

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

**SUBJECT:** **CONTRACT AWARD AND FY 2017 CAPITAL  
IMPROVEMENT PROGRAM AMENDMENT/  
Construction of Tall Cedars Parkway between Gum  
Spring and Pinebrook Road**

**ELECTION DISTRICT:** Dulles

**CRITICAL ACTION DATE:** July 12, 2016

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

**PURPOSE:** To award a contract for the construction of Tall Cedars Parkway between Gum Spring and Pinebrook Road and to amend the FY 2017 Capital Improvement Program (CIP) and budget by approving a budget adjustment to appropriate and transfer \$1,512,512.72 in cash proffers in the Public Facilities Fund, through the Transportation District Fund, to the Capital Fund for the Tall Cedars Parkway 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 Tall Cedars Parkway between Gum Spring and Pinebrook Road to Phillips Construction, LLC in the amount of \$7,498,475, and to amend the FY 2017 CIP and budget to appropriate and transfer \$1,512,512.72 in cash proffers in the Public Facilities Fund, through the Transportation District Fund, to the Capital Fund for the Tall Cedars Parkway between Pinebrook Road and Gum Spring Road project.

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**BACKGROUND:** Invitation for Bid No. RFQ-360 was issued on April 5, 2016, for the Construction of Tall Cedars Parkway Project. Five bids were received on May 11, 2016 as shown below. The lowest responsive and responsible bid was submitted by Phillips Construction, LLC in the amount of \$7,498,475

| <b>Firm</b>                | <b>Bid Amount</b> | <b>Rank</b> |
|----------------------------|-------------------|-------------|
| Phillips Construction, LLC | \$7,498,475       | 1st         |
| William A. Hazel, Inc.     | \$7,845,811       | 2nd         |
| Allan Myers                | \$7,949,777       | 3rd         |
| Shirley, LLC               | \$9,290,851       | 4th         |
| Ardent Company, LLC        | \$9,898,980       | 5th         |

The purpose of this contract is to construct a new segment of Tall Cedars Parkway between Pinebrook Road and Gum Springs Road in Aldie. The scope of work includes four lane roadway construction, intersection, signal improvements and utility coordination and requires compliance with all applicable permits, regulations, including environmental control and permits. Once complete, this road will be turned over to the Virginia Department of Transportation for operations and maintenance.

**ISSUES:** The construction of the Tall Cedars Parkway project provides for an important roadway segment in the Dulles District. The construction plans for the project were approved in June 2015. At current estimates, the construction duration is estimated at 548 days, or 18 months.

The lowest bid for the Tall Cedars Parkway project was higher than original estimates for the project. 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 Tall Cedars Parkway project. If the Board chooses to not appropriate the use of proffer funding for the project, the County will not have sufficient funding available to complete construction of the Tall Cedars Parkway project.

**FISCAL IMPACT:** Appropriations in the Tall Cedars Parkway account includes \$11,675,818 in cash proffer revenue. The remaining unspent, unencumbered balance in the project totals \$7,637,053. While this amount is sufficient to award the construction contract in the amount of \$7,498,475, it is not sufficient to provide for required construction administration services, third party services and project contingency funding.

Staff has requested, and received, cash proffer determinations for the following proffers which can be used to provide additional funding to the Tall Cedars Parkway project:

**Table 1. Cash Proffers Available to Fund Improvements to Tall Cedars Parkway**

| Application Name | Application Number | Sequence Number | Total Funding         |
|------------------|--------------------|-----------------|-----------------------|
| Providence Glen  | ZMAP 2002-0023     | 99066056        | \$46,068.52           |
| White Oak Crest  | ZMAP 2006-0008     | 99071272        | \$148,799.20          |
| Marbury          | ZMAP 2005-0013     | 99067411        | \$1,317,645.00        |
| <b>Total</b>     |                    |                 | <b>\$1,512,512.72</b> |

Zoning Administration staff issued a cash proffer determination (ZCOR 2016-0094) indicating the cash proffers requested are appropriate for the proposed use. If approved by the Board, staff will prepare a budget adjustment to appropriate \$1,512,512.72 in road 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 Tall Cedars Parkway project.

