

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Mark McCauley, County Administrator

From: Monte Reinders, Public Works Director/County Engineer

Agenda Date: April 3, 2023

Subject: Jefferson Universal Movement Playground (JUMP!) Phase 2

Statement of Issue:

A donation agreement for Phase 2 of the JUMP! playground has been prepared and is ready for review and approval by the BoCC. The Michael Beery Memorial Children's Foundation (MBMCF), a 501(c)(3) non-profit corporation, is the fiscal sponsor for the JUMP! committee. The BoCC previously completed JUMP! donation agreements with MBMFC on June 17, 2017 and June 7, 2021. The agreement will enable the JUMP! committee to begin fundraising in preparation for an RCO grant application in 2024. If successful, construction could occur in 2025 or 2026.

Analysis/Strategic Goals/Pro's & Con's:

Phase 1 of the playground was open to the public on November 22, 2022. It has been a remarkable success. JUMP! is the only playground of its type within a 1-hour drive of HJ Carroll Park.

Fiscal Impact/Cost Benefit Analysis:

In phase 1 the JUMP! committee donated \$248,000 in cash and helped raise thousands more in grants and in-kind donations. In phase 2 the JUMP! committee plans to raise \$137,000 for use as RCO grant matching funds. Jefferson County will manage construction. The total project value of Phase 2 is \$638,103.

Recommendation:

Sign three copies of the agreement and return them to Public Works.

Department Contact:

Matt Tyler. 385-9129

Reviewed By:


Mark McCauley, County Administrator

3/29/23
Date

CONTRACT REVIEW FORM
(INSTRUCTIONS ARE ON THE NEXT PAGE)

Clear Form

CONTRACT WITH: Mike Beery Memorial Children's Fund

Contract No: PW2023-038

Contract For: Donation of funds for phase 2 of JUMP! Playground Term: March 27, 2023 to January 1, 2028

COUNTY DEPARTMENT: Public Works

Contact Person: Matt Tyler

Contact Phone: 360-385-9129

Contact email: mtyler@co.jefferson.wa.us

AMOUNT: \$137,000

Revenue: N/A

Expenditure: N/A

Matching Funds Required: N/A

Sources(s) of Matching Funds: N/A

Fund #: N/A

Munis Org/Obj: N/A

PROCESS:

- ☐ Exempt from Bid Process
- ☐ Cooperative Purchase
- ☐ Competitive Sealed Bid
- ☐ Small Works Roster
- ☐ Vendor List Bid
- ☐ RFP or RFQ
- ☒ Other: Donation Agreement

APPROVAL STEPS:

STEP 1: DEPARTMENT CERTIFIES COMPLIANCE WITH JCC 3.55.080 AND CHAPTER 42.23 RCW.

CERTIFIED: ☐ N/A: ☒


Signature

3/10/23
Date

STEP 2: DEPARTMENT CERTIFIES THE PERSON PROPOSED FOR CONTRACTING WITH THE COUNTY (CONTRACTOR) HAS NOT BEEN DEBARRED BY ANY FEDERAL, STATE, OR LOCAL AGENCY.

CERTIFIED: ☐ N/A: ☒


Signature

3/10/23
Date

STEP 3: RISK MANAGEMENT REVIEW (will be added electronically through Laserfiche):

Electronically approved by Risk Management on 3/15/2023.

Typo: in-kind donation should be in-kind donations.

STEP 4: PROSECUTING ATTORNEY REVIEW (will be added electronically through Laserfiche):

Electronically approved as to form by PAO on 3/14/2023.

STEP 5: DEPARTMENT MAKES REVISIONS & RESUBMITS TO RISK MANAGEMENT AND PROSECUTING ATTORNEY (IF REQUIRED).

STEP 6: CONTRACTOR SIGNS

STEP 7: SUBMIT TO BOCC FOR APPROVAL

**Agreement Between
Jefferson County and the Mike Beery Memorial Children's Fund**

This agreement is made and entered into on this ____ day of ____ 2023.

