

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: August 18, 2009

TO: Board of Supervisors

FROM: Keith C. Dayton *KCD*
Director of Public Works

ISSUE: Award Contract for Construction of the Brooke Ridge Subdivision Road Improvements

STAFF RECOMMENDATION: Approval

BUDGET IMPACT: \$219,000 from the Defaulted Securities Account and Transportation Fund

ATTACHMENTS: (3)

- [1] Background Report
- [2] Map
- []
- [3] Reso/Ord/Proc # R09-310
- [] Reso/Ord/Proc #
- [] Reso/Ord/Proc #

REVIEW: [X] County Administrator's Office *[Signature]*
 [X] Legal *Neil A. Roberts*
 [X] Finance and Budget *Marina P...*

- [] Consent Agenda
- [] Discussion Item
- [X] New Business
- [] Other Business
- [] Presentation
- [] Public Hearing
- [] Unfinished Business

PRESENTATION BY: Keith Dayton, Director of Public Works

ELECTION DISTRICT: Aquia

BACKGROUND REPORT

Construction of the 23 lot Brooke Ridge Section 1 began in the late 1990's. The subdivision is now built out. The developer of Brooke Ridge Section 1, Brooke Ridge 608 LP, never completed the road and stormwater improvements required by the approved subdivision plan and the developer is now in default of the performance agreement which specified the work to be done. Following due notification by the County to the developer and their surety to complete this work without response, staff subsequently notified the developer and the surety that the County will make demand of the security funds in the amount of \$57,695 intended to ensure the completion of these improvements.

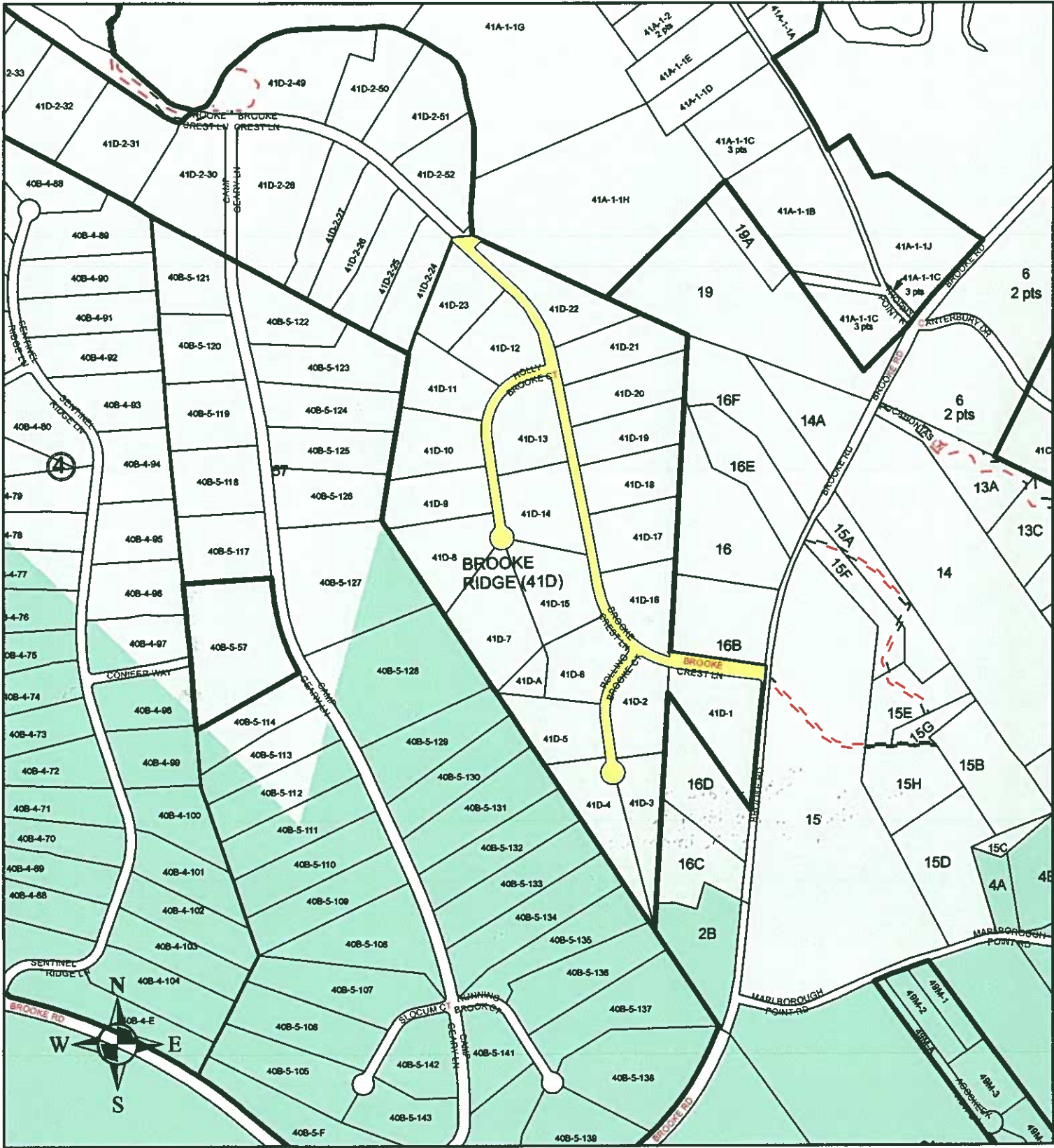
Staff has solicited public bids from interested contractors for the completion of these improvements. Nine bids were received in response to this solicitation. The lowest three bids are shown in the table below.

