

**BOARD OF SUPERVISORS
FINANCE/GOVERNMENT OPERATIONS AND
ECONOMIC DEVELOPMENT COMMITTEE
ACTION ITEM**

SUBJECT: **CONTRACT AWARD AND FY 2017 CAPITAL
IMPROVEMENT PROGRAM AMENDMENT/
Construction of Stone Ridge II Park and Ride Project**

ELECTION DISTRICT: Dulles

CRITICAL ACTION DATE: July 12, 2016

STAFF CONTACTS: Joe Kroboth, Transportation and Capital Infrastructure
Melissa Tello, Transportation and Capital Infrastructure
Daniel Csizmar, Transportation and Capital Infrastructure
Mike Angel, Finance and Procurement

PURPOSE: To award a contract for the Construction of Stone Ridge II Park and Ride project and to amend the FY 2017 Capital Improvement Program (CIP) and budget by approving a budget adjustment to appropriate and transfer \$425,000 in cash proffers in the Public Facilities Fund, through the Transportation District Fund, to the Capital Fund for the Construction of the Stone Ridge II Park and Ride project.

RECOMMENDATION: **Staff** recommends that the Finance/Government Operations and Economic Development Committee recommend to the Board of Supervisors (Board) that the Purchasing Agent be authorized to award the contract for the Construction of Stone Ridge II Park and Ride project to Phillips Construction, LLC in the amount of \$3,372,742, and amend the FY 2017 CIP and budget to appropriate and transfer \$425,000 in cash proffers in the Public Facilities Fund, through the Transportation District Fund, to the Capital Fund for the Construction of Stone Ridge II Park and Ride project.

BACKGROUND: Invitation for Bid No. RFQ-391 was issued on April 11, 2016, for the Construction of Stone Ridge II Park and Ride Project. Four (4) bids were received on May 16, 2016 as shown below. The lowest responsive and responsible bid was submitted by Phillips Construction, LLC in the amount of \$3,372,742.

Firm	Bid Amount	Rank
Phillips Construction, LLC	\$3,372,742	1st
Tavares Concrete Company, Inc.	\$3,698,915	2nd
Jeffrey Stack, Inc.	\$3,851,102	3rd
Fort Myer Construction Corp	\$6,036,850	4th

The purpose of this contract is to obtain the services of a qualified general contractor to construct the Stone Ridge II Park and Ride Facility. The site for the park and ride is located at 24281 Millstream Drive in Aldie, Virginia between Stone Carver Drive to the east and Tall Cedars Parkway to the south.

The project scope includes the construction of 292 standard parking spaces, eight Americans with Disabilities Act (ADA) compliant parking spaces, an entrance and exit to interface with Millstream Drive, asphalt and concrete pavement sections, three bus bays with a staging area, three transit shelters, benches, a bike locker, signage, pavement markings, sidewalk and concrete pedestrian plaza, curb and gutter, utility coordination and associated infrastructure.

ISSUES: The construction of the Stone Ridge II Park and Ride project provides for needed park and ride facilities in the Dulles District. The construction plans were approved on December 18, 2015, with the project duration of 270 calendar days from the Notice to Proceed.

The lowest bid for the project was higher than original estimates for the project. A subsurface investigation during design encountered shallow rock throughout the entire site requiring blasting and removal beyond what was anticipated in the original project estimates. When factoring in contingency and third party costs, the overall project requires supplemental funding to fully fund the construction phase.

An amendment to the FY 2017 CIP and budget is required in order to transfer additional funding from the Public Facilities Fund, through the Transportation District Fund, to the Capital Fund for the Stone Ridge II Park and Ride project.

FISCAL IMPACT: Sufficient funding is appropriated in the Stone Ridge II Park and Ride account in the Capital Fund to award the construction contract totaling \$3,372,742.20. The project account includes \$500,000 in transit bus fee revenue and \$3,000,000 in cash proffer revenue. The remaining unspent, unencumbered balance in the project totals \$3,375,570.

This amount is not sufficient to provide project contingency funding and third party costs. Third party costs are encumbered at the same time as the construction, creating the need for additional funding to cover these costs.

