and submit an invoice for reimbursement upon completion. The same procedures as set forth herein for requesting payment shall be followed when seeking reimbursement.
- c. Submit a Progress Report to the YCPC at least fourteen (14) days prior to each quarterly Regional Committee Meeting. Provide additional information upon request.
- d. Maintain Project documentation and retain Project documentation that qualify as “Public Records” under the then current Right-to-Know Law for the time period required by applicable law or funding source, but not less than six (6) years.
- e. Take other actions that are required by or necessary to implement the terms of the Intergovernmental Cooperation Agreement. Additionally, the Municipality may take other actions convenient to implement the terms of the Intergovernmental Cooperation Agreement.

2. THE YCSWC MANAGEMENT COMMITTEE SHALL:

- a. Review each quarterly Progress Report to determine whether the Project is progressing in accordance with the Project Schedule attached to this Contract as Exhibit “C.” If it appears that implementation of the Project, as described in Exhibit “B,” will be delayed and Consortium funding for the aspect of the Project funded will not be needed until a subsequent fiscal year, the Management Committee shall meet with the Project Sponsor. Following the meeting, the Management Committee may recommend to the Regional Committee that Consortium funding for the project be reallocated.
- b. Ensure the Project is constructed as approved, payments for the work are within the approved scope of the Project, and that payments are issued timely.
- c. Authorize payment of properly prepared and submitted invoices for Project work satisfactorily performed.
- d. Take other actions that are required by or necessary to implement the terms of the Intergovernmental Cooperation Agreement. Additionally, the YCSWC Management Committee may take other actions convenient to implement the terms of the Intergovernmental Cooperation Agreement.

3. THE YCPC SHALL:

- a. Oversee, supervise and administer the Project to ensure funds are being spent as approved.
- b. Pay invoices approved by the YCSWC Management Committee within thirty (30) days.
- c. Retain all records related to the Project.

- d. Take other actions that are required by or necessary to implement the terms of the Intergovernmental Cooperation Agreement. Additionally, the YCPC may take other actions convenient to implement the terms of the Intergovernmental Cooperation Agreement.

4. METHOD OF PAYMENT:

The YCSWC Management Committee shall submit approved Project invoices to the YCPC and the YCPC shall issue checks to the Municipality for such work completed up to a sum of \$700,000.00 (the "Funded Amount"). It is hereby understood by both parties that the total payments for all allowable Project costs shall not exceed the Funded Amount, and any additional cost of the Project over that amount shall be the responsibility of the Municipality . Allowable costs are costs in conformance with the Project description in Exhibit B. If grant funding is involved, efforts will be undertaken to maximize the utilization of such grant funding. If a balance of funds exists after submission of the "final" invoice, such funds shall become available for funding other stormwater BMP projects.

5. RECORDS AND DOCUMENTATION:

The YCPC shall keep and maintain properly executed invoices or vouchers, evidencing in detail the nature and propriety of all charges made and payments received under this Contract. All such records shall be clearly identified, readily accessible and, to the extent feasible, kept separate and apart from all other such documents. All such records shall be retained by the YCPC for a period of at least six (6) years after the completion of funding from the YCSWC Account.

IN WITNESS THEREOF, the parties hereto have executed this Contract on the day and date set forth above.

WITNESS:

YCSWC:

YCSWC Secretary

Chair

WITNESS:

YORK CITY:

TITLE:

EXHIBIT "A"

STANDARD OPERATING PROCEDURE (SOP)

Processing Payments for Regional CBPRP BMP Projects Funded by the YCSWC

- A. Each BMP Project that the York County Stormwater Consortium (YCSWC) Regional Committee funds shall have a Project number assigned to it and a Request for Payment form shall be prepared. This form shall document the Project number and amount of funding allocated. The York County Planning Commission (YCPC) will process the Invoices for costs incurred for implementation of funded BMP Projects, in accordance with the SOP listed below.
- B. Request for Payment Procedures
1. Submit Request for Payment to YCPC, which then distributes the request to the Management Committee for review and authorization to facilitate payment.
 2. Include backup documentation with each Request for Payment to support the request:
 - a. Contractor/Vendor name and address
 - b. Contractor/Vendor invoice with original signature
 - c. W-9 Form (*submit only with Initial Request for Payment*)
 - d. Project name and Project number
 - e. Documentation of non-consortium funds expended (submit only with *Initial Request for Payment*)
 - f. Amount to be paid at this time (include copies of invoices/time sheets for materials and labor)
 - g. Time period of work included in the invoice
 - h. Description of work performed
 - i. Documentation that Project is completed (*submit only with Final Request for Payment; see Section 1.a. of Contract*)
 3. The Management Committee shall confirm:
 - a. YCSWC BMP Project number
 - b. Contractor/Vendor name and address
 - c. Requisition number
 - d. Total amount of funds previously requested
 - e. Amount of funds currently requested
 - f. Balance of funds remaining
 - g. Completion of certification section with an **original** signature
 4. If any errors are determined or if questions arise, YCPC shall contact the Contractor/Vendor to have the errors and/or questions addressed. If any changes are necessary, the Request for Payment shall be modified and resubmitted.
 5. If the Management Committee authorizes the YCPC to facilitate payment, the Chairman, or authorized officer, of the Committee shall sign and date the Request for Payment form.
 6. YCPC shall process the payment through its Fiscal Office, which pays invoices on a bi-weekly basis.
 7. All checks processed shall require signature by the YCPC Director or Assistant Director.
 8. The Fiscal Office shall note the paid information on the Request for Payment form.
 9. YCPC shall maintain a file of all documentation related to each funded BMP Project.

EXHIBIT “B”

PROJECT DESCRIPTION

York City Poor House Run (Memorial Park) Stream Restoration (ID #47)

Funding provided by the YCSWC will be utilized for the construction of the improvements to Poor House Run within Veteran’s Memorial Park in the City of York. Work on the design and permitting of the project is underway and includes floodplain restoration and stream stabilization efforts.

EXHIBIT “C”

PROJECT SCHEDULE

York City Poor House Run (Memorial Park) Stream Restoration (ID #47)

Poor House Run is currently in the design phase.

Permit applications to be submitted by August 1, 2019.

Construction is slated to be bid in February of 2020.

Anticipated that construction will be completed in October of 2020.