

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on an Interlocal Agreement with Normandy Park for Sylvester Bridge Contingency Funds		Meeting Date: September 12, 2011
Department: Legal	Attachment: 1. Letter from city of Normandy Park Requesting Funding Assistance 2. Proposed ILA between Cities of Burien and Normandy Park for Sylvester Bridge contingency funds	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Craig Knutson, City Attorney		
Telephone: (206) 248-5535		
Adopted Initiative: Yes No X	Initiative Description: N/A	
PURPOSE/REQUIRED ACTION: City staff is recommending that the City Council approve the attached interlocal agreement with Normandy Park for Burien to contribute \$100,000 in contingency funds in the event of cost overruns for the Sylvester Bridge project.		
BACKGROUND (Include prior Council action & discussion): Sylvester Road is an important transportation corridor that provides access to properties in Burien and Normandy Park. The 80-year old Sylvester Bridge is in poor condition and needs to be replaced. Normandy Park received a federal grant for the Sylvester Bridge replacement project, which began in July, 2011 and is anticipated to last into December, 2011. The King County Department of Transportation is managing the replacement project for Normandy Park. Normandy Park awarded the bridge replacement contract to SB Structures, LLC for \$2,880,894.04. The bid exceeded the engineer's estimate by \$309,385.13. With construction inspection, the total project costs are estimated at \$3,247,694.04, leaving only \$82,000 in grant funds available as a contingency. Because of the importance of the Sylvester Road corridor to both Burien and Normandy Park, Burien has been asked to make available \$100,000.00 in the event that cost overruns exceed the available project contingency. Normandy Park would notify Burien in advance of the need for the funds and provide documentation as to project costs and the need to access the Burien contingency. Burien would make payment within thirty days after notice is given. .		
OPTIONS (Including fiscal impacts): 1. Place the ILA with the city of Normandy Park for \$100,000 in contingency funds on the September 26, 2011, Consent Agenda for approval. (Funds are available to be appropriated from the Capital Project Reserve Fund.) 2. Do not approve the ILA for \$100,000 in contingency funds. (The bridge project would have insufficient contingency funds.)		
Administrative Recommendation: Discuss and place the ILA on the September 26 Consent Agenda for approval.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to Place the Interlocal Agreement with the city of Normandy Park for Sylvester Bridge Contingency Funds on the September 26 Consent Agenda for approval.		
Submitted by: City Attorney _____ City Manager _____		
Today's Date: September 7, 2011	File Code: R:/CC/AgendaBills2011/091211 authorizing ILA for Sylvester Bridge contingency funds	



City of Normandy Park

801 SW 174th Street, Normandy Park, Washington 98166-3679

Telephone (206) 248-7603 Facsimile (206) 439-8674

Police Department Telephone (206) 248-7600 Facsimile (206) 246-9732

www.normandyparkwa.gov

June 24, 2011

Mike Martin, City Manager
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166

Re: Sylvester Road Bridge Project

Dear Mr. Martin:

The City of Normandy Park has received a federal grant to replace the Sylvester Road Bridge. Replacement of the bridge is scheduled to begin in July, 2011 and construction is anticipated to last approximately six months. The King County Department of Transportation Road Services Division will be managing the replacement project on behalf of the City of Normandy Park. The new 220-foot, single span bridge will be slightly wider than the existing bridge, with two traffic lanes and a five foot sidewalk along one side. The project also includes work on the approaches to the bridge in order to make a complete and functional replacement.

On June 1, 2011, Normandy Park awarded the contract for replacement of the Sylvester Road Bridge to SB Structures, LLC for a total bid amount of \$2,880,894.04. The bid exceeded the engineer's estimate for the project by \$309,385.13. With construction inspection, the total project costs are estimated at \$3,247,694.04, leaving only \$82,000 in grant funds available as a contingency. The Normandy Park City Council is extremely concerned about moving forward with the project without sufficient contingency funds, but it is unlikely we would ever receive this level of grant funding again if we do not move forward at this time. Therefore, the City Council has directed me to contact the City of Burien for the purpose of requesting funding assistance.

Sylvester Road SW is an important transportation corridor that provides access to properties in Burien and Normandy Park. The 80-year old Sylvester Road Bridge is in poor condition. It has cracked columns and girders, worn rails and deck, and an antiquated design that will not withstand earthquake forces. After reviewing many options, Normandy Park, King County, and the State of Washington have determined that replacement of the bridge is the most cost-effective solution for maintaining this corridor.

Because of the importance of the Sylvester Road corridor to both Burien and Normandy Park, the City of Normandy Park is requesting assistance from the City of Burien in the form of making funds available in an amount not to exceed \$100,000.00 in the event that cost overruns exceed the available project contingency. It is Normandy Park's goal to complete the project without exceeding the available grant funds, which would not require the assistance from Burien. However, cost overruns cannot always be avoided.

I have previously provided information regarding the project details and Normandy Park's City Attorney has prepared a draft Interlocal Agreement, which can be used if the Burien City Council authorized the contingency funds. If desired, I would be happy to attend a Burien City Council meeting to answer any questions or share information about the project.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Schulze". The signature is fluid and cursive, with a long horizontal stroke at the end.

Douglas Schulze
City Manager

Cc: Mayor and City Council

**INTERLOCAL AGREEMENT BETWEEN CITY OF BURIEN AND
CITY OF NORMANDY PARK FOR COST OVERRUNS ON
THE SYLVESTER ROAD BRIDGE REPLACEMENT PROJECT**

THIS AGREEMENT is entered into by the City of Burien, a Washington city ("Burien") and the City of Normandy Park, a Washington city ("Normandy Park") for the purposes hereafter mentioned.