<u>COMPANY</u>	<u>BID</u>
1. Gator Paving Company	\$219,000
2. Rising Sun, Inc.	\$246,500
3. Finley Asphalt and Sealing, Inc.	\$258,398

Staff has reviewed these bids and determined that Gator Paving Company is the lowest responsive bidder with a bid of \$219,000.

It is necessary to use Transportation Funds for the balance of \$161,305 between the apparent low bid and the \$57,695 available from defaulted securities for this project. Staff is pursuing compensation from the developer for the full amount of funds drawn from the Transportation Fund for completion of the improvements in Brooke Ridge Section 1.

Staff believes that the current bidding climate offers an opportunity to complete these improvements economically. There is also a likelihood that the expenditure of County funds will ultimately be reimbursed by the developer. Additional information will be provided in closed session. Staff recommends approval.



Brooke Ridge Section One

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 18th day of August, 2009:

MEMBERS:

George H. Schwartz, Chairman
Harry E. Crisp II, Vice Chairman
M. S. "Joe" Brito
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
COMPLETE THE PUBLIC IMPROVEMENTS FOR THE BROOKE RIDGE
SUBDIVISION**

WHEREAS, the developer of the Brooke Ridge Section 1 subdivision, Brooke Ridge 608 LP, has defaulted on their obligations leaving many required public improvements uncompleted; and

WHEREAS, the Board desires to have these public improvements completed;
and

WHEREAS, the County solicited public bids to complete this work; and

WHEREAS, nine bids were received from interested firms with staff determining that Gator Paving Company was the lowest responsive bidder with a bid of \$219,000; and

WHEREAS, the County has collected security funds in the amount of \$57,695 for these improvements; and

WHEREAS, the balance of the funds required in the amount of \$161,305 shall be provided from the Transportation Fund, and

WHEREAS, the County will pursue compensation from the developer for the full amount of County funds expended for completion of these improvements;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of August, 2009, that the County Administrator be and he hereby is authorized to execute a contract with Gator Paving Company in an amount not to exceed Two Hundred Nineteen Thousand Dollars (\$219,000) for completion of the Brooke Ridge Section 1 subdivision public improvements.

BE IT FURTHER RESOLVED that the balance required of \$161,305 in Transportation Funds is authorized for completion of this work.

BE IT FURTHER RESOLVED that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County for eligible expenditures from the Fuels Tax Fund.

AJR:kd