



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19113

**Proposed No.** 2020-0188.1

**Sponsors** Kohl-Welles

1 AN ORDINANCE authorizing the executive to execute an  
2 amendment to an agreement approved under Ordinance  
3 18959 with the Washington state Department of Ecology  
4 for loan financing for a wastewater capital project.

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 **SECTION 1. Findings:**

7 A. Ordinance 18959 authorized the executive to enter into an agreement with the  
8 Washington state Department of Ecology for loan financing for two wastewater capital  
9 projects: the construction phase of the Georgetown Wet Weather Treatment Station  
10 project and the design phase of the Ship Canal water quality project. The original loan  
11 agreement for the construction phase of the Georgetown Wet Weather Treatment Station  
12 project is for a maximum loan amount of \$11,543,000.

13 B. The Washington state Department of Ecology awarded the department of  
14 natural resources and parks an additional \$37,141,994 in State Revolving Fund Loans for  
15 the fiscal year 2020 cycle, for the construction phase of the Georgetown Wet Weather  
16 Station project.

17 C. The new maximum loan amount for the construction phase of the Georgetown  
18 Wet Weather Treatment Station project will be \$48,684,994. The additional loan amount  
19 will save King county \$5,886,627 in interest payments over thirty years, which is a

Ordinance 19113

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20 \$5,939,308 net present value, as compared to conventional bond financing.

21 SECTION 2. The King County executive is hereby authorized to execute an

22 amendment with the Washington state Department of Ecology for the construction phase

Ordinance 19113

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23 of the Georgetown Wet Weather Treatment Station, substantially in the form of  
24 Attachment A to this ordinance.  
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Ordinance 19113 was introduced on 5/26/2020 and passed by the Metropolitan King County Council on 6/23/2020, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:  
*Claudia Balducci*  
F8830818F1C4427...

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Claudia Balducci, Chair

ATTEST:

DocuSigned by:  
*Melani Pedroza*  
8DE1BB375AD3422...

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Melani Pedroza, Clerk of the Council

APPROVED this 8 day of July, 2020.

DocuSigned by:  
*Dow Constantine*  
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DocuSigned by:  
*Dow Constantine*  
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Dow Constantine, County Executive

**Attachments:** A. Department of Ecology State of Washington Amendment No. 1 to Agreement No. WQC-2019-KCoNRP-00040 Between the State of Washington Department of Ecology and King County Natural Resources and Parks



19113

**AMENDMENT NO. 1  
TO AGREEMENT NO. WQC-2019-KCoNRP-00040  
BETWEEN  
THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY  
AND  
King County-Natural Resources and Parks**

PURPOSE: To amend the above-referenced agreement (AGREEMENT) between the state of Washington Department of Ecology (ECOLOGY) and King County-Natural Resources and Parks (RECIPIENT) for the Georgetown Wet Weather Treatment Station (PROJECT).

This amendment is needed to include the FY20 Funding provided for this project.

- 1) Loan EL190346 in the amount of \$11,543,000 (state funding) remains the same.
- 2) Loan EL200448 in the amount of \$9,510,994 (state funding) is added.
- 3) Loan EL200379 in the amount of \$27,631,000 (federal funding is added).
- 4) The scope of work remains the same.

IT IS MUTUALLY AGREED that the AGREEMENT is amended as follows:

Total Eligible Cost:

Original: 11,543,000.00 Amended: 48,684,994.00

**CHANGES TO THE BUDGET**

**Funding Distribution EL200448**

Funding Title: SRF Loan FY20 (State)

Funding Type: Loan

Funding Effective Date: 02/01/2018

Funding Expiration Date: 02/01/2023

Funding Source:

Title: CWSRF-SFY20 (State) (WQC-2019)

Type: State

Funding Source %: 100%

Description: The Clean Water Act (CWA) (33 U.S.C 1251-1387) established the State Revolving Fund (SRF) low interest loans program (40. C.F.R. Part 31, 35 Sub Part (K)). Washington State administers the program under Chapter 173-98 WAC. The portion of this project funded

State of Washington Department of Ecology  
 King County-Natural Resources and Parks  
 Georgetown Wet Weather Treatment Station Project  
 Agreement No. WQC-2019-KCoNRP-00040

with this funding distribution comes from non-federal source and are not subject to Federal Funding Accountability and Transparency Act (FFATA) and Single Audit Act (SAA). However, this project is subject to the federal requirements outlined in Section 4 and 5 of agreement terms and conditions.

