



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 25, 2010**

DATE: September 16, 2010

SUBJECT: Appropriation of funds and authorization to execute the Memoranda of Agreement with the Northern Virginia Regional Commission (NVRC) to facilitate art and engineering design services for the Four Mile Run Tidal Restoration Project (Project).

C. M. RECOMMENDATIONS:

1. Appropriate a total of \$40,000 of Public Art developer funds, located in the Public Art Trust and Agency Account, in the following manner:

- \$20,000 to match the \$20,000 grant received by NVRC from the National Endowment for the Arts (NEA) for sustainable design concepts for the Project by D.I.R.T. Studio of Charlottesville, Virginia.
- \$20,000 to fund NVRC's contract(s) for engineering and design services by Rummel, Klepper & Kahl, LLP, to facilitate and integrate D.I.R.T. Studio's proposed designs into engineering documents for the Project.

2. Authorize the County Manager or his designee to execute the attached two Memoranda of Agreement (MOA) with NVRC that will:

- Govern the administration and matching funds for the contract between D.I.R.T. Studio and NVRC for the development of sustainable design concepts as per the NEA grant. This MOA also provides \$20,000 in county funding to NVRC as a match for the NEA grant. This MOA is attached as Attachment A.
- Govern the administration of the contract between Rummel, Klepper & Kahl, LLP (RKK) and NVRC for engineering services to support the design concepts proposed by D.I.R.T. Studio. This MOA also provides \$10,000 in County funding to NVRC for the cost of the engineering services. This MOA is attached as Attachment B.

3. Authorize the County Manager or his designee to execute an additional MOA with NVRC in the future, subject to review and approval as to form by the County Attorney, to provide up to \$10,000 in funding support for an anticipated contract between NVRC and RKK for additional engineering services beyond what is outlined in Attachment B. This

County Manager:

County Attorney:

33.

Staff: Welmoed Laanstra, PRCR

additional MOA will be executed only if additional engineering services are needed to implement the design concepts.

ISSUES: The above recommendations will help facilitate the implementation of the County Board adopted Four Mile Run Master Plan and the Four Mile Run Design Guidelines. The proposed Memoranda of Agreement with NVRC will allow a single entity to coordinate and manage all aspects of the on-going design and engineering work for the Project, and be accountable for compliance with the NEA grant requirements.

SUMMARY: The Four Mile Run Tidal Restoration Demonstration Project (Project) is a joint effort by Arlington County and the City of Alexandria. The Project is being managed and facilitated by the Northern Virginia Regional Commission (NVRC). The Project is the first in a series of projects associated with the rejuvenation and urban planning efforts for both communities in the Four Mile Run area, a flood control area located between Arlington County and the City of Alexandria, which will be one of the new urban commodities and recreational facilities for the area. The design team for the in-stream design work is comprised of RKK and AECOM. D.I.R.T, Studio was awarded the NEA grant to provide sustainable design concepts for the Project. The location of the Project reflects the importance of integrating urban and recreational amenities with in-stream restoration in the up-stream tidal reaches. The proposed recommendations will allow NVRC to enhance the engineering and design of the Project by incorporating appropriate elements of the approved master plan and the design guidelines.

BACKGROUND: In 2009, NVRC applied to the NEA for an Access to Artistic Excellence Design Grant to support design plans for the Project. In March of 2010, NEA approved the application and NVRC was awarded a \$20,000 grant, subject to a \$20,000 dollar for dollar match from Arlington County. See Attachment C. In June of 2010, NVRC contracted with D.I.R.T. Studio—a Contractor who had previously been selected and approved by both the Arlington County Public Art Committee and the Four Mile Run work group—to provide sustainable design strategies, principles and design enhancements for the Project. This Contract is attached as Attachment D.

NVRC also obtained a proposal from RKK to provide engineering drawings and engineering support for the design concepts created by D.I.R.T. Studio. NVRC's draft contract with RKK is attached as Attachment E.