The purpose of this document is to formalize the working relationship between Jefferson County (the County), a political subdivision of the State of Washington; and the Mike Beery Memorial Children's Fund (MBMCF), a 501(c)(3) non-profit corporation currently serving as fiscal sponsors for the Jefferson Universal Movement Playground (JUMP!) committee.

1. As fiscal sponsors for JUMP!, MBMCF seeks to raise and donate \$137,000 for use as matching funds for an application to the Recreation and Conservation Office (RCO) to build Phase 2 of the Jefferson Universal Movement Playground! (JUMP!) at HJ Carroll Park. Phase one of this two phase project is complete and was opened to the public on November 19th, 2022. Phase 2 (see Exhibit A) consists of an accessible play structure for children ages two to five, safety surfacing, shade structure, art gate; and 290 feet of accessible concrete pathways (see Exhibit B). The County accepts the offer of MBMCF to donate the matching funds (see Exhibit C for detailed budget information).
2. This project was initiated by (JUMP!), a group of physical and occupational therapists, parents of children with disabilities, and community members, organized into an unincorporated board, formed specifically to build a new accessible playground at HJ Carroll Park. Rather than form their own non-profit corporation, JUMP! entered into a fiscal sponsorship agreement with MBMCF on February 3, 2017.
3. This agreement replaces two prior agreements with the MBMCF. Agreement one was approved on July, 10, 2017, and agreement two was approved on June 7, 2021.
4. Definitions:
 - a. ***Mike Beery Memorial Childrens Fund (MBMCF)***: an IRS 501 (c) 3 non-profit corporation, EIN # 81-1554207, Address: P.O. Box 1764, Port Townsend, WA 98368. Phone: (206) 524-2900. The officers of the MBMCF are Curtis Beery - President, and Chris Berry – Secretary/Treasurer
 - b. ***Jefferson County (the County)***: Jefferson County, Public Works Department, Parks and Recreation Division, 623 Sheridan St., Port Townsend, WA 98368. Phone: (360) 385-9129.
5. The County is responsible for all aspects of project construction and grant administration.
6. The playground shall become the property of Jefferson County. Nothing in this agreement shall prevent MBMCF, JUMP! or other volunteers from future fund raising to replenish the maintenance fund or replace the structure in part or in whole as may be negotiated at a later date.
7. Indemnification and hold harmless: MBMCF shall defend, indemnify and hold the County, its officers, officials, employees, agents and volunteers (and their marital communities) harmless from any claims, injuries, damages, losses or suits, including attorney's fees, arising

out of or resulting from the acts, errors or omissions of the MBMCF In case of suit or cause of action shall be brought against the County on the account any act, action, neglect, omission, or default on the part of the MBMCF, the MBMCF hereby agrees and covenants to appear and assume the defense thereof and to pay any and all costs, charges, attorney fees and other expenses, and any and all judgments that may be incurred or obtained against the County. In the event the County is required to institute legal action and or participate in legal action to enforce this indemnification and hold harmless clause, the MBMCF agrees to immediately notify Jefferson County in writing of any claim or suit against the County to which this paragraph applies. The indemnification provisions have been mutually negotiated between the parties. This section shall survive the expiration or termination of this Agreement.

8. If any provision of this AGREEMENT is ruled illegal or unlawful by a Court of competent jurisdiction, then all other portions of this AGREEMENT shall remain in full force and effect.
9. The parties agree that the sole venue for any legal disputes arising from this AGREEMENT shall be the Superior Court In and For Jefferson County. Disputes shall first be discussed and reviewed between a designated representative of MBMCF and the County before any litigation is begun. Either party may seek a conference with the County Administrator if discussion and review between MBMCF and County representatives fails to come to a mutually agreeable resolution.
10. Conformance with Laws. MBMCF shall comply with all applicable County ordinances, state statutes, and other government rules and regulations as required by the District under this agreement.