Approved Indirect Costs Rate: Approved State Indirect: 30%  
 Recipient Match %: 0%  
 InKind Interlocal Allowed: No  
 InKind Other Allowed: No  
 Is this Funding Distribution used to match a federal grant? No  
 Effective Interest Rate: 2.7% Interest Rate: 1.7% Admin Charge: 1%  
 Terms: 30 years  
 Project Start Date: 02/01/2018 Project Completion Date: 02/01/2023  
 Estimated Initiation of Operation date: 02/01/2023  
 Loan Security: Revenue Secure Lien Obligation of the Recipient  
 Final Accrued Interest: \$  
 Final Loan Amount: \$  
 Repayment Schedule Number: 2738

SRF Loan FY20 (State)	Task Total
Conveyance Construction	\$ 7,259,798.00
Outfall Construction	\$ 2,251,196.00

**Total: \$ 9,510,994.00**

**CHANGES TO THE BUDGET**

**Funding Distribution EL200379**

Funding Title: SRF Loan FY20 (Federal)  
 Funding Type: Loan  
 Funding Effective Date: 02/01/2018 Funding Expiration Date: 02/01/2023  
 Funding Source:

Title: CWSRF-SFY20 (Federal) (WQC-2019)  
 Type: Federal  
 Funding Source %: 100%  
 Description: The Clean Water Act (CWA) (33 U.S.C 1251-1387) established the State Revolving Fund (SRF) low interest loans program (40. C.F.R. Part 31, 35 Sub Part

State of Washington Department of Ecology  
 King County-Natural Resources and Parks  
 Georgetown Wet Weather Treatment Station Project  
 Agreement No. WQC-2019-KCoNRP-00040

Federal Awarding Agency: Environmental Protection Agency (EPA)  
 Federal Awarding Agency Contact: David Carcia  
 Federal Awarding Agency Phone: 206-553-0890  
 Federal Awarding Agency Email: carcia.david@epa.gov  
 Federal Awarding Agency Address: 1200 Sixth Avenue, Suite 155, 19-H16, Seattle WA 98101-3188

CFDA Catalog Name: Capitalization Grants for State Revolving Fund

CFDA Number: 66.458  
 FAIN: 53000119  
 Research Grant: No  
 Federal Award Date: 06/28/2019  
 Total Federal Award Amount: \$33,157,200.00  
 Federal Funds Obligated To Recipient: \$27,631,000.00

Approved Indirect Costs Rate: Approved State Indirect: 30%  
 Recipient Match %: 0%  
 InKind Interlocal Allowed: No  
 InKind Other Allowed: No  
 Is this Funding Distribution used to match a federal grant? No  
 Effective Interest Rate: 2.7% Interest Rate: 1.7% Admin Charge: 1%  
 Terms: 30 years  
 Project Start Date: 02/01/2018 Project Completion Date: 02/01/2023  
 Estimated Initiation of Operation date: 02/01/2023  
 Loan Security: Revenue Secure Lien Obligation of the Recipient  
 Final Accrued Interest: \$  
 Final Loan Amount: \$  
 Repayment Schedule Number: 2739

<b>SRF Loan FY20 (Federal)</b>	<b>Task Total</b>
Treatment Station Construction	\$ 23,759,167.0
Conveyance Construction	\$ 3,871,833.00

**Total: \$ 27,631,000.0**

## CHANGES TO THE BUDGET

### Funding Distribution EL190346

Funding Title: SRF Loan FY19

State of Washington Department of Ecology  
 King County-Natural Resources and Parks  
 Georgetown Wet Weather Treatment Station Project  
 Agreement No. WQC-2019-KCoNRP-00040

Funding Type: Loan  
 Funding Effective Date: 02/01/2018 Funding Expiration Date: 02/01/2023

Funding Source:

Title: FY19 SRF (State)

Type: State

Funding Source %: 100%

Description: The Clean Water Act (CWA) (33 U.S.C 1251-1387) established the State Revolving Fund (SRF) low interest loans program (40. C.F.R. Part 31, 35 Sub Part K). Washington State administers the program under Chapter 173-98 WAC. The portion of this project funded with this funding distribution comes from non-federal source and are not subject to Federal Funding Accountability and Transparency Act (FFATA) and Single Audit Act (SAA). However, this project is subject to the federal requirements outlined in Section 4 and 5 of agreement terms and conditions.

