

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

SUBJECT: **CONTRACT AWARD AND FY 2017 CAPITAL
IMPROVEMENT PROGRAM AMENDMENT/
Construction of the Renovation of the EE Lake General
Store**

ELECTION DISTRICT: Blue Ridge

CRITICAL ACTION DATE: October 11, 2016

STAFF CONTACTS: Joe Kroboth, III, Transportation and Capital Infrastructure
Melissa Tello, Transportation and Capital Infrastructure
Christopher Bresley, Finance and Procurement

PURPOSE: To award a contract for the construction of the Renovation of the EE Lake General Store and to amend the FY 2017 Capital Improvement Program (CIP) and budget by transferring \$275,000 from the CIP Contingency Account into the Moving Ahead for Progress in the 21st Century (MAP-21) Transportation Enhancement Project, EE Lake Store project account.

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 a contract for the Construction of the Renovation of the EE Lake General Store to the Lantz Construction Company of Winchester, Inc., in the estimated amount of \$568,000. Staff also recommends that the Board direct staff to amend the FY 2017 CIP and budget by transferring \$275,000 from the CIP Contingency Account into the MAP-21 Transportation Enhancement Project, EE Lake Store project account.

BACKGROUND: Invitation for Bid No. 333 was issued on March 8, 2016 for the Construction of the Renovation of the EE Lake General Store. Two (2) bids were received on April 13, 2016. However both bids failed to meet the Disadvantaged Business Enterprise (DBE) goal of 5% established by the Virginia Department of Transportation (VDOT) because of the Federal Grant funds allocated to this project through the MAP-21 Transportation Enhancement Program. Both bids were initially rejected as non-responsive because they did not meet the 5% DBE goal and both bidders were provided and accepted the opportunity for an Administrative Reconsideration Hearing Panel (Panel) pursuant to VDOT guidelines. The purpose of the hearing was to provide the bidders an opportunity to provide written documents and/or arguments, in addition to what was

included in their bid, concerning the issue of whether they had demonstrated a good faith effort in attempting to achieve the 5% DBE goal. The Panel upheld the initial rejection of the bid from Princeton Builders as non-responsive but determined that while the bid submitted by Lantz Construction Company of Winchester, Inc. only achieved 3.9% of the 5% DBE goal, they had demonstrated a good faith effort in attempting to meet the DBE goal.

The two bids were as follows:

Name	Bid Price
Princeton Builders ¹	\$549,852.08
Lantz Construction of Winchester	\$568,000.00
¹ Bid rejected as nonresponsive.	

The Scope of Work includes renovation to the wood frame structure of the building, including structural and foundation work, accessibility and code improvements, HVAC improvements and sitework to open the building as a Welcome Center for hikers, cyclists and other tourists in the Bluemont and Washington and Old Dominion Trail areas.

ISSUES: EE Lake General Store is a Department of Parks, Recreation and Community Services' (PRCS) facility that is operated by the Bluemont Citizens Association (BCA). The building dates from approximately 1901 and is located within the historic district of Bluemont, Virginia. The County acquired the facility in 1996 from Mr. Robert L. Higgins for one dollar. Concurrently in 1996, the Bluemont Citizens Association (BCA) signed an agreement with the Board of Supervisors assuming financial obligations to include the management of the preservation, improvement and operation of the site (Attachment 2). Housekeeping, utilities, general up-keep of the facility including grounds maintenance are the responsibility of the BCA. Major maintenance and repairs will be managed and planned for by the County. The facility is planned for operations on weekends and for events in the Spring through Fall and will be staffed by BCA volunteers. There is no planned staffing for the facility by County staff.

The BCA, as the Applicant, and the County as the Locality Sponsor, have applied for and received funding for the facility through the Transportation Enhancement Program in several phases. In 1998, a grant award for \$144,000 was received for an earlier phase of work to help repair the exterior of the structure including stucco and roofing. In 2005, \$200,000 was received for the current phase of the project which includes installing a well, septic system, accessible restrooms, structural inspection and repairs. In June 2007, County was notified of an additional grant award of \$200,000 to complete the project. On September 4, 2007, the Board approved \$45,000 in Transient Occupancy Tax (TOT) funding as match required for the MAP-21 project.

In December 2007, the County, as the Locality, entered into a Standard Project Administration Agreement (SPAA) with VDOT for the EE Lake General Store project formalizing the current phase of the project under the MAP-21 program. The SPAA was updated in 2009.

From 2007 through 2010, PRCS began development of the current phase of the project including site and facility assessments to confirm the scope of work approved in the SPAA and confirm the required budget. PRCS worked with capital projects staff and coordinated staff site assessments.

