

**LETTER OF AGREEMENT #4-2 FOR
THE WESTERN INTAKE PARTNERSHIP
ENVIRONMENTAL PERMITTING PROJECT**

WHEREAS, Chatham County, the City of Durham, Town of Pittsboro, and Orange Water and Sewer Authority entered into the Memorandum of Agreement (“Agreement”) for the Western Intake Partnership (“WIP”) on or about June 2019; and into Amendment #1 to the Agreement (“Agreement Amendment #1”) on or about September 2020; and

WHEREAS, the City of Durham as the Lead Agency entered into an on-call supplemental services contract on September 21, 2021, with Brown and Caldwell for the WIP Environmental Permitting Project (“On-Call Services Contract,” attached) in accordance with Sections 2 and 5 of the Agreement to accomplish early tasks; and

WHEREAS, the City of Durham as the Lead Agency entered into a contract on January 13, 2022, with Brown and Caldwell for the WIP Environmental Permitting Project (“Permitting Contract,” attached, also referred to herein as the “Project”) in accordance with Sections 2 and 5 of the Agreement; and

WHEREAS, the “Environmental Permitting Project” is comprised of both the On-Call Services Contract and the Permitting Contract; and

WHEREAS, the Environmental Permitting Project was in Phase 1 as defined in the original Permitting Contract Scope of Services; and

WHEREAS, in accordance with Section 4 of the Agreement a Partner may decline to participate in a Project in which case the Partners will memorialize who is and who is not participating, and what the revised cost shares are for the Participating Partners, by a letter of agreement signed by the members of the Management Team; and

WHEREAS, Chatham County, the City of Durham, Town of Pittsboro, and Orange Water and Sewer Authority (“OWASA”) signed Letter of Agreement #4-1 on or about March 2022; and

WHEREAS, City of Durham and Chatham County were Participating Partners in Letter of Agreement #4-1, while Town of Pittsboro and OWASA were Declining Partners; and

WHEREAS, OWASA became a Participating Partner in Letter of Agreement #4-1, Amendment 1 that was signed by Chatham County, the City of Durham, Town of Pittsboro, and OWASA on or about August 2022; and

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WHEREAS, the Partners have agreed to a Scope of Services for Phase 2 of the Environmental Permitting Project.

NOW, THEREFORE, for and in consideration of the recitals in this Letter, and the Agreement, the Parties agree as follows:

- 1) Environmental Permitting Project Cost.
 - a) The maximum total cost of the On-Call Services Contract is \$43,629.00.
 - b) The maximum total cost of the Permitting Contract, Phase 1 is \$771,100.00.
 - c) The maximum total cost of the Permitting Contract, Phase 2 is \$1,473,410.00.
 - d) A budget of \$147,340 has been established for any contingencies for this Project.
 - e) The total maximum Project cost, including contingencies, is, therefore, \$2,435,479.00.

- 2) Environmental Permitting Project Participation. Participation in the WIP Environmental Permitting Project is as follows.
 - a) Participating Partners: City of Durham, Chatham County, Orange Water and Sewer Authority (“OWASA”).
 - b) Declining Partner: Town of Pittsboro.

- 3) Cost Shares. Cost shares are based on Jordan Lake water supply storage allocation.
 - a) Cost shares for full participation, i.e., without any declining partners, would be as follows.

	Jordan Lake Allocation	Cost Share	Total Contract Maximum, Including On-Call Services & Contingency
City of Durham	16.5	40.74%	\$992,214.14
Chatham County	13	32.10%	\$781,788.76
Town of Pittsboro	6	14.81%	\$360,694.44
Orange Water & Sewer Authority	5	12.35%	\$300,781.66
Total	40.5	100.00%	\$2,435,479.00

- b) Cost shares in consideration of the Declining Partner are as follows.

	Jordan Lake Allocation	Cost Share	Total Contract Maximum, Including On-Call Services
City of Durham	16.5	47.83%	\$1,164,889.61
Chatham County	13	37.68%	\$917,688.49
Town of Pittsboro	0	0%	\$ 0
Orange Water & Sewer Authority	5	14.49%	\$352,900.91
Total	34.5	100.00%	\$2,435,479.00

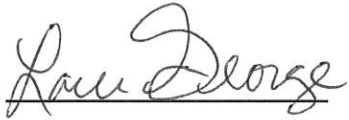
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- c) Declining Partner, Later Participation. In accordance with Section 4 of the Agreement, should Town of Pittsboro later choose to participate in the WIP Environmental Permitting Project, Town of Pittsboro must first reimburse the previously Participating Partners any costs Town of Pittsboro avoided by declining to participate initially, plus interest calculated to accrue at the rate of 5% per year.
- 4) Invoicing. In accordance with Section 5 of the Agreement, the City of Durham will invoice each Participating Partner for its share of the costs as the City of Durham is invoiced by Brown and Caldwell under the WIP Environmental Permitting contracts, and each Participating Partner will pay the invoice within 30 days.

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Dan LaMontagne, County Manager
Chatham County

ATTEST: 

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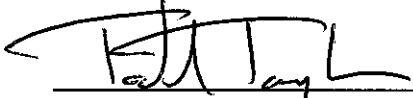


Donald F. Greeley, Director
City of Durham Department of Water Management


ATTEST:



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Todd Taylor, Executive Director
Orange Water and Sewer Authority

ATTEST: 

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Kent Jackson, Interim Town Manager
Town of Pittsboro

ATTEST: _____