**ALTERNATIVES:**

1. Recommend to the Board that the Purchasing Agent be authorized to award the contract for Construction of Tall Cedars Parkway to Phillips Construction, LLC in the amount of \$7,498,475.
2. Do not recommend the award authority and direct staff on how to proceed.
3. The Board may choose to recommend the transfer of some, none or all of the requested \$1,512,512.72 funding for the Tall Cedars Parkway 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 Tall Cedars Parkway between Gum Spring and Pinebrook Road to Phillips Construction, LLC in the amount of \$7,498,475.28.

I further move 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 \$1,512,512.72 in cash proffers in the Public Facilities Fund, transferring that amount through the Transportation District Fund, to the Capital Fund to fully fund the construction of Tall Cedars Parkway between Pinebrook Road and Gum Spring Road.

OR

2. I move an alternate motion.

**ATTACHMENT:**

1. ZCOR-2016-0094, Proffer Determination Regarding the Use of Providence Glen, White Oak Crest and Marbury Cash Proffer Funds for the Construction of Tall Cedars Parkway.

**County of Loudoun**

**Department of Planning and Zoning**

**MEMORANDUM**

**DATE:** June 3, 2016

**TO:** Susan Glass, Program Manager, Department of Transportation and Capital Infrastructure (DTCI)

**FROM:** Amy Kresge, Proffer Program Manager *AK*

**SUBJECT:** **ZCOR 2016-0094, Proffer Determination Regarding the Use of Providence Glen, White Oak Crest and Marbury Cash Proffer Funds for the Construction of Tall Cedars Parkway**

This correspondence is sent in response to your May 25, 2016, memorandums to Mark Stultz, Zoning Administrator, and myself, which requested proffer determinations concerning the use of specific cash proffer funds received from the developers of Providence Glen, White Oak Crest and Marbury to provide supplemental funding for the construction of Tall Cedars Parkway. The Tall Cedars Parkway project will construct a four lane, median divided roadway between Gum Spring Road and Pinebrook Road.

The following table summarizes the appropriateness of the use of the requested funds. Please be advised that the requested funds may be eligible for use on other County projects and final appropriation of proffer funds shall be as directed by the Board of Supervisors.

| APPLICATION #  | APPLICATION NAME | SEQ #    | BALANCE         | APPROPRIATE |
|----------------|------------------|----------|-----------------|-------------|
| ZMAP 2002-0023 | Providence Glen  | 99066056 | \$46,068.52     | Yes         |
| ZMAP 2006-0008 | White Oak Crest  | 99071272 | \$148,799.20    | Yes         |
| ZMAP 2005-0013 | Marbury          | 99067411 | \$ 1,317,645.00 | Yes         |

**Request:** DTCI requests the use of all funds contributed pursuant to Providence Glen Proffer IV.C., LMIS Sequence #99066056/Oracle Award #Y00735, to fund construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road.

The Loudoun County Board of Supervisors approved ZMAP 2002-0023, Providence Glen, on October 5, 2004, subject to the Proffer Statement dated July 13, 2004, and the memorandum of clarification dated September 27, 2004. As stated in the proffer text below, Proffer IV.C. provided for a transit and regional road contribution in the amount of \$500.00 per market rate residential unit to be used for regional transit or regional road improvements in the vicinity of the Property as determined by the County.

*ZCOR 2016-0094*

**C. Transit and Regional Road Contribution.**

In addition to the dedication of right-of-way along the Gum Springs Road frontage of the Property referenced in Paragraph IV.B.1.b. above, the Owner shall pay to the County, at the time of issuance of each zoning permit for the market rate residential units constructed on the Property, Five Hundred and 00/100 Dollars (\$500.00) per market rate residential unit to be used for regional transit or regional road improvements in the vicinity of the Property as determined by the County. This cash contribution shall escalate in accordance with the Consumer Price Index ("CPI") from a base year of 2004.

\$46,068.52 has been contributed pursuant to Providence Glen Proffer IV.C.; the proffer is fulfilled. \$0 has been dispersed from this proffer account resulting in a current balance of \$46,068.52.

**Determination:** It is appropriate to use the current balance in LMIS Sequence #99066056/Oracle Award #Y00735 to fund the construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road. The funds contributed pursuant to Proffer IV.C. of ZMAP 2002-0023 are to be used for regional transit or regional road improvements in the vicinity of Providence Glen. The phrase "in the vicinity" has been defined in previous proffer determinations to mean within the same Planning Subarea as the development where the funds were contributed. Because the boundary of ZMAP 2002-0023, Providence Glen, and the segment of Tall Cedars Parkway to be constructed are both located in the Dulles Planning Subarea, it is appropriate to use the funds contained in LMIS Sequence #99066056/Oracle Award #Y00735 to fund the construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road (See attached Vicinity Map).