In 2010, County-administered MAP-21 projects, including the EE Lake Store, were transferred to the Department of Construction and Waste Management. Upon staff review of the scope of work and the condition of the building at that time, it was determined that the project required professional services for the design and engineering following a structural assessment report. A Request for Proposal (RFP) for design services was issued in July 2011. Proposals were received in August 2011, were evaluated by staff and were sent to VDOT for authorization to award the contract as required by the MAP-21 program. A contract for design services was awarded to Shaffer, Wilson, Sarver and Gray PC (SWSG) in June 2012 following approval from VDOT.

The design phase required multiple approvals including Historic District Review Committee (HDRC) approval, Commission Permit (CMPT), Site Plan Amendment (SPAM) and VDOT authorization to advertise for construction. With a constrained site within a historic context, developing the site design including onsite accessible parking required extensive coordination throughout the design phase. Design was completed in September 2015 following completion of the construction documents.

Project cost estimates were prepared throughout the design phase of the project. The renovation of the EE Lake General Store is a unique building construction project given its historic context and unique technical scope of work, particularly the structure repair work. \$200,000 in local tax funding was approved in the FY 2014 CIP, however, given the age and nature of building, site constraints including limited staging and parking in historic Bluemont and the length of time this project has been in development, supplemental funding is required.

The project was issued for bid previously in October 2015 and no bids were received. The County obtained authorization from VDOT to award the construction contract on September 19, 2016 following the re-issuance of the Invitation for Bid.

FISCAL IMPACT: The EE Lake Store project has a current budget of \$645,298, which consists of \$400,000 in FY 2008 SAFETEA-LU funds (now MAP-21), \$200,000 of local tax funding, \$45,000 of Restricted Use Transit Occupancy Tax (TOT) funds, and \$298 from the sale of maps. The current available balance in the EE Lake Store project account is \$410,952. Staff estimates an additional \$275,000 is needed to award the construction contract and to pay for third party services, construction administration, utilities, and to adequately fund a contingency for this project. If the proposed action is approved the total available balance to complete the EE Lake Store project will be \$685,952.28. The CIP Contingency Account has a current balance of \$5,373,721.85 and if the proposed action is approved the remaining balance in the CIP Contingency Account will be \$5,098,721.85.

ALTERNATIVES:

1. Recommend to the Board that the Purchasing Agent be authorized to award a contract for the Construction of the Renovation of the EE Lake General Store to the Lantz Construction

Company of Winchester, Inc., in the estimated amount of \$568,000 as well as recommend that the Board direct staff to amend the FY 2017 CIP and budget by transferring \$275,000 from the CIP Contingency Account into the MAP-21 Transportation Enhancement Project, EE Lake Store project account.

2. Do not recommend award of contract and direct staff on how to proceed

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 a contract for the Construction of the Renovation of the EE Lake General Store to the Lantz Construction Company of Winchester, Inc., in the estimated amount of \$568,000.

AND

I further move that the Board of Supervisors amend the FY 2017 Capital Improvement Program and budget by directing staff to transfer \$275,000 from the CIP Contingency Account into the MAP-21 Transportation Enhancement Project, EE Lake Store project account.

OR

2. I move an alternate motion.

ATTACHMENT:

1. *Capital Improvement Program*: FY 2014 Adopted Fiscal Plan, page 10-11.
2. Agreement between Loudoun County and the Bluemont Citizens Association regarding EE Lake Store



MAP-21 Transportation Enhancement Projects

Project Description

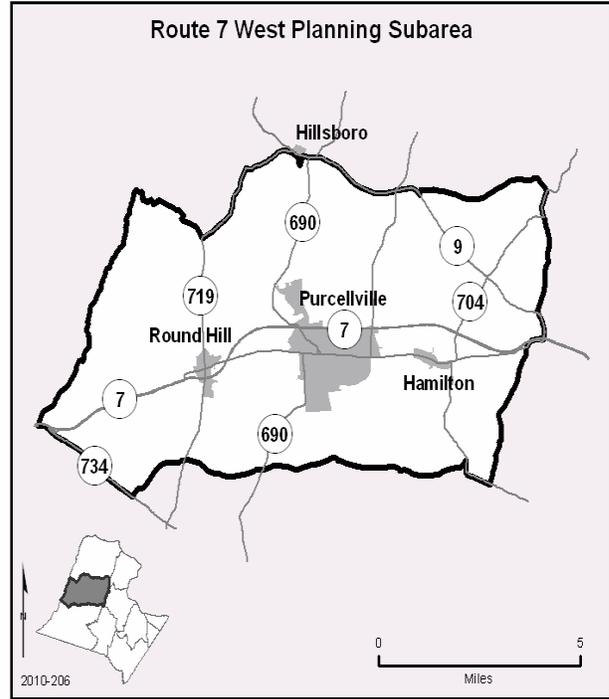
This project provides funding to complete two MAP-21 (Moving Ahead for Progress in the 21st Century) projects currently in design:

EE Lake Store - The renovation of the EE Lake General Store aims to stabilize the circa 1901 structure and open the building as a tourist center for hikers and cyclists in Bluemont. Included in the scope of work are structural repairs, improvements to address life safety and code compliance, renovations for ADA accessibility to include restrooms.

