

RESOLUTION R- 3831

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND DECLARING THE INTENT OF THE CITY TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE NORTHSHORE UTILITY DISTRICT FOR INCORPORATION OF WATER MAIN CONSTRUCTION INTO THE CITY'S 116TH AVENUE NORTHEAST ROADWAY IMPROVEMENTS.

Whereas, the City of Kirkland and the Northshore Utility District desire to reach an agreement for the construction of water mains and appurtenances as depicted in the construction plan drawings of the 116th Avenue NE Roadway Improvement Project; and

Whereas, the City of Kirkland is authorized by Chapter 39.34 RCW to enter into interlocal agreements with other governmental entities; and


Whereas, the parties agree that it is in their mutual best interest to coordinate the installation of these new water mains and appurtenances in conjunction with the 116th Avenue NE Roadway Improvement Project;

Now, therefore, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is hereby authorized to execute an Interlocal Agreement with the Northshore Utility District, pursuant to Chapter 39.34 RCW, on behalf of the City in substantially the form attached hereto as Exhibit A and incorporated herein by this reference.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 17th day of August, 1993.

Signed in authentication thereof this 17th day of August, 1993.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
Deputy City Clerk  
8city93\116ordi\slc nmw



## INTERLOCAL AGREEMENT

### FOR INCORPORATION OF NORTHSHORE UTILITY DISTRICT WATER MAIN CONSTRUCTION INTO THE CITY OF KIRKLAND'S 116TH AVENUE NE ROADWAY IMPROVEMENTS

# COPY

The City of Kirkland (hereinafter the "City") and Northshore Utility District (hereinafter the "District"), both municipal corporations, in accordance with the Interlocal Cooperation Act (Chapter 39 34 RCW) do hereby agree as follows

#### 1 Purpose

The purpose of this agreement is to provide for the construction for or by the Northshore Utility District of water mains and appurtenances in 116th Avenue NE, from station 6+00 to 19+00, together with appropriate connections on NE 128th Street, from station 7+50 to the intersection with the main installed within 116th Avenue NE, as identified on the City of Kirkland approved construction plan drawings, officially entitled 116th Avenue NE Roadway Improvements (CST 0008) (hereinafter the "Improvement Project") The parties have determined that it is in their mutual best interest to coordinate the installation of these new water mains and appurtenances in conjunction with the City's Improvement Project

#### 2 The Project

The parties hereby agree that the District's water mains and appurtenances to be installed at the locations described above will be incorporated in the City's Improvement Project The District's improvements will be installed in accordance with the design of Northshore Utility The City's right-of-way improvements and the District's water mains and appurtenances are hereinafter referred to as "the Project "

#### 3 The Construction Procedure

##### a City as Contracting Agency

The City shall serve as the contracting agency for the parties and shall generally manage and oversee the construction of the District's water main improvements in conjunction with the Project The District will be responsible for direct inspection, compaction, and purification testing, as related specifically to the water line construction only

##### b Contractor Selection

The City shall call for bids for the construction of the Project and shall provide the District with copies of all bids it receives The City shall select the lowest responsible bid for the Project The City shall then enter into a contract in the City's name only with the successful contractor to construct the Project The City shall administer such construction contract The District shall assist the City in the administration of the contract by agreeing to review and return, with comments, all water-related contractor submittals for the Project within seven (7) days of the date of receipt by the District

c Change Orders

The City may approve changes in those parts of the construction contract(s) providing for installation of the water mains and appurtenances, provided that if any change order would cause that portion of the contract price attributable to such installation to increase by more than \$1,000.00 or cumulatively more than two percent (2%) of the original contract amount attributable to the water main construction, the District's prior consent to the change orders shall be obtained, which consent shall not be unreasonably withheld. In the event that consent is unreasonably withheld, the District will be held responsible for all liability incurred by the City resulting by such withholding of consent. The City shall provide the District with copies of all change orders associated with water main construction regardless of the dollar amount of the change order.

d Payment Procedure

The City shall provide the District with monthly progress billings for that portion of the Project attributable to construction of the District's water main improvements. The District shall pay the City for the cost of constructing the described water mains and appurtenances, along with appropriate connections on the intersected side street, within thirty days of receipt of each billing.

e Payments to Contractor

The City and District will meet periodically to review and agree upon disbursements to Project contractors.

f Final Acceptance

That portion of the contractor's work consisting of the District's water main improvements shall not be given final acceptance until it is approved in writing by both parties. Approval for final acceptance shall not be unreasonably withheld by either party hereto.

g Staff Time, Costs, and Incidental Expenses

At all times material hereto, the parties shall separately bear their own staff time, engineering costs, claims costs, and incidental expenses.

h Separate Bid Items

The City will endeavor to segregate the water main improvements as separate bid items in the construction contract.

i District Inspections

The City will allow the District to inspect the water main improvements before they are covered. To accomplish this, the City will provide the District with copies of the contractor's project schedules and any revisions thereto.

4 Indemnification and Insurance

a The City shall require contractors building the Project to have the Northshore Utility District named as an additional insured on all policies of insurance to be maintained by contractor(s) under the terms of any Project contract(s) with the City. Contractors building the Project shall be required to maintain Builder's Risk Insurance and Public Liability Insurance.

b The City shall require contractors building the Project to indemnify, defend, and save harmless the District and its officers, agents, or employees from any claim, real or imaginary, filed against the District or its officers, agents, or employees alleging damage or injury arising out of the contractor's participation in the Project

5 Notices and Other Communications

All notices and other formal communications to be delivered under this Agreement shall be mailed or delivered to the following

City of Kirkland  
Jim Arndt, Public Works Director  
or his designee  
123 Fifth Avenue  
Kirkland, Washington 98033

Northshore Utility District  
Ron Gehike, Manager  
or his designee  
P O Box 489  
Kenmore, Washington 98028

provided, however, the parties may change their respective designation of representatives by written notification to one another

The date of this Agreement is June \_\_, 1993

Execution of this Agreement by the undersigned representatives of each party has been authorized by Resolution No \_\_\_\_\_ of the City of Kirkland and Resolution No \_\_\_\_\_ of the Board of Commissioners of the Northshore Utility District

CITY OF KIRKLAND

NORTHSHORE UTILITY DISTRICT

By \_\_\_\_\_  
City Manager

By \_\_\_\_\_  
President of the Board of  
Commissioners

By \_\_\_\_\_  
Secretary of the Board of  
Commissioners

Approved as to form

Approved as to form

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Utility District Attorney