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**Request:** DTCI requests the use of all funds contributed pursuant to White Oak Crest Proffer 10, LMIS Sequence #99071272/Oracle Award #Y01132, to fund construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road.

The Loudoun County Board of Supervisors approved ZMAP 2006-0008, White Oak Crest, on June 13, 2007, subject to the Proffer Statement dated May 29, 2007. As stated in the proffer text below, Proffer 10 provided for a cash contribution to be used at the County's discretion for regional road improvements within the Dulles Community Planning Area, as defined by the RGP (Revised General Plan).

**10. CASH CONTRIBUTIONS FOR REGIONAL ROAD IMPROVEMENTS**

The Applicant shall make a cash contribution to the County, prior to the issuance of the Zoning Permit for each residential dwelling unit, in the amount of \$5,000.00, to be used at the County's discretion for regional road improvements within the Dulles Community Planning Area, as defined by the RGP. This contribution shall escalate on an annual basis, with a base year of 2007 beginning one year after zoning approval and be adjusted

**effective January 1<sup>st</sup> of each year thereafter, based on the CPI as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area.**

To date, \$148,799.20 has been contributed pursuant to White Oak Crest Proffer 10; the proffer is partially fulfilled. \$0 has been dispersed from this proffer account resulting in a current balance of \$148,799.20.

**Determination:** Tall Cedars Parkway between Gum Spring Road and Pinebrook Road is a regional road improvement that is located within the Dulles Community Planning Area, as defined by the Revised General Plan. Therefore, it is appropriate to use the current balance, as well as future contributions, in LMIS Sequence #99071272/Oracle Award #Y01132 to fund the construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road (See attached Vicinity Map and Suburban Community Boundaries Map).

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**Request:** DTCI requests the use of all funds contributed pursuant to Marbury Proffer 4.b.ii.(c), LMIS Sequence #99067411/Oracle Award #Y01204, to fund construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road.

The Loudoun County Board of Supervisors approved ZMAP 2005-0013, Marbury, on September 5, 2006, subject to the Proffer Statement dated August 29, 2006. As stated in the proffer text below, Proffer 4.b.ii.(c) provided for a one-time regional road contribution of \$1,057,500.00 for road improvements in the Dulles South planning area.

**(c) Regional Road Contribution.** Provide a one-time cash contribution in the amount of One Million Fifty-seven Thousand Five Hundred and 00/100 Dollars (\$1,057,500.00) to Loudoun County for road improvements in the Dulles South planning area. Said contribution shall escalate in accordance with the changes in the CPI (see Proffer 10);

On February 5, 2016, Allied Marbury contributed \$1,317,645.00 in fulfillment of Marbury Proffer 4.b.ii.(c). \$0 has been dispersed from this proffer account resulting in a current balance of \$1,317,645.00.

**Determination:** It is appropriate to use the current balance in LMIS Sequence #99067411/Oracle Award #Y01204 to fund the construction of Tall Cedars Parkway between Gum Spring Road and Pinebrook Road. The proffer text states that the contribution shall be used for road improvements in the Dulles South planning area of the County. The Marbury development and the proposed road improvement are both located in the former Dulles South Planning Area and the current Dulles Planning Subarea. (See attached Vicinity Map and former Dulles South Planning Area Base Map).

**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 as of the date of this letter 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 (30) 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 call me at 703-737-8890 or contact me via email: [amy.kresge@loudoun.gov](mailto:amy.kresge@loudoun.gov).