(Signatures on the Following Page)

IN WITNESS WHEREOF, the Caretaker has executed this instrument on the day and year first below written, and the Board of County Commissioners has caused this instrument to be executed by and in the name of said County of Jefferson the day and year first above written.

Executed by the Caretaker _____, 20__

Mike Beery Memorial Children's Fund
Curtis Beery, President



03-22-2023

Signature

Date

COUNTY OF JEFFERSON
BOARD OF COMMISSIONERS

Kate Dean, District 1

Heidi Eisenhour, District 2

Greg Brotherton, District 3

Approved as to form only:



March 14, 2023

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney



3/22/23

Monte Reinders, P.E. Date
Public Works Director/County Engineer

EXHIBIT A

Summary of Scope of Phase 2

1. Playground element
 - c. ADA playground structure specially designed for ages two to five years old
 - d. Contains ramps, platforms, slides, "Sensory Rock N Raft", and "Whirl Wind Seat"
 - e. 1802 square feet interlocking tile safety surfacing
2. Shade sail canopy
 - a. 40' x 42' x 44' triangular weather and shade canopy
 - b. Sail shaped canopy between with three poles
3. Art gate
 - a. Custom art gate created by Abraxas Crow Company, Gunter Reimnitz
 - b. 5' wide x 4' tall
 - c. Custom hinges and closure mechanism to match the other gate
 - d. Constructed of steel with a natural weathering finish
 - e. Octopus theme with powder coated octopus
 - f. Mounted on Cedar posts similar to main entry way
 - g. Forming an archway with JUMP! logo signing matching the main entry way
4. 290 Linear Feet of Accessible Pathway
 - a. All pathways are 4" thick, 6' wide concrete
 - b. 44' pathway in front of restroom building
 - c. 91' pathway connecting to existing, across the front of the restroom building
 - d. 127' pathway from the restroom building to the bus stop
 - e. Ramp leading from bus stop/traffic circle to pathway
 - f. Ramp leading from two new parking spaces to pathway
 - g. Flared ramp connecting pathway to the Rotary Pavilion
5. Accessible parking space element
 - a. Two additional van accessible ADA parking spaces in the South West corner of the main parking lot, intended to serve the Rotary Pavilion, bus stop, and the restroom.

