

SEVEN COUNTY INFRASTRUCTURE COALITION

January 15, 2021

Resolution No. 2021-01-15B

RESOLUTION AUTHORIZING AN AMENDMENT TO THE ICF CONTRACT, AND RELATED MATTERS.

WHEREAS, the Coalition has made application to the U.S. Surface Transportation Board (the STB) for a certificate of construction and record of decision to build a railroad to connect the Uinta Basin to the national rail network; and

WHEREAS, the STB is required to perform an Environmental Impact Statement consistent with NEPA; and

WHEREAS, the STB had prequalified various environmental groups who it deems capable of adequately performing the EIS and related matters for the rail; and

WHEREAS, consistent with input from the Coalition, the STB selected ICF, Jones and Stokes, Inc. (ICF) to perform the EIS and related matters on the Coalition's rail application; and

WHEREAS, the Coalition is required to pay the fees incurred by ICF; and

WHEREAS, in August 2019, the Coalition amended the contract with ICF to a total of \$3,082,435.36; and

WHEREAS, in August 2019, it was made clear that the amount of \$3,082,435.36 was not a maximum amount but only an estimated amount; and

WHEREAS, as previously indicated by ICF that additional work would be needed, in its September 2020 Board meeting, the Coalition Board approved an additional amount not to exceed, \$400,000.00; and

WHEREAS, the total amended amount of not to exceed \$3,482,435.36 was not a maximum amount but only the estimated amount that could vary based on a variety of factors that as of September 2020 would still need to be determined; and

WHEREAS, on January 4, 2021, under 49 U.S.C. §10502, the STB preliminarily granted the SCIC's petition, exempting the construction and operation of the Uinta Basin Railway from the prior approval requirements of 49 U.S.C. §10901, subject to further consideration of the potential environmental impacts of such rail; and

WHEREAS, the public comment period on the draft EIS for the rail was extended until January 28, 2021; and

WHEREAS, ICF has indicated that additional funding may be necessary to complete its work for the STB:

NOW, THEREFORE, be it resolved by the Governing Board of the Seven County Infrastructure Coalition, Utah as follows:

1. The Governing Board, approves the amended amount of the contract with ICF in the estimated increased amount of not to exceed \$189,000.00 in additional to the total of \$3,482,435.36, for a new maximum total of not to exceed the amount of \$3,671,435.36, which is an estimate only and not a maximum amount and authorizes the Executive Director to sign all documents necessary and desirable to amend the contract with contract with the selected financial advisor consistent with the request for proposals. Legal Counsel as Secretary to the Coalition is authorized to attest to the signature of the Executive Director and to apply the Coalition seal to all associated documents.

2. All parts of this Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Resolution.

3. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this January 15, 2021.

Motion by Commissioner _____ and

Seconded by Commissioner _____.

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

Carbon County	Yea ___ No ___
Daggett County	Yea ___ No ___
Duchesne County	Yea ___ No ___
Emery County	Yea ___ No ___
San Juan County	Yea ___ No ___
Sevier County	Yea ___ No ___
Uintah County	Yea ___ No ___

Co-Chair Brad Horrocks

Co-Chair, Lynn Sitterud

ATTEST:

(COALITION SEAL)

Eric Johnson, Legal Counsel