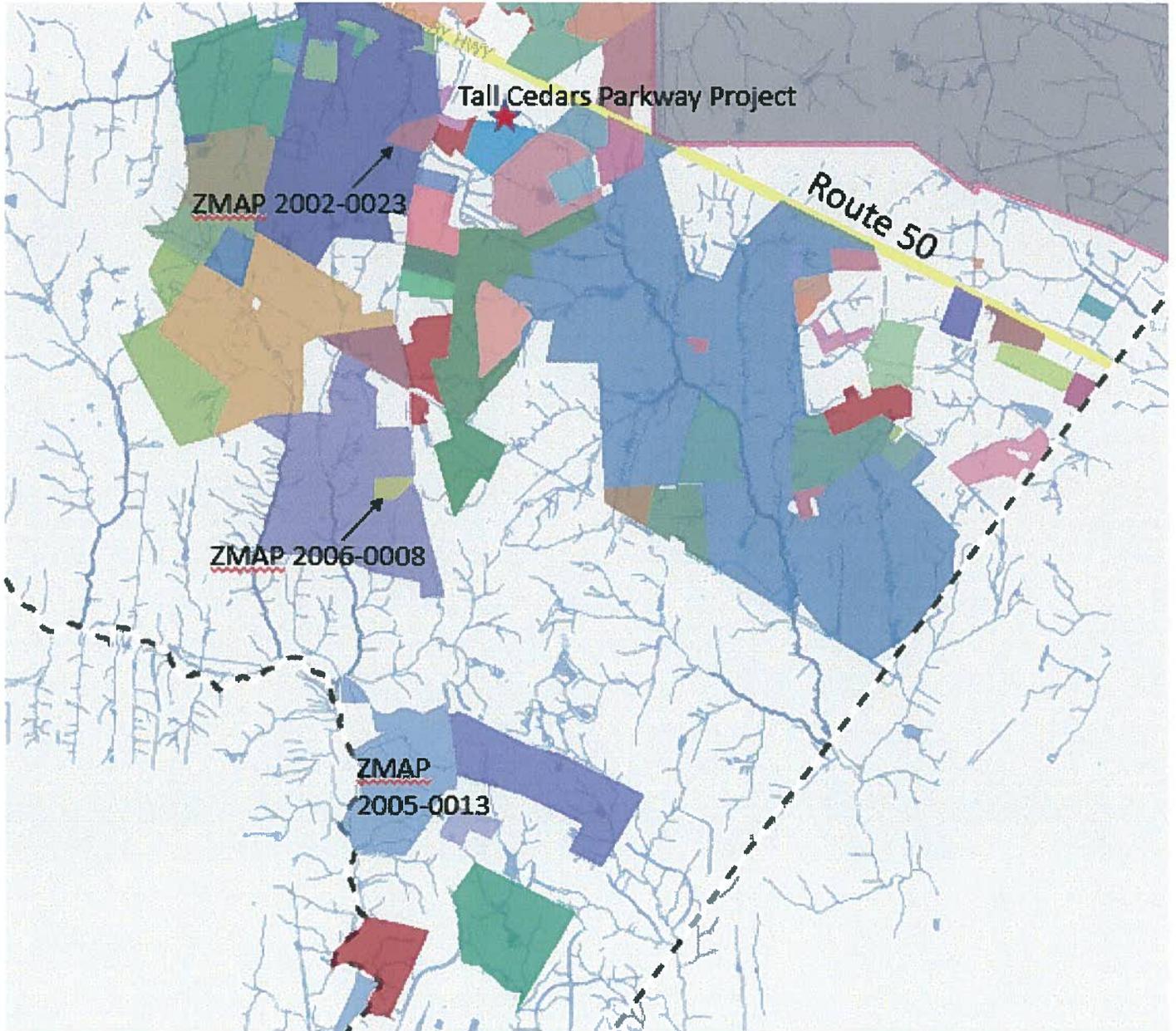
Attachments: Vicinity Map  
Suburban Community Boundaries Map  
Dulles South Planning Area Base Map

cc via email: Phyllis J. Randall, Chair, Board of Supervisors  
Matthew F. Letourneau, Dulles District Supervisor  
Tony R. Buffington Jr., Blue Ridge District Supervisor  
Dan Csizmar, Capital Budget Manager, DTCI  
Peter Malgieri, Transportation Capital Budget Specialist, DTCI  
Melissa Tello, Construction Program Manager, DTCI  
Ricky W. Barker, AICP, Director, Planning and Zoning  
Mark Stultz, Zoning Administrator

