

**HIGHLINE WATER DISTRICT  
King County, Washington**

**RESOLUTION 16-4-6B**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF HIGHLINE WATER DISTRICT, KING COUNTY, WASHINGTON, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH ALDERWOOD WATER AND WASTEWATER DISTRICT RELATING TO A COOPERATIVE PURCHASING AGREEMENT.**

**WHEREAS**, Highline Water District ("District") is a water-sewer special purpose district existing pursuant to Title 57 Revised Code of Washington owning and operating water and sewer systems within its corporate and service area boundaries in King County, Washington for the benefit of its customers; and

**WHEREAS**, pursuant to RCW 57.08.050 (3), the District is authorized to purchase equipment, supplies and materials in accordance with the procedures set forth therein; provided, as an alternative to RCW 57.08.050(3), the District is also authorized by RCW 57.08.050 (4) to purchase equipment, supplies and materials from suppliers designated on current state agency, county, city or town purchasing rosters at the price and terms as described on the applicable roster when the roster has been established in accordance with the competitive bidding law for purchases applicable to the state agency, county, city or town; and

**WHEREAS**, RCW 39.34.030 (1) authorizes the joint and cooperative exercise of shared powers, privileges and authority between public agencies of the State of Washington and public agencies of any other state; and, pursuant to RCW 39.34.030 (5)(b), with respect to one or more public agencies purchasing or otherwise contracting through a bid, proposal or contract awarded by another public agency or by a group of public agencies, any statutory obligation to provide notice for bids or proposals that applies to the public agencies involved is satisfied if the public agency(s) that awarded the bid, proposal or contract complied with its own statutory requirements; and

**WHEREAS**, the District must acquire an automated meter reading system ("AMR System"), and such systems may be procured through the competitive negotiation procedure set forth in RCW 39.04.270; and the Alderwood Water and Wastewater District ("Alderwood") previously complied with such statute and procured an AMR System from Badger Meter, Inc. ("Badger"), a vendor of AMR Systems ("Vendor"), through a request for proposal ("Request for Proposal"), competitive negotiation process pursuant to such statute, and a procurement contract ("Procurement Contract"); and

**WHEREAS**, both the Request for Proposal and Procurement Contract that Alderwood used to purchase an AMR System from Badger contain provisions allowing for other governmental entities like Highline to avail themselves of Alderwood's purchase of an automatic meter reading system from Badger for similar purchases at the same price and terms; and Northshore Utility District ("NUD") and Mukilteo Water and Wastewater District ("Mukilteo"), both water-sewer districts existing pursuant to Title 57 RCW under the laws of the State of Washington, previously entered into intergovernmental cooperative purchasing agreements with Alderwood to utilize Alderwood's research work and the executed purchase contract with Badger for the

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purchase of an AMR System, and both entities subsequently executed purchase contracts with Badger for the purchase of AMR Systems; and

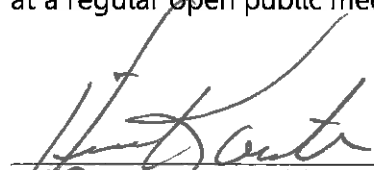
**WHEREAS**, the District now desires to enter into an interlocal agreement in the form attached hereto as **Exhibit A** ("Intergovernmental Agreement") with Alderwood to also avail itself of the Alderwood Procurement Contract and the prices negotiated therein with the Vendor; now, therefore,

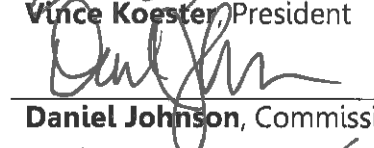
**BE IT RESOLVED** by the Board of Commissioners of Highline Water District, King County, Washington as follows:

1. The recitals set forth above are fully incorporated herein by this reference.
2. The Intergovernmental Agreement in substantially the form attached hereto as **Exhibit A** is hereby approved and the District General manager is hereby authorized and directed to execute and to carry out the Intergovernmental Agreement on behalf of the District.


**ADOPTED** by the Board of Commissioners of Highline Water District, King County, Washington, at a regular open public meeting thereof held on the **6th** day of **April 2016**.