Approved Indirect Costs Rate: Approved State Indirect: 30%

Recipient Match %: 0%

InKind Interlocal Allowed: No

InKind Other Allowed: No

Is this Funding Distribution used to match a federal grant? No

Effective Interest Rate: 2.6% Interest Rate: 1.6% Admin Charge: 1%

Terms: 30 years

Project Start Date: 02/01/2018 Project Completion Date: 02/01/2023

Estimated Initiation of Operation date: 02/01/2023

Loan Security: Revenue Secure Lien Obligation of the Recipient

Final Accrued Interest: \$

Final Loan Amount: \$

Repayment Schedule Number: 2624

SRF Loan FY19	Task Total
Treatment Station Construction	\$ 11,543,000.0

**Total: \$ 11,543,000.0**

**CHANGES TO SCOPE OF WORK**

Task Number: 2 **Task Cost: \$35,302,167.00**

Task Title: Treatment Station Construction

Task Description:

State of Washington Department of Ecology  
 King County-Natural Resources and Parks  
 Georgetown Wet Weather Treatment Station Project  
 Agreement No. WQC-2019-KCoNRP-00040

- A. The RECIPIENT will execute a contract with the low responsive-responsible bidder to construct the PROJECT. The RECIPIENT shall upload the bid tabs in Excel format, the Notice of Award, the Notice to Proceed, the project schedule and a copy of the executed contract, before ECOLOGY will provide reimbursement for work performed under this task.
- B. The RECIPIENT will complete the construction of a 70 million gallon per day capacity wet weather treatment station for treating combined sewer overflow wastewater in accordance with the King County Contract No. C01025C17 plans approved by ECOLOGY September 26, 2017, and approved addenda and change orders.
- C. The RECIPIENT will conduct a pre-construction conference and invite the ECOLOGY Project Manager.
- D. The Recipient will provide a Construction Quality Assurance Plan.
- E. The RECIPIENT will submit documentation to ECOLOGY to facilitate cultural resources review. Costs incurred for construction activities that occur before cultural resources review will not be eligible for reimbursement.
- F. The RECIPIENT will provide ECOLOGY's Project Manager with a Declaration of Construction and a set of "as-built" plans of the construction contract (per WAC 173-240-090), i.e., record construction drawings which reflect changes, modifications, or other revisions made to the project during construction. Provide a paper copy and one electronic copy of the Record Drawings. Submit the electronic copy in searchable PDF format at minimum resolution of 300 dpi.
- G. The RECIPIENT will upload all deliverables to EAGL.

Task Goal Statement:

See Overall Goal.

Task Expected Outcome:

See Overall Goal

Recipient Task Coordinator: Marybeth Gilbrough

**Deliverables**

Number	Description	Due Date
2.1	Affidavit of publication for bid solicitation.	
2.2	Bid tabulation in Excel format.	
2.3	Notice of award/selection.	
2.4	Executed construction contract.	
2.5	Pre-construction conference minutes	
2.6	Notice to proceed.	
2.7	Quality assurance/quality control plan.	



State of Washington Department of Ecology  
 King County-Natural Resources and Parks  
 Georgetown Wet Weather Treatment Station Project  
 Agreement No. WQC-2019-KCoNRP-00040

2.8	Declaration of construction completion.	
2.9	Record drawings.	

**CHANGES TO SCOPE OF WORK**

Task Number: 3 **Task Cost:** \$11,131,631.00

Task Title: Conveyance Construction

Task Description:

A. The RECIPIENT will execute a contract with the low responsive-responsible bidder to construct the PROJECT. The RECIPIENT shall upload the bid tabs in Excel format, the Notice of Award, the Notice to Proceed, the project schedule and a copy of the executed contract, before ECOLOGY will provide reimbursement for work performed under this task.

B. The RECIPIENT will complete the construction of 30-inch and 60-inch diameter pipeline and 4-foot by 8-foot box culvert sewers, diversion manholes, and the 36-inch and 60-inch diameter effluent conveyance pipelines in accordance with the King County Contract No. C01071C17 plans approved by ECOLOGY June 27, 2018, and approved addenda and change orders.