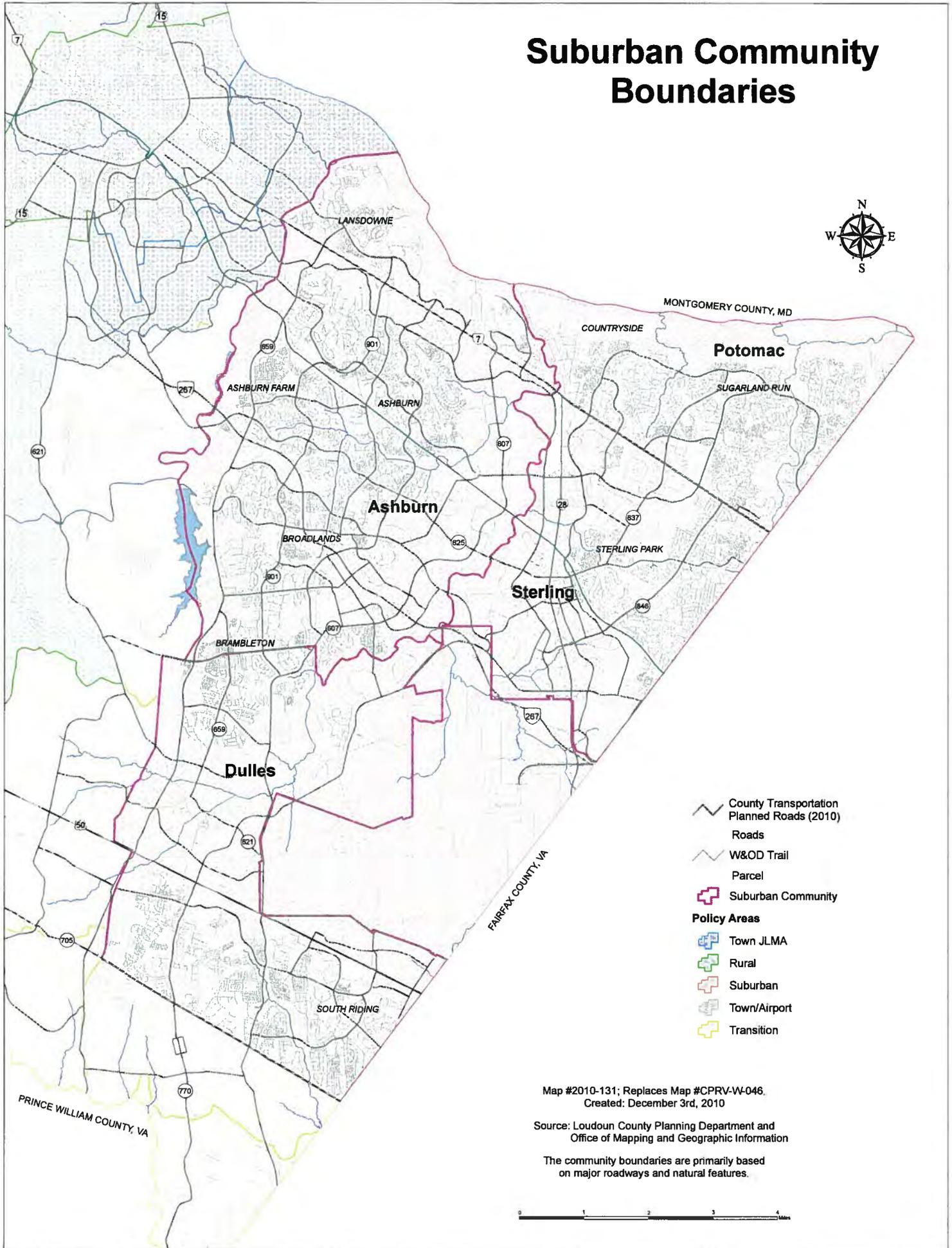
cc via U.S. Mail: Providence Glen HOA  
Dulles Farms Community Association Inc.  
Marbury HOA

# VICINITY MAP

**Cash Proffer Funds from ZMAP 2002-0023, ZMAP 2006-0008 and ZMAP 2005-0013 for Tall Cedars Parkway between Gum Spring Road and Pinebrook Road**



# Suburban Community Boundaries



- County Transportation Planned Roads (2010)
- Roads
- W&OD Trail
- Parcel
- Suburban Community
- Policy Areas**
- Town JLMA
- Rural
- Suburban
- Town/Airport
- Transition