EXHIBIT B

Design Graphics and Renderings

Accessible Pathway and Parking Space Conceptual Design

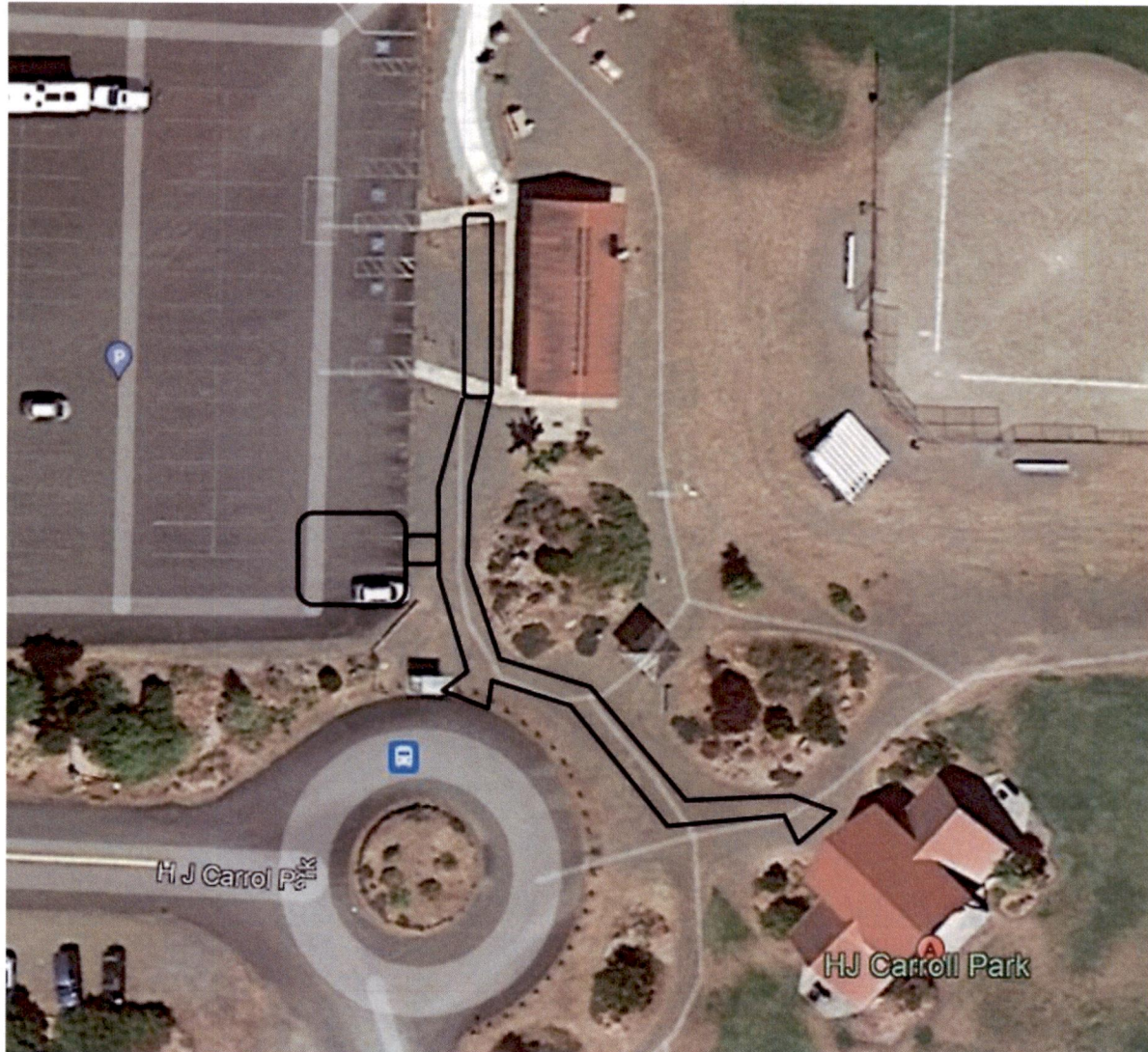


EXHIBIT B

Design Graphics and Renderings

Ages 2 to 5 Play Structure Renderings



EXHIBIT B (continued)