RECITALS

A. Sylvester Road SW is an important transportation corridor that provides access to properties in Burien and Normandy Park. The 80-year old Sylvester Road Bridge is in poor condition. It has cracked columns and girders, worn rails and deck, and an antiquated design that will not withstand earthquake forces. After reviewing many options, Normandy Park, King County, and the State of Washington have determined that replacement of the bridge is the most cost-effective solution for maintaining this corridor.

B. Normandy Park has received a federal grant to replace the Sylvester Road Bridge. Replacement of the bridge is scheduled to begin in June, 2011 and construction is anticipated to last approximately six months. The King County Department of Transportation Road Services Division will be managing the replacement project on behalf of Normandy Park.

C. The new 220-foot, single span bridge will be slightly wider than the existing bridge, with two traffic lanes and a five foot sidewalk along one side. The project also includes work on the approaches to the bridge in order to make a complete and functional replacement.

D. On June 1, 2011, Normandy Park awarded the contract for replacement of the Sylvester Road Bridge to SB Structures, LLC for a total bid amount of \$2,880,894.04. The bid exceeded the engineer's estimate for the project by \$309,385.13. With construction inspection, the total project costs are estimated at \$3,247,694.04, leaving only \$82,000 in grant funds available as a contingency ("the Project Contingency").

E. Because of the importance of the Sylvester Road corridor to both Burien and Normandy Park, Burien has agreed to make funds available in an amount not to exceed \$100,000.00 ("the Burien Contingency") in the event that cost overruns exceed the available Project Contingency. Burien and Normandy Park are authorized to enter into interlocal agreements for this purpose under RCW 39.33 and wish to reduce their agreement to writing.

AGREEMENT

IN CONSIDERATION OF the terms and conditions hereinafter set forth, Burien and Normandy Park agree as follows:

1. **Purpose of Agreement.** The purpose of this Agreement is to establish the conditions under which Burien will make funds available for the Sylvester Road Bridge Replacement project.

2. **Burien Contingency.** Burien agrees to provide up to \$100,000.00 as contingency funds in the event that cost overruns are incurred on the Sylvester Bridge Replacement Project in excess of the available project contingency of \$82,000.00. Normandy Park may draw upon the Burien Contingency as needed to satisfy project costs that exceed the Project Contingency. Normandy Park will notify Burien in advance of the need for such funds and will provide Burien with an explanation for the cost overruns and documentation as to project costs and the need to access the Burien Contingency. Burien agrees that it will make payment of the requested funds to Normandy Park within thirty days after notice of the need is given. Normandy Park may draw upon the Burien Contingency incrementally or in full as the needs of the Sylvester Road Bridge Replacement Project require. In no event shall Burien be obligated to pay any amount exceeding the \$100,000.00 Burien Contingency.

3. **Duration of Agreement.** This Agreement shall become effective upon signature by both parties and shall terminate upon completion of the Sylvester Road Bridge Replacement Project, including the final resolution of any contractor claims.

4. **Property.** No joint property is to be acquired by the parties through this Agreement. The Sylvester Road Bridge shall remain the property of Normandy Park and Burien shall not acquire title to any portion of the Sylvester Road Bridge Replacement Project by virtue of this Agreement.

5. **No Partnership or Joint Venture.** Nothing in this Agreement shall be construed as making Normandy Park and Burien partners or joint venturers with respect to the Sylvester Road Bridge Replacement Project. Nothing in this Agreement shall make Burien a party to the construction contract entered into between Normandy Park and SB Structures, LLC. This Agreement is intended for the sole benefit of the cities of Normandy Park and Burien and creates no rights on the part of third parties.

6. **Administration.** This Agreement shall be jointly administered by the city managers of Normandy Park and Burien.

7. **Notices.** Notices under this Agreement shall be provided in writing to the following addresses:

Normandy Park

Douglas Schulze
City Manager
City of Normandy Park
801 SW 174th Street
Normandy Park, WA 98166

Burien

Michael Martin
City Manager
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166

Notices shall given by personal delivery or by mail and, if given by mail, shall be deemed received three business days after the same was deposited in the United States Mail, postage pre-paid, addressed as provided above.

8. No Separate Entity. This Agreement does not create any separate legal entity.

9. Listing on Web Sites. Pursuant to RCW 39.34.040, Normandy Park and Burien shall each list this Agreement by subject on their respective web sites.

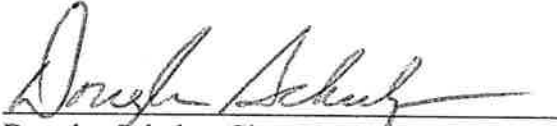
10. Amendment. This Agreement may be amended only by a written instrument signed by both parties.

11. Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding the financing of the Sylvester Road Bridge Replacement Project and supersedes any prior negotiations or understandings.

AGREED TO by the parties on the dates set forth below.

CITY OF NORMANDY PARK

CITY OF BURIEN




Douglas Schulze, City Manager
Date: 7/12/11

Michael Martin, City Manager
Date: _____

ATTEST:

ATTEST:

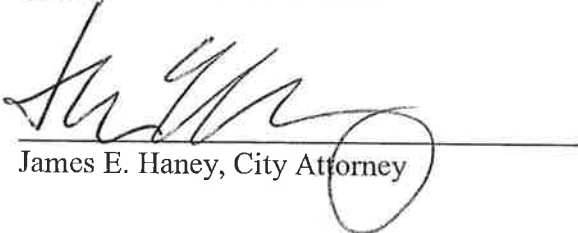


Debbie Burke, City Clerk

Monica Lusk, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:



James E. Haney, City Attorney

Craig D. Knutson, City Attorney