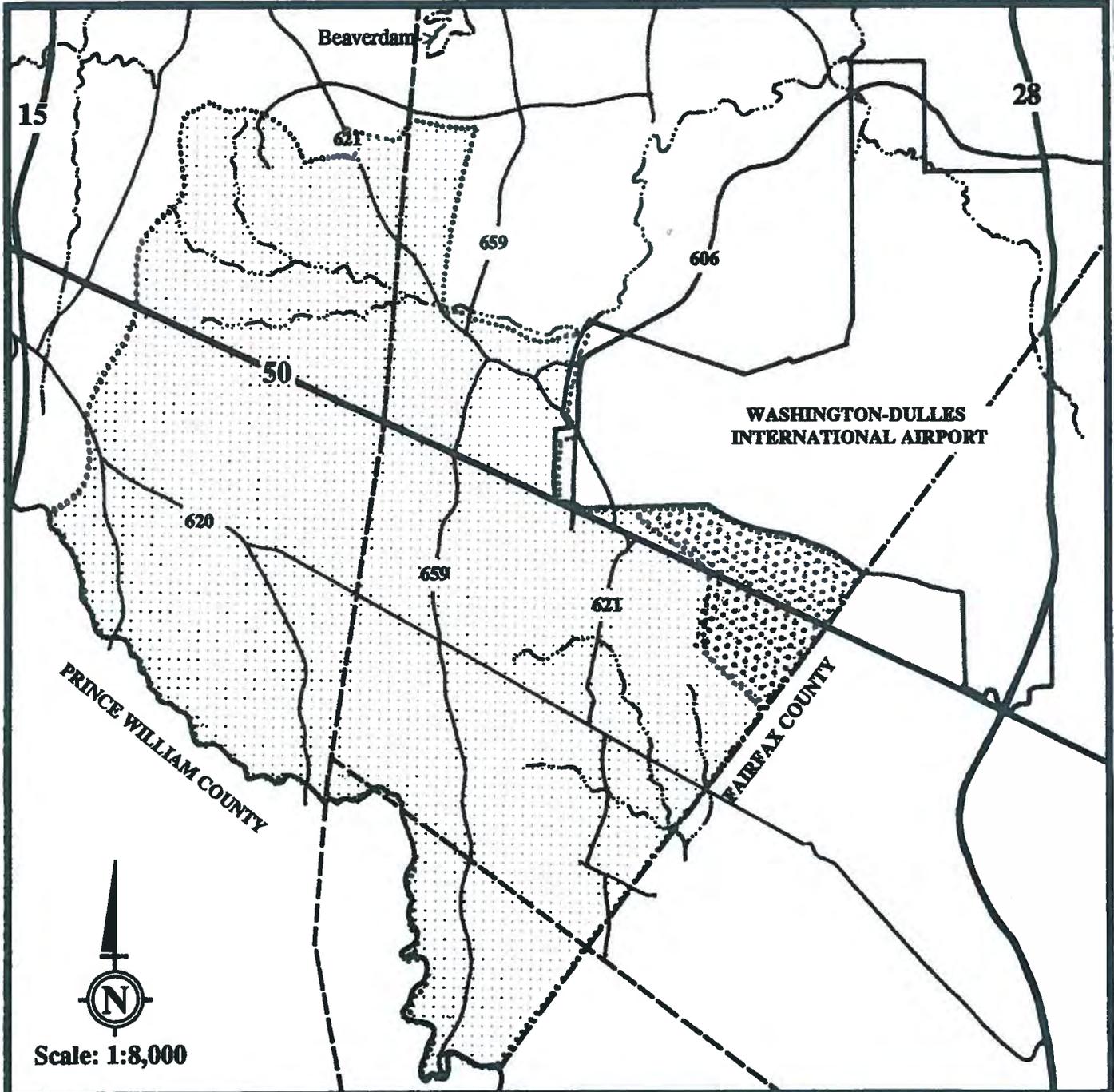
Map #2010-131; Replaces Map #CPRV-W-046.  
Created: December 3rd, 2010

Source: Loudoun County Planning Department and  
Office of Mapping and Geographic Information

The community boundaries are primarily based  
on major roadways and natural features.



# Dulles South Planning Area Base Map



**Dulles South Planning Area**

----- Power Line



**Cub Run**

(The Cub Run Area Management Plan Policies continue to apply to this area.)

**Figure 2.**