To: Chairman Cook and the VRE Operations Board
From: Doug Allen
Date: November 20, 2015
Re: Authorization to Execute a Sole Source Contract for Construction Engineering and Inspection Services for the Crossroads to Hamilton Third Track Project

Recommendation:

The VRE Operations Board is asked to authorize the Chief Executive Officer to execute a Sole Source Contract to STV Incorporated for construction engineering and inspection (CE&I) services for the completion of the Crossroads to Hamilton Third Track project in an amount of $302,735, plus a 10% contingency of $30,274, for a total amount not to exceed $333,009. A sole source determination has been made in accordance with Federal and State requirements, and VRE Procurement Policies, and public notice will be posted.

This would increase the overall Board Authority for this work from $933,040 to a total amount not to exceed $1,266,049.

Background:

The Crossroads to Hamilton Third Track is the last of the original MOU projects and required by CSXT as a pre-requisite for the initiation of train service to the new Spotsylvania VRE station. In accordance with the terms of Spotsylvania County joining VRE, the construction of this piece of railroad infrastructure is a VRE system responsibility while construction of the station and parking facility is a responsibility of the County.
VRE began design on the third track project in January 2011. At its March 15, 2013 meeting, the Board authorized an Invitation for Bids for the construction of the Crossroads to Hamilton Third Track project. The plans were finalized and an IFB was issued on May 20, 2013.

In June 2013, the Board authorized a contract with Abernathy Construction Company for construction of the Third Track Project and in September 2013 the Board authorized a construction agreement with CSXT for their portion of the Third Track Project. In September 2013, the Board also authorized a GEC VI Task Order with STV Inc. to provide construction engineering and inspection services for the Third Track Project for a total amount not to exceed $933,040. A Notice to Proceed was issued for all these efforts in December 2013.

The original Construction Engineering and Inspection task order anticipated a 15-month duration. The project duration is currently expected to be 26 months due to:

- Weather impacts;
- Change orders;
- A six-month safety stand down;
- Mitigation of cracks which formed in the existing headwall during the extension of the Massaponax Creek Bridge;
- Foundation installation efforts associated with the new substructure for the Massaponax Creek Bridge extension; and,
- Corresponding investigations, structural inspections, recommendations, and coordination with CSXT and their structures group.

Combined, the extended construction schedule, along with the six month safety delay and change orders, consumed the budget contingency within the original Board Authorized Task Order. The entire authorization for GEC VI has been committed negating our ability to augment the original Task Order and thus requiring a new contract to extend the original scope of work through to completion, which is anticipated in the first quarter of 2016.

Procuring a new short-term contract for CE&I services through a competitive bidding process would interrupt construction until the new contract was in place, likely pushing back completion to at least the second quarter of 2016 and close to the May 2016 deadline set forth in the CSXT-VRE completion agreement. In accordance with Federal and State requirements, a determination has been made, and public notice to be provided, that STV Inc. is the only source practically available to provide these construction engineering and inspection services in a timely manner and thus qualifies as a sole source procurement. Therefore, VRE staff recommends executing a sole source contract with STV Inc. in order to complete the project as soon as possible without interruption.

**Fiscal Impact:**

The cost of this contract can be accommodated within the contingency funds in the overall Crossroads to Hamilton Third Track project. Funding for the project in the amount of
$32.5M is provided from VRE federal formula funds ($7.92M in VA-05-0048 and VA-90-X401); Federal STP funds allocated by DRPT ($4.5M in VA-95-X046); state REF funds ($13.86M 76513-11); an in-kind match from CSX ($2.5M); and the VRE Capital Reserve and annual local match ($3.72M).
Virginia Railway Express
Operations Board

Resolution
9C-11-2015

Authorization to Execute a Sole Source Contract for
Construction Engineering and Inspection Services for the
Crossroads to Hamilton Third Track Project

WHEREAS, in June 2013 the VRE Operations Board authorized a contract for the Crossroads to Hamilton Third Rail Track project with Abernathy Construction, in September 2013 the VRE Operations Board authorized a contract with CSXT for the Crossroads to Hamilton Third Rail Track project; and,

WHEREAS, on September 20, 2013 the VRE Operations Board authorized award of a GEC VI Task Order to STV Incorporated for a total amount not to exceed $933,040 for Construction Engineering and Inspection services associated with the Crossroads to Hamilton Third Rail Track Project; and,

WHEREAS, the duration of the construction project has exceeded its original schedule and the additional effort on the part of STV has consumed the original budget including contingency; and,

WHEREAS, the entire authority of GEC VI has been committed; and,

WHEREAS, it is in the vital interests of VRE to complete the Crossroads to Hamilton Third Rail Track project as soon as possible without interruption; and,

WHEREAS, in accordance with Federal and State requirements, a determination has been made, and public notice to be provided, that STV Incorporated is the only source practically available to provide these construction engineering and inspection services in a timely manner and thus qualifies as a sole source procurement;

NOW, THEREFORE, BE IT RESOLVED THAT, the VRE Operations Board does hereby authorize the Chief Executive Officer to execute a Sole Source Contract to STV Incorporated for construction engineering and inspection services for the completion of the Crossroads to Hamilton Third Track project in the amount of $302,735, plus a 10% contingency of $30,274, for a total amount of $333,009. This will increase the overall Board Authority for this work from $933,040 to a total amount not to exceed $1,266,049.
Resolution 9C-11-2015 Continued

Approved this 20th day of November 2015

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John C. Cook
Chairman

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Paul Smedberg
Secretary