

Amendment 1 to Interagency Agreement C1100029

between the

State of Washington Department of Ecology

and

Pacific County

Project: Nearshore Oceanographic Data Collection and Analysis in Southwest Washington

Purpose: This agreement is federally funded. To be in compliance with federal requirements, an amendment is needed to update federal language on suspension and debarment.

- A. This amendment is effective on July 1, 2010.
- B. This agreement is subject to Federal Executive Orders 12549, 12689 and 15 CFR Part 26, Debarment and Suspension and Requirements for a Drug-free Workplace. The paragraph entitled *Certification Regarding Suspension, Debarment, and Other Responsibility Matters* on page 5 of the agreement is deleted and replaced as follows:

CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION:

- 1) The RECIPIENT/CONTRACTOR, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the RECIPIENT/CONTRACTOR is unable to certify to the statements contained in the certification, they must provide an explanation as to why they cannot.
- 2) The RECIPIENT/CONTRACTOR shall provide immediate written notice to the Department if at any time the RECIPIENT/CONTRACTOR learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
- 3) The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the department for assistance in obtaining a copy of those regulations.
- 4) The RECIPIENT/CONTRACTOR agrees it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
- 5) The RECIPIENT/CONTRACTOR further agrees by signing this agreement, that it will include this clause titled "CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION" without

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modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

- 6) Pursuant to 2CFR180.330, the RECIPIENT/CONTRACTOR is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.
- 7) RECIPIENT/CONTRACTOR acknowledges that failing to disclose the information required in the Code of Federal Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.
- 8) RECIPIENT/CONTRACTOR agrees to keep proof in its agreement file, that it, and all lower tier recipients or contractors, are not suspended or debarred, and will make this proof available to the Department upon request.
RECIPIENT/CONTRACTOR must run a search in www.epls.gov and print a copy of completed searches to document proof of compliance.

Except as expressly provided by this amendment, all other terms and conditions of the original agreement including any prior amendments, remain in full force and effect.

The parties sign this grant amendment.

**Washington State,
Department of Ecology**

**Board of Pacific County Commissioners
Pacific County, Washington**

Gordon White, Program Manager Date
Shorelands and Environmental
Assistance Program

Jen G. Kaino, Chairman Date
Norman B. Cuffel

Approved as to form by
The Assistant Attorney General