**BOARD OF COMMISSIONERS**

  
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**Vince Koester**, President

  
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**Daniel Johnson**, Commissioner

  
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**Kathleen Quong-Vermeire**, Commissioner

  
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**Todd Fultz**, Secretary

  
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**George Landon**, Commissioner

## EXHIBIT A

### INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT

This Agreement (“Agreement”) is by and between the Alderwood Water and Wastewater District (“Alderwood”) and Highline Water District (“Highline”); both parties are political subdivisions and special purpose water and sewer districts existing pursuant to Title 57 RCW under the laws of the State of Washington (individually a “Party” and collectively the “Parties”).

#### BACKGROUND

- (a) Alderwood sent “Request for Proposals” to vendors of automatic meter reading systems (“AMR”) in conformance with RCW 39.04.270.
- (b) Based on the responses to the “Request for Proposals” and its own evaluation, Alderwood selected Badger Meter, Inc. of Milwaukee, Wisconsin (“Badger”) and executed a procurement agreement in May 2010, for the purchase of an automatic meter reading system (“Procurement Contract”). Section 2.6 of the Procurement Contract provides that pricing for the AMR system may be extended for nine additional one year periods (until May, 2019) by the issuance and acceptance of a purchase order.
- (c) Both the “Request for Proposals” from Alderwood and the Procurement Contract with Badger contain provisions allowing other governmental entities like Highline to avail themselves of Alderwood’s purchase of an automatic meter reading system from Badger for similar purchases at the same price and terms.

#### PURPOSE & OBJECTIVE

- (d) Highline is interested in making a similar purchase of an AMR system and desires to avail itself of the Procurement Contract between Alderwood and Badger.

#### POWERS

- (e) Chapter 39.34 RCW, The Interlocal Cooperation Act, provides for interlocal cooperation between governmental agencies; and RCW 57.08.005 (4) and RCW 39.34.030 (5) provide for intergovernmental cooperative purchasing.
- (f) Northshore Utility District (“NUD”) and Mukilteo Water and Wastewater District (“Mukilteo”), both which are political subdivisions and special purpose water and sewer districts existing pursuant to Title 57 RCW under the laws of the State of Washington, previously entered into intergovernmental cooperative purchasing agreements with Alderwood to utilize Alderwood’s research work and the executed purchase contract with Badger for the purchase of AMR. Both NUD and Mukilteo subsequently executed purchase contracts with Badger for the purchase of AMR.
- (f) Alderwood is willing to assist Highline by providing access to its research work and the executed purchase contract with Badger for the purchase of AMR.

NOW, THEREFORE, the Parties agree as follows:

RIGHTS & RESPONSIBILITIES

1. Alderwood shall provide Highline with a copy of its executed Procurement Contract with Badger and other AMR related research information upon request by Highline.
2. Highline shall seek to execute its own AMR procurement contract with Badger under similar prices and terms as those secured by Alderwood through its "Request for Proposals" process.
3. Alderwood will not be a party to any procurement contract between Highline and Badger.
4. Highline agrees to hold Alderwood, its elected officials, officers, agents and employees harmless from any claims or losses resulting from its procurement contract as described in Paragraph 2 above, except for those losses resulting solely from the negligence of Alderwood, its elected officials, officers, agents and employees.
5. No new or separate legal administrative entity or partnership is created as a result of this interlocal agreement between Alderwood and Highline.
6. Each Party accepts responsibility for compliance with federal, state or local laws and regulations including, in particular, bidding requirements applicable to its acquisition of goods and services.

ALDERWOOD WATER AND  
WASTEWATER DISTRICT

HIGHLINE WATER DISTRICT

\_\_\_\_\_ resident  
Board of Commissioners

\_\_\_\_\_ Matt Everett, General Manager

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Agenda Item No.: 5.1

Agenda Date: 4/06/16

Reviewed By: M.E.

**SUBJECT:** Authorize Intergovernmental Cooperative Purchasing Agreement  
Purchase Badger Automated Meter Reading (AMR) System

CATEGORY	
<i>Executive</i>	<input type="checkbox"/>
<i>Administrative</i>	<input type="checkbox"/>
<i>Engineering/Operations</i>	<input checked="" type="checkbox"/>

FINANCIAL			
<i>Expenditures?</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
<i>Budgeted?</i>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
<i>Amount:</i> \$ _____			

**ATTACHMENTS:**

1. Resolution 16-4-6B
2. Exhibit A - Intergovernmental Cooperative Purchasing Agreement

**COMMENTS:**

Highline desires to enter into an Intergovernmental Agreement with Alderwood Water and Wastewater District to also avail itself of Alderwood's Procurement Contract and the prices negotiated therein with Badger Meter, Inc.

Staff recommends approval of this resolution.