Design Graphics and Renderings

Ages 2 to 5 Play Structure Graphic

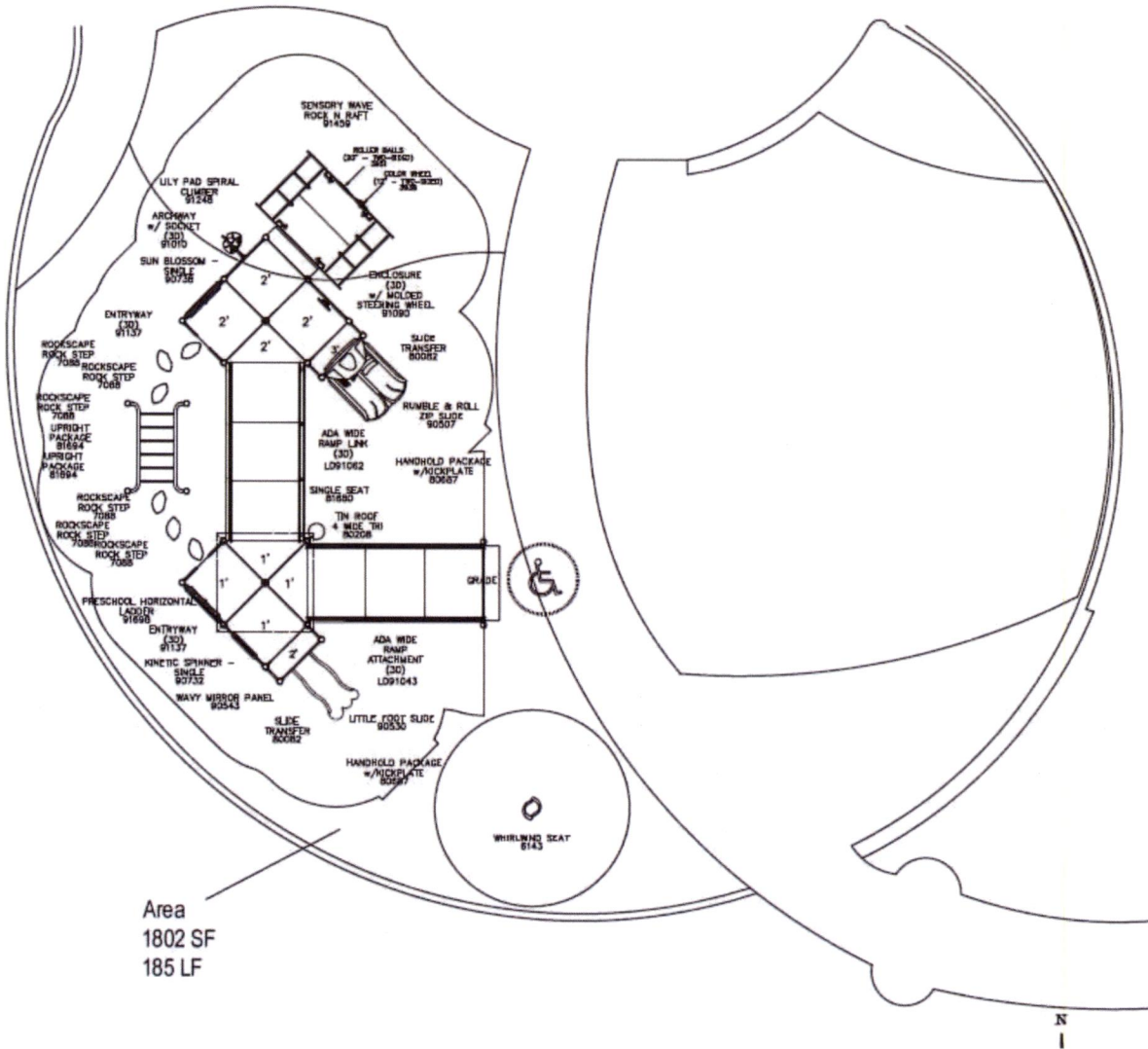


EXHIBIT B (continued)