C. The RECIPIENT shall conduct a pre-construction conference and invite the ECOLOGY Project Manager.

D. The Recipient will provide a Construction Quality Assurance Plan prior to issuing a Notice to Proceed with construction.

E. The RECIPIENT will submit documentation to ECOLOGY to facilitate cultural resources review. Costs incurred for construction activities that occur before cultural resources review will not be eligible for reimbursement.

G. Upon completion of this construction, the RECIPIENT will provide ECOLOGY’s Project Manager with a Declaration of Construction and a set of "as-built" plans of the construction contract (per WAC 173-240-090), i.e., record construction drawings which reflect changes, modifications, or other revisions made to the project during construction Provide a paper copy of the declaration and one electronic copy of the Record Drawings. Submit the electronic copy in searchable PDF format at minimum resolution of 300 dpi.

H. The RECIPIENT will upload all deliverables to EAGL.

Task Goal Statement:

See Overall Goal

Task Expected Outcome:

See Overall Goal

Recipient Task Coordinator: Marybeth Gilbrough

State of Washington Department of Ecology  
 King County-Natural Resources and Parks  
 Georgetown Wet Weather Treatment Station Project  
 Agreement No. WQC-2019-KCoNRP-00040

### Deliverables

Number	Description	Due Date
3.1	Affidavit of publication for bid solicitation.	
3.2	Bid tabulation in Excel format.	
3.3	Notice of award/selection.	
3.4	Executed construction contract.	
3.5	Pre-construction conference minutes.	
3.6	Notice to proceed.	
3.7	Quality assurance/quality control plan.	
3.8	Declaration of construction completion.	
3.9	Record drawings.	

### CHANGES TO SCOPE OF WORK

Task Number: 4 **Task Cost:** \$2,251,196.00

Task Title: Outfall Construction

#### Task Description:

A. The RECIPIENT will execute a contract with the low responsive-responsible bidder to construct the PROJECT. The RECIPIENT shall upload to EAGL: the bid tabs in Excel format, the Notice of Award, the Notice to Proceed, the project schedule and a copy of the executed contract before ECOLOGY will provide reimbursement for work performed under this task.

B. The RECIPIENT will complete the construction in accordance with the King County Contract No. C01072C17 plans approved by ECOLOGY December 14, 2017, and approved addenda and change orders. The construction project includes:

- HDPE outfall pipe into the Lower Duwamish Waterway (54-inch-diameter)
- Elastomeric duckbill valves for effluent diffusion (8 each 20-inch valves)
- Outfall drop structure

C. The RECIPIENT will conduct a pre-construction conference and invite the ECOLOGY Project Manager.

D. The RECIPIENT will provide a quality Construction Quality Assurance Plan to Ecology prior to issuing a Notice to Proceed with construction.

E. The RECIPIENT will submit documentation to ECOLOGY to facilitate cultural resources review. Costs incurred for

State of Washington Department of Ecology  
 King County-Natural Resources and Parks  
 Georgetown Wet Weather Treatment Station Project  
 Agreement No. WQC-2019-KCoNRP-00040

construction activities that occur before cultural resources review will not be eligible for reimbursement.

F. Upon completion of this construction, the RECIPIENT will provide ECOLOGY's Project Manager with a Declaration of Construction and a set of "as-built" plans of the construction contract (per WAC 173-240-090), i.e., record construction drawings which reflect changes, modifications, or other revisions made to the project during construction. Provide a paper copy of the declaration and one electronic copy of the Record Drawings. Submit the electronic copy in searchable PDF format at minimum resolution of 300 dpi.

G. The RECIPIENT will upload all deliverables to EAGL.

Task Goal Statement:

See Overall Goal.

Task Expected Outcome:

See Overall Goal

Recipient Task Coordinator: Marybeth Gilbrough

**Deliverables**

Number	Description	Due Date
4.1	Affidavit of publication for bid solicitation.	
4.2	Bid tabulation in Excel format.	
4.3	Notice of award/selection.	
4.4	Executed construction contract.	
4.5	Pre-construction conference minutes.	
4.6	Notice to proceed.	
4.7	Quality assurance/quality control plan.	
4.8	Declaration of Construction completion.	
4.9	Record drawings.	

