



Project title: Authorize the Mayor to sign Amendment No 1 to Contract #2018-009 for Jetty Island Ferry Service to Argosy LLP

City Council Agenda Item Cover Sheet

Council Bill # *interoffice use*

Agenda dates requested:

June 10, 2020

- Briefing
- Proposed action
- Consent
- Action
- Ordinance
- Public hearing
- Yes X No

Budget amendment:

Yes X No

PowerPoint presentation:

Yes No

Attachments:

Amendment

Department(s) involved:

Purchasing & Parks

Contact person:

Theresa Bauccio-Teschlog

Phone number:

(425) 257-8901

Email:

tbauccio@everettwa.gov

Project: Amendment No 1 to Contract #2018-009 for Jetty Island Ferry Service to Argosy LLP

Partner/Supplier : Argosy LLP

Location: *If relevant*

Preceding action: Council Award of Request for Proposal #2018-009 on November 14, 2018

Fund: 101 5403000000410 - Local Lodging Tax (LTAC) funding will reimburse the general fund

Fiscal summary statement:

The Jetty Island Ferry Service was previously funded in the general fund, specifically Parks Fund 101. Moving forward the Jetty Island program will be fully supported by the lodging tax fund (LTAC) and donations or this program will not be provided.

Project summary statement:

On November 18, 2018, Council authorized a ten-year contract with Argosy LLP for ferry service to and from Jetty Island during the summer as part of the Parks and Community Services Jetty Island Days program.

In response to social distancing requirements from COVID-19, the City is canceling the Jetty Island Days program including the ferry service for the 2020 season.

Contract Amendment #1 amends the contract, cancels Jetty Island Ferry service for the 2020 season, and extends the term of the agreement by one year which provides for ten (10) years of service as originally awarded.

Recommendation (exact action requested of Council):

Authorize the Mayor to sign Amendment No 1 to Contract #2018-009 for Jetty Island Ferry Service to Argosy LLP

Initialed by:

Department head

Administration

Council President

**AMENDMENT NO. 1
CONTRACT #2018-009 – JETTY ISLAND FERRY SERVICE
BETWEEN THE CITY OF EVERETT
AND ARGOSY LP**

This Amendment No. 1 is dated for reference purposes June 3, 2020. It is by and between the City of Everett, a municipal corporation under the laws of the State of Washington (“City”) and Argosy LP (“Service Provider”).

RECITALS

A. The City and Service Provider are parties to an Agreement for the provision of Ferry Service to Jetty Island dated May 14, 2019 (the “Agreement”).

B. The City and the Service Provider desire to amend the Agreement for the purpose of canceling Jetty Island Ferry Service for the 2020 season because of COVID-19. Because of that cancellation, the parties have agreed to extend the term of the Agreement until May 13, 2030, which is an extension of one year. This provides for ten (10) years of service as originally awarded.

AGREEMENT

The City and Service Provider agree as follows:

1. Section 2 of the Agreement is modified to read as follows:

Contract Term. The term of this Contract begins on May 14, 2019 and this Contract terminates on May 13, 2030.

2. The Work is modified to cancel Jetty Island Ferry Service for the 2020 season due to COVID19. Service Provider will not receive compensation for this cancellation and will not receive compensation for the cancelled Work.
3. Regardless of the date(s) on which this Amendment is signed by the parties, the parties agree that the Agreement has been continuously in effect since May 14, 2019.
4. At the sole discretion of the City, the City may consent to the Service Provider’s signature on this Amendment being by email, fax, pdf or other electronic means, in which case such Service Provider signature will be deemed an original signature for all purposes. The City will be deemed to have given such consent effective upon execution of this Amendment by the Mayor of the City.
5. All provisions in the Agreement shall remain in effect except as expressly modified by this Amendment.


**CITY OF EVERETT
WASHINGTON**

Argosy LP

By: _____
Cassie Franklin, Mayor

Date

Signature: Kevin Clark
Typed/Printed Name: KEVIN J. CLARK
Title: ACTING GENERAL PARTNER

May 19, 2020
Date 

ATTEST:

Sharon Fuller, City Clerk
Date: _____

**STANDARD
AGREEMENT
APPROVED AS TO
FORM
DAVID C. HALL
CITY ATTORNEY**