



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of November 13, 2010

**DATE:** November 3, 2010

**SUBJECT:** Approval of the Second Amendment to the Phase Two Agreement between the Washington Metropolitan Area Transit Authority (WMATA) and the County Board of Arlington County, Virginia (County Board) for WMATA Construction Support of the Rosslyn Station Access Improvement Project (RSAIP)

#### **C. M. RECOMMENDATION:**

Defer the approval of the Second Amendment to the Phase Two Agreement until the December 11, 2010 County Board Meeting.

**ISSUES:** County staff and WMATA staff are in agreement on the basic content, costs and format of the amendment but more time is needed to work through issues related to scope of services, payment terms and conditions.

**DISCUSSION:** The County has been successful in negotiating an agreement with a general construction contractor, Clark Construction, which the County Board approved at its July Board meeting. It was anticipated that a construction support agreement between the County and WMATA would be developed so that WMATA would be involved in the project to the extent that they would be familiar with and participate in construction activities leading to their acceptance of the project upon completion. WMATA will own, operate and maintain the new station entrance once it is completed.

County staff and WMATA worked to develop an agreement amenable to both parties for over two years. As the start of construction approached and consensus had still not been reached, County staff proposed that an optional task (RSM - 19) in the Phase Two Design Agreement between Arlington and WMATA previously executed could be invoked for preconstruction support services. This interim agreement was executed by the County and WMATA on August 17, 2010 for \$90,000. The County proposed that same format (RSM -19) be used for construction support services during the 30-month construction period. An agreement was drafted and forwarded to WMATA for execution. However, WMATA countered with a fundamentally different form of agreement one week prior to the October 26, 2010 County Board meeting. Action on the item was deferred until the November 13, 2010 County Board

County Manager:

*BMD/GA*

County Attorney:

*[Signature]*

*[Signature]*

24.

Staff: Bea E. Hicks, DES Transportation

meeting. Additional discussions with WMATA were held however no agreement has been reached. Staff seeks deferral of this action until the December 11, 2010 County Board Meeting.