DISCUSSION: The purpose of the attached Memoranda of Agreement is to implement various necessary design and engineering work related to the Project while still allowing a single entity (NVRC) to manage and coordinate all the contracts that impact the Project. The Memoranda also set forth the mutual understanding of roles, rights and responsibilities of Arlington County and NVRC with regard to the implementation of the contract between NVRC and D.I.R.T. Studio and the contract between NVRC and RKK.

While Arlington County is not party to these two contracts, it will be providing funding for both as a way of supporting the Project. Arlington County will also be providing staff support services to NVRC. In exchange, NVRC will continue to manage the Project and ensure that it remains in compliance with the NEA grant requirements. NVRC will be the sole party responsible for managing all the contracts related to this Project.

D.I.R.T. Studio's contract with NVRC will be funded by NEA grant 10-4200-7019, along with the \$20,000 matching funds from Arlington County. NVRC will also contract with RKK to provide engineering support for the designs proposed by D.I.R.T. Studio. However, the contract between NVRC and RKK will not be executed until the MOA between Arlington County and NVRC has been approved to ensure that NVRC has the necessary funding. Arlington County, through this board action and MOA, will fund engineering support services from RKK in an amount not to exceed \$10,000. Additionally, NVRC anticipates the need to contract with RKK for additional engineering support services once the work in this first contract is finished, and another \$10,000 should be appropriated for that purpose. Because of NVRC's purchasing restrictions, the second contract between NVRC and RKK, will require a separate MOA. Arlington County Public Art will provide the funding of up to \$10,000.00, provided that the need for a second contract still exists and RKK's work under the first contract was finished in a satisfactory matter.

The partnership created by the agreements is limited to the design efforts associated with the design phase of the Project, and the document development for the demonstration project. Both consultants will be under contractual agreement with NVRC through the development of the tidal corridor 90% construction documents.

FISCAL IMPACT: Arlington County will provide \$40,000 in Public Art funds received through developer contributions to fund the contractual work related to the Four Mile Run Restoration Project. Both contracts are incorporated in the attached Memoranda of Agreement. Funding for the Art and Engineering Design Services Contracts was identified from Public Art developer funds and approved by the Public Art Committee. The \$40,000 funding is available in the Trust and Agency account for Public Art-799-91279-0000.0000.60X5. Public Art Staff will provide administrative and coordination support.

MEMORANDUM OF AGREEMENT
FOR THE EXECUTION OF THE NEA GRANT
As Part of the
FOUR MILE RUN RESTORATION PROJECT

The Northern Virginia Regional Commission ("NVRC") and the County Board of Arlington County ("Arlington County") do hereby enter into the following Memorandum of Agreement.

I. PURPOSE OF AGREEMENT

The purpose of this Agreement is to set forth the mutual understanding of the roles, rights and responsibilities to be assumed by the parties in managing the contract between D.I.R.T. Studio and NVRC for design consultation relating to the Four Mile Run Restoration Project (Attached as Exhibit 1), which contract is funded by National Endowment of the Arts ("NEA") grant monies and matching funds from Arlington County.

II. RECITALS

A. This partnership created by this Agreement is limited to the design efforts associated with the design phase of the tidal corridor restoration document development for the demonstration project. D.I.R.T. Studio will be under contractual agreement with NVRC through the development of the tidal corridor 90% design construction documents.

B. The demonstration project is located in the tidal portion of Four Mile Run, extending from U.S. Route 1 to an area just upstream of Commonwealth Avenue in Alexandria and South Eads Street in Arlington. The project focuses on wetland, stream bank, and riparian restoration. The design strategy and enhancements will occur, for the purposes of this grant within these boundaries.

C. Arlington County has determined that NVRC can effectively coordinate the design process for the D.I.R.T. Design Enhancements and administer the use of NEA Grant monies. The grant funding of \$20,000 will be matched dollar for dollar in cash by Arlington County in the amount of \$20,000.

D. Arlington County enjoys an ongoing relationship with NVRC through their membership on the commission and as signatory parties to the Four Mile Run Watershed Management Program Memorandum of Agreement (1977, revised in 1998) and through the Four Mile Run Restoration Project contractual agreement with Arlington County and the City of Alexandria.

III. TERMS OF AGREEMENT