Staff has requested, and received, cash proffer determinations for the following proffers which can be used to provide additional funding to the Stone Ridge II Park and Ride project:

Table 1. Cash Proffers Available to Fund the Stone Ridge Park and Ride

Application Name	Application Number	Sequence Number	Total Funding
CD Smith	ZMAP 2002-0003	99066684	\$2,544,417

Zoning Administration staff issued a cash proffer determination (ZCOR 2014-0142) indicating the cash proffers requested are appropriate for the proposed use. If approved by the Board, staff will prepare a budget adjustment to appropriate \$425,000 in cash proffers in the Public Facilities Fund, as shown in Table 1, and transfer that amount through the Transportation District Fund to the Capital Fund for the Stone Ridge Park and Ride Lot project.

It is important to note that the County is anticipating the award of Interstate 66 Toll Lane revenues totaling \$1,120,000 for this project. Once the County obtains official notification of receipt of the toll lane revenue funding, an amendment to the FY 2017 CIP and budget will be brought to the Board of Supervisors to appropriate the toll revenue funding for the Stone Ridge Park and Ride project. This award will then allow any excess cash proffer funds to be transferred to another project or be returned to the Public Facilities fund to be programmed on future capital projects in the Dulles area.

ALTERNATIVES:

1. Recommend to the Board that the Purchasing Agent be authorized to award the contract for Construction of Stone Ridge II Park and Ride project to Phillips Construction, LLC in the amount of \$3,372,742.
2. Do not recommend the contract award and direct staff on how to proceed.
3. The Board may choose to recommend the transfer of some, none or all of the requested \$425,000 in cash proffer funding for the project. If the Board does not fully fund the request, staff would have to identify other sources of proposed funding for the project.

DRAFT MOTIONS:

1. I move that the Finance/Government Operations and Economic Development Committee recommend to the Board of Supervisors that the Purchasing Agent be authorized to award the contract for Construction of Stone Ridge II Park and Ride project to Phillips Construction, LLC in the amount of \$3,372,742.

I further move that the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors amend the FY 2017 Capital Improvement Program and budget by directing staff to execute a budget adjustment to appropriate and transfer

\$425,000 in cash proffers in the Public Facilities Fund, transferring that amount through the Transportation District Fund to the Capital Fund for the construction of the Stone Ridge Park and Ride project.

OR

2. I move an alternate motion.

ATTACHMENT:

1. ZCOR-2014-0142, Proffer Determination Regarding the Use of Cash Proffers to Fund the Stone Ridge Park and Ride Lot

COUNTY OF LOUDOUN
DEPARTMENT OF PLANNING AND ZONING
MEMORANDUM

DATE: August 12, 2014

TO: Daniel Csizmar, Capital Budget Manager, Department of Transportation and Capital Infrastructure

FROM: Kelly Griffin, Proffer Auditor



SUBJECT: Use of Cash Proffers to Fund FY 2015 Stone Ridge Park and Ride Lot

This correspondence is sent in response to your memorandum, dated July 22, 2014, in which you requested a determination regarding the use of the proffer funds listed in the table below for a Park and Ride Lot in the Stone Ridge development in the FY 2015 Capital Improvements Program (“CIP”) budget. This project proposes to provide funding to construct a 350 space Park and Ride Lot in the Stone Ridge development.

The following table summarizes the appropriateness of the use of the requested funds; a detailed analysis of each proffer fund is included in this cash proffer determination. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

APPLICATION #	APPLICATION NAME	SEQ #	BALANCE	APPROPRIATE ?
ZMAP-2002-0003	CD Smith	99066684	\$2,384,420.77	Y
ZMAP-2003-0007	Graham Flynn Biggers	99065973	\$2,192,990.08	Y
ZMAP-2004-0020	East Gate One	99066957	\$1,623,684.04	Y

Request: The Department of Transportation and Capital Infrastructure requests the use of \$1,880,304.85 of the CD Smith Proffer V.A account, LMIS Sequence #99066684, to fund the construction of a Park and Ride Lot in the Stone Ridge development in the FY 2015 CIP. The Loudoun County Board of Supervisors approved ZMAP-2002-0003 on October 11, 2005 subject to the Proffer Statement dated October 11, 2005, the Concept Development Plan dated May 2004, revised through May 12, 2005 and the findings of approval contained in the October 11, 2005 staff report. As stated in the proffer text below, Proffer V.A. provides that, prior to issuance of the zoning permit for each market rate residential unit, the Owner shall pay a capital facility contribution in the amount of \$21,662.89.