**CHANGES TO SCOPE OF WORK**

Task Number: 5 **Task Cost:** \$0.00

Task Title: Construction Management and Engineering Services

Task Description:

State of Washington Department of Ecology  
 King County-Natural Resources and Parks  
 Georgetown Wet Weather Treatment Station Project  
 Agreement No. WQC-2019-KCoNRP-00040

- A. The RECIPIENT will provide adequate and competent construction management and inspection for the Project. This may involve procuring the professional services. If professional services are procured, the RECIPIENT shall procure them in accordance with state law. The RECIPIENT shall submit all contracts for construction management services before ECOLOGY will provide reimbursement for work performed under this task.
- B. The RECIPIENT will provide updates to the plan of interim operation for the facility while under construction when the interim operation plan changes.
- C. The RECIPIENT will ensure construction progresses according to a timely schedule developed to meet completion dates indicated in the construction contract. The RECIPIENT shall revise or update the schedule whenever major changes occur and resubmit to ECOLOGY. The RECIPIENT shall describe progress of the construction in the quarterly progress reports.
- D. The RECIPIENT will prepare a fiscal sustainability plan that contains at least the minimum required elements listed below, and certify that it has been developed and is being implemented. The plan shall include the following elements:
- An inventory of critical assets that belong to the utility.
  - An evaluation of the condition and performance of the critical assets.
  - A plan to maintain, repair, and replace the critical assets and to fund those activities.
  - A process to evaluate and implement water and energy conservation efforts as part of the plan.
- E. The RECIPIENT will upload all deliverables to EAGL.
- F. This project has been identified as an Equivalency project under the State Revolving Fund Capitalization Grants (CFDA-66.458) and is subject to all federal requirements EPA applies to Clean Water State Revolving Funds. In addition to the federal requirements outlined in Section 4 of agreement terms and conditions, the RECIPIENT will maintain documentation of compliance with all single audit act, federal cross cutters, and federal procurement requirements for architectural and engineering services (Chapter 11 of Title 40, U.S.C).

Task Goal Statement:

See Overall Goal.

Task Expected Outcome:

See Overall Goal.

Recipient Task Coordinator: Marybeth Gilbrough

**Deliverables**

Number	Description	Due Date
5.1	Plan of interim operation.	
5.2	Signed certification that a financial sustainability plan has been developed and is being implemented.	

State of Washington Department of Ecology

King County-Natural Resources and Parks

Georgetown Wet Weather Treatment Station Project

Agreement No. WQC-2019-KCoNRP-00040

5.3	Construction schedule and updates.	
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State of Washington Department of Ecology  
King County-Natural Resources and Parks  
Georgetown Wet Weather Treatment Station Project  
Agreement No. WQC-2019-KCoNRP-00040

**Funding Distribution Summary****Recipient / Ecology Share**

<b>Funding Distribution Name</b>	<b>Recipient Match %</b>	<b>Recipient Share</b>	<b>Ecology Share</b>	<b>Total</b>
SRF Loan FY20 (State)	0 %	\$ 0.00	\$ 9,510,994.00	\$ 9,510,994.00
SRF Loan FY20 (Federal)	0 %	\$ 0.00	\$ 27,631,000.00	\$ 27,631,000.00
SRF Loan FY19	0 %	\$ 0.00	\$ 11,543,000.00	\$ 11,543,000.00
<b>Total</b>		<b>\$ 0.00</b>	<b>\$ 48,684,994.00</b>	<b>\$ 48,684,994.00</b>

State of Washington Department of Ecology  
King County-Natural Resources and Parks  
Georgetown Wet Weather Treatment Station Project  
Agreement No. WQC-2019-KCoNRP-00040

**AUTHORIZING SIGNATURES**

All other terms and conditions of the original Agreement including any Amendments remain in full force and effect, except as expressly provided by this Amendment.

The signatories to this Amendment represent that they have the authority to execute this Amendment and bind their respective organizations to this Amendment.

This amendment will be effective 07/01/2019.

IN WITNESS WHEREOF: the parties hereto, having read this Amendment in its entirety, including all attachments, do agree in each and every particular and have thus set their hands hereunto.

Washington State  
Department of Ecology

King County-Natural Resources and Parks

By: \_\_\_\_\_

David Giglio  
Water Quality  
Acting Program Manager  
Date

By: \_\_\_\_\_

Mark Isaacson  
Division Director  
Date

Template Approved to Form by  
Attorney General's Office