

RESOLUTION R-5567

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND CONCURRING WITH THE STAFF RECOMMENDATION TO CHANGE THE PROCEDURE RELATED TO THE CITY'S FINAL ACCEPTANCE OF COMPLETED CAPITAL IMPROVEMENT PROJECTS.

1           WHEREAS, the City has a robust capital improvement  
2 program that often accomplishes the completion of dozens of  
3 public works projects in a calendar year; and  
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5           WHEREAS, the City's agreements with the contractors who  
6 perform the City's capital improvements state that the City will  
7 provide a final acceptance of a project when it is completed as  
8 designed and specified to the City's satisfaction; and  
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10           WHEREAS, it has been the City's practice for many years  
11 for the City's final acceptance of a project be accomplished  
12 through legislative action on the City Council's consent agenda;  
13 and  
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15           WHEREAS, local governments in Washington are required  
16 to submit a Notice of Completion to the State for completed capital  
17 projects that have been deemed acceptable to the local  
18 government; and  
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20           WHEREAS, upon receipt of a Notice of Completion, the  
21 State informs agencies including the Department of Revenue, the  
22 Department of Labor and Industries, and the Employment  
23 Securities Department so that they may fulfill their obligations  
24 regarding a statutorily prescribed lien period for public capital  
25 improvement projects; and  
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27           WHEREAS, retainage or retainage bonds may not be  
28 released to the contractor until the lien period has been satisfied;  
29 and  
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31           WHEREAS, a delay in the release of retainage or retainage  
32 bonds may be more burdensome to smaller or newer companies,  
33 such as may be the case for women-owned or minority-owned  
34 businesses; and  
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36           WHEREAS, RCW 39.08.030 states that final project  
37 acceptance can be by action of an "officer" of a local government  
38 or agency; and  
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40           WHEREAS, both for the benefit of the City's contractors and  
41 for improved efficiency of City operations, staff has recommended  
42 a change in procedure whereby final acceptance of a completed  
43 capital improvement shall be administrative rather than  
44 legislative, with quarterly reports provided to the City Council; and

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WHEREAS, this change in procedure does not require legislative action, but this resolution is put forth to memorialize this change of procedure;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. For all contractual and statutory purposes, the process for final acceptance by the City of completed capital improvement projects will be established by the City Manager or the City Manager's designee and may be accomplished by administrative acceptance.

Section 2. The Public Works Department shall include a quarterly report of all capital improvement projects completed in that quarter, including but not limited to the dates the projects were completed, and the budget performance of the projects completed. The capital improvement projects report will accompany the Quarterly Financial Management Report provided to the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 03 day of January 2023.

Signed in authentication thereof this 03 day of January 2023.

  
Penny Sweet, Mayor

Attest:

  
Kathi Anderson, City Clerk