V. **CAPITAL FACILITIES/RECREATION AND OPEN SPACE/TREE PRESERVATION**

A. **Capital Facilities Contributions**

The Owner shall pay Loudoun County a one-time capital facility cash contribution in the amount of TWENTY ONE THOUSAND SIX HUNDRED SIXTY TWO AND 89/100 DOLLARS (\$21,662.89) for each market rate unit (the "Capital Facilities Contribution") constructed on the Property. The Capital Facilities Contribution shall be paid prior to issuance of the zoning permit for each market rate residential unit. The amount of the Capital Facilities Contribution shall escalate in accordance with the Consumer Price Index from the base year of 2004.

Determination: The use of these funds as proposed is appropriate. Historically, Capital Facilities Contributions have been allocated for uses located in the same planning subarea. The Stone Ridge Park and Ride Lot will be located on PIN# 204-35-4604 (see Attachment 1, Vicinity Map). The CD Smith development and PIN# 204-35-4604 are both located in the Dulles Community Planning Area; therefore, it is appropriate to use the requested funds for the construction of the 350 space Park and Ride Lot in the FY 2015 CIP Budget.

To date, the applicant has contributed \$2,383,835.76 this proffer is partially fulfilled. The proffer account has earned \$585 in interest; \$0 has been disbursed resulting in a current balance of \$2,384,420.76. The current remaining balance, plus all additional contributions and interest earned in this account, may be used for the proposed 350 space park and ride lot located in the Stone Ridge development. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$311,997.25 of the Graham Flynn Biggers Proffer V.A account, LMIS Sequence #99065973, to fund the construction of a Park and Ride Lot in the Stone Ridge development in the FY 2015 CIP. The Loudoun County Board of Supervisors approved ZMAP-2003-0007 on November 1, 2004 subject to the Proffer Statement dated December 16, 2003 and revised through June 25, 2004; and letter of clarification dated October 22, 2004; with the findings. As stated in the proffer text below, Proffer V.A., as clarified, provides that, prior to issuance of the zoning permit for each residential unit, the Owner shall pay a capital facility contribution in the amount of \$14,227.62.

V. **CAPITAL FACILITIES/RECREATION AND OPEN SPACE/TREE PRESERVATION**

A. **Capital Facilities Contributions**

Owner shall pay to the County a Capital Facilities Contribution in the amount of Fourteen Thousand Two Hundred Twenty Seven and 62/100 Dollars (\$14,227.62) for each residential unit constructed on the Property (Capital Facilities Contribution"). The Capital Facilities Contribution shall be paid prior to the issuance of the zoning permit for each such residential unit. The per unit cash contributions proffered in this paragraph shall be adjusted annually in accordance with the CPI published by the Bureau of Labor Statistics, U.S. Department of Labor, beginning one year from the approval date of the rezoning of the Property with 2004 as the base year.

Determination: The use of these funds as proposed is appropriate. Historically, Capital Facilities Contributions have been allocated for uses located in the same planning subarea. The Stone Ridge Park and Ride Lot will be located on PIN# 204-35-4604 (see Attachment 1, Vicinity Map). The Graham Flynn Biggers development and PIN# 204-35-4604 are both located in the Dulles Community Planning Area; therefore, it is appropriate to use the requested funds for the construction of the 350 space Park and Ride Lot in the FY 2015 CIP Budget.