Design Graphics and Renderings

Shade Sail Canopy Design Graphic

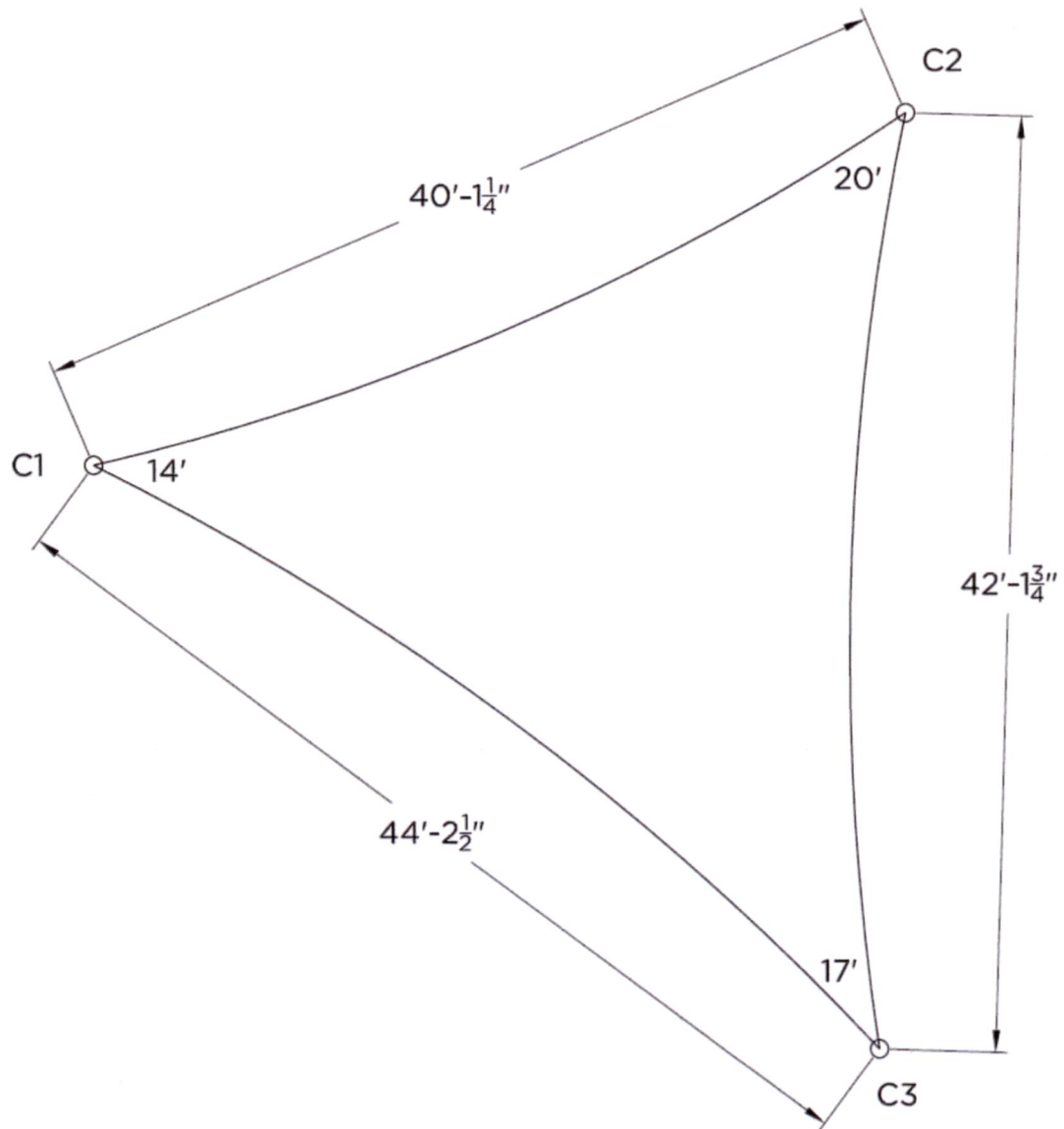


EXHIBIT C

Summary of Revenue and Expenses

Jefferson Universal Movement Playground Budget Summary			
Revenue			
	Revenue Source		
	JUMP Cash Funds Raised	\$ 137,000	22.76%
	Various Grants	\$ 50,000	8.31%
	RCO Grant	\$ 415,000	68.94%
	Total	\$ 602,000	100.00%
Expenditure			
	Play Structure, Solar Shade, and Safety Surfacing		
	Ages 2- 5 play structure equipment	\$ 126,096	
	Installation of play structure	\$ 58,379	
	Surfacing materials for play structure and solar shade	\$ 48,575	
	Solar shade equipment	\$ 30,208	
	Sub Total	\$ 263,258	
	Art Gate, ADA Access Paths, and ADA Parking Spots		
	Art gate equipment	\$ 5,000	
	Art gate installation	\$ 3,500	
	290' feet concrete ADA sidewalks and access ramps	\$ 56,000	
	Sub Total	\$ 64,500	
	Design, Project Management, Permits		
	Design and Engineering	\$ 30,000	
	Project Management	\$ 50,000	
	Building Permit	\$ 4,000	
	Sub Total	\$ 84,000	
	Total	\$ 411,758	
	Contingency, Profit, Tax and Price Inflation		
	25% Contingency	\$ 102,940	
	Tax	\$ 37,470	
	Inflation average 4% year for 3 years = 12% cumulative	\$ 49,411	
	Sub Total	\$ 189,820	
	Grand Total	\$ 601,578	