Current funding for the project is limited through the MAP-21 program. The estimated costs of architectural and engineering design and structural repairs have exceeded initial cost estimates. Additional cash funding will permit the successful completion of the project.

Purcellville to Round Hill Trail - This project involves the construction of sidewalks and a mixed use asphalt trail to provide pedestrian and bicycle conductivity between the Town of Round Hill and Franklin Park. Funding has been obtained from a Virginia Department of Transportation (VDOT) MAP-21 grant to construct a portion of the trail from the intersection of Main and West Loudoun Streets in Round Hill to Franklin Park.

Since the MAP-21 grant requires matching local funds, local tax funding in FY 2013 will fund approximately 30 percent of the trail design, right-of-way acquisition, and construction costs.



Funding

These projects are funded using local tax funding.

Operating Impact

Operations & Maintenance

Operations and maintenance expenses will be included in the Department of Parks, Recreation and Community Services' operating budget.

Debt Service

This project is funded using local tax funding; no debt service expense will be incurred during the six-year CIP planning period.

Capital (\$ in 1000s)	Prior Alloc.	FY 2013 Adopted	FY 2014 Adopted	FY 2015	FY 2016	FY 2017	FY 2018	6 Year Total	Future FY's	Project Total
Facilities Construction	0	1,000	0	0	0	0	0	1,000	0	1,000
Total Cost	0	1,000	0	0	0	0	0	1,000	0	1,000
Local Tax Funding	0	1,000	0	0	0	0	0	1,000	0	1,000
Total Financing	0	1,000	0	0	0	0	0	1,000	0	1,000

AGREEMENT

This Agreement between the County of Loudoun (hereafter referred to as "the County"), in the Commonwealth of Virginia and the Bluemont Citizens Association, Inc. (hereafter referred to as "the Association") describes the respective rights and responsibilities each has toward the property known as the E. E. Lake Store which will be legally owned by the County and which is being preserved, improved, and managed through the Association.

The County of Loudoun has passed a resolution declaring its intent to accept a gift of real property from Mr. Robert Higgins, i.e. the property known as the E. E. Lake Store, based on its belief that this historically vital location should be preserved for future generations. The County's acceptance of this gift is contingent upon the Association executing an agreement with the County whereby the Association will assume any and all financial obligations pertaining to the site.

THEREFORE, IN CONSIDERATION of the premises and other good and valuable consideration, the receipt of which is hereby acknowledged, the Association agrees to assume any and all further financial obligations pertaining to the property. The Association represents that it is authorized to manage the preservation, improvement and operation of this site and that it will abide by all applicable laws and regulations at the federal, state and local level, including but not limited to those laws, regulations and policies relating to the commitment of funds (such as grants obtained by the County) in the future for this site.

The Association agrees to and shall assume and be liable for all financial obligations pertaining in any way to the site. The Association represents that it is authorized to manage the preservation, improvement and operation of the site and shall abide by all applicable laws and regulations at the federal, state and local level, most particularly as those laws, regulations, and policies relate to the commitment of any grants or other funds obtained by the County for this site in the future.

Any action taken by the Association which will alter the physical conditions at the site other than the store itself, such as the introduction of parking areas or the construction of other buildings, shall be subject to prior approval by the County. It is expressly understood that the County Administrator or his designee is authorized to approve the expenditure of any funds obtained by the County for this site and the County will work directly with the authorized representatives of the Association in dispensing said funds; provided, however, that the Board of Supervisors in its sole discretion; reserves the right to rescind this delegation.

Any improvements or changes to the site effected through funds which are raised by the Association shall become the sole property of the County.

BOARD OF SUPERVISORS OF
LOUDOUN COUNTY, VIRGINIA

By Dale Polmeyer
Name: _____
Title: _____
Date: _____

BLUEMONT CITIZENS
ASSOCIATION, INC.

By Anne A. Plaster
Name: Anne A. Plaster
Title: Pres. Bluemont Citizens Assoc
Date: July 20, 1996