To date, the applicant has contributed \$2,191,114.98; this proffer is partially fulfilled. The proffer account has earned \$1,875 in interest; \$0 has been disbursed resulting in a current balance of \$2,192,990. The current remaining balance, plus all additional contributions and interest earned in this account, may be used for the proposed 350 space park and ride lot located in the Stone Ridge development. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

Request: The Department of Transportation and Capital Infrastructure requests the use of \$1,007,697.90 of the East Gate One Proffer III.A account, LMIS Sequence #99066957, to fund the construction of a Park and Ride Lot in the Stone Ridge development in the FY 2015 CIP. The Loudoun County Board of Supervisors approved ZMAP-2004-0020 on February 21, 2006 subject to the Letter of Clarification dated February 16, 2006, the Proffer Statement dated October 31, 2005, revised through February 13, 2006, the Rezoning Plat dated November 22, 2004, revised through January 27, 2006, and the modification request to reduce yard requirements. As stated in the proffer text below, Proffer III.A. provides that, at the time of issuance of the zoning permit for a residential unit, the Owner shall pay a capital facility contribution in the amount of \$4,966 to be used for capital improvements in the Dulles Community Planning Area.

III. CAPITAL FACILITIES

A. CONTRIBUTION

The Applicants will provide, at the time of issuance of each zoning permit for a residential unit on the Property, a one-time cash contribution in the amount of \$4,966 per unit. Said contributions are to be used for capital improvement projects within the Dulles Community Planning Area, as the boundary of said planning area exists at date of these proffers as shown in the Revised General Plan.

Determination: The use of these funds as proposed is appropriate. The Dulles Community Planning Area boundary was created with the 2001 Revised General Plan and such boundary remains the same as of the date of this letter. The Stone Ridge Park and Ride Lot will be located on PIN# 204-35-4604 (see Attachment 1, Vicinity Map). The East Gate One development and PIN# 204-35-4604 are both located in the Dulles Community Planning Area; therefore, it is appropriate to use the requested funds for the construction of the 350 space Park and Ride Lot in the FY 2015 CIP Budget.

To date, the applicant has contributed \$1,622,263.50; this proffer is partially fulfilled. The proffer account has earned \$1421 in interest; \$0 has been disbursed resulting in a current balance of \$1,623,684. The current remaining balance, plus all additional contributions and interest earned in this account, may be used for the proposed 350 space park and ride lot located in the Stone Ridge development. It is noted that ZCOR-2014-0115, which was issued on June 24, 2014, authorized the use of these funds for the East Gate Park and Ride lot and lighted athletic field. Please be advised that I cannot guarantee the listed funds have not been disbursed or obligated to other projects.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist today, August 12, 2014 and such proffers may be amended by a subsequent Zoning Concept Plan Amendment. This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the proffer conditions attached to a rezoning or amendment to the zoning map, may appeal said decision within thirty days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any questions concerning this correspondence, you may contact me via email (kelly.griffin@loudoun.gov) or call me at 703-771-5219.

Attachments: Attachment 1: Vicinity Map

Cc via email: Nicole Dozier, Zoning Administrator
Scott York, Chairman At-Large
Robin Bartok, Staff Aide to Chairman York
Matthew Letourneau, Dulles District Supervisor
Tom Parker, Dulles District Supervisor Aide
Amanda McLaughlin, Dulles District Supervisor Aide
Charles Yudd, Assistant County Administrator
Joe Kroboth, Director, DTCI
Paul Brown, Deputy Director, DTCI
Jason Cournoyer, Budget Analyst, Management and Financial Services
Susan Glass, Program Manager, DTCI
Julie Pastor, FAICP, Director, Department of Planning & Zoning
Amy Kresge, Proffer Manager
Erin McLellan, Budget Officer

Cc via US Mail: M/I Homes of DC LLC & KB Home Virginia, Property Owner
Comstock Homes, Property Owner
East Gate One Homeowners Association, Inc., Property Owner
Pulte Homes, Property Owner
Richmond American, Property Owner
NVR MS Cavalier Loudoun LLC, Property Owner
Brambleton Community Association, Property Owner
Dulles Farms Community Assocn Inc., Property Owner

Attachment 1
VICINITY MAP

CASH PROFFER FUNDS REQUESTED FOR THE STONE RIDGE PARK AND RIDE LOT

