



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

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Chairman

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*Agenda Item : New Business*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

May 19, 2010

#### MOTION

Made By: Mr. Bowie      Seconded By: Mr. Keen  
Action: Motion Carried

#### Title: Resolution Regarding Turnkey Asset Management Services Agreement for Woodrow Wilson Bridge

**WHEREAS**, in connection with the Turnkey Asset Management Services (TAMS) contract on the Woodrow Wilson Bridge (WWB) (UPC No 92795, Request for Proposal No: 115-FH-1) (the "Project") the Commonwealth Transportation Board (CTB or Board), by resolution, awarded this contract at their April 14, 2010 meeting.

**WHEREAS**, the Virginia Department of Transportation ("VDOT") received on April 16, 2010, a Notice of Protest and Detailed Supporting Statement from a protesting party offeror following the CTB's Award.

**WHEREAS**, VDOT considered the grounds for this protest, determined the protest was not timely submitted within the statutorily required ten days after the procurement records were made available to the offerors, and without waiving the lack of timeliness further determined that each protest point raised lacks merit, and VDOT then timely communicated its findings to the protesting party offeror.

**WHEREAS**, the protesting party offeror filed suit in the Richmond Circuit Court appealing VDOT's reply to their protest on May 3, 2010 and served the pleadings on VDOT on May 6, 2010.

**WHEREAS**, VDOT filed a Motion to Dismiss the suit and argued the same successfully with the Richmond Circuit Court on May 14, 2010 and the suit was dismissed.

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**WHEREAS**, the protesting party offeror formally noted their appeal of the Richmond Circuit Court's decision to the Supreme Court of Virginia on May 18, 2010.

**WHEREAS**, while an award has been made, for the reasons set forth below, the CTB has determined that proceeding without delay with the contract for the Project pending the outcome of the appeal of the Richmond Circuit Court decision is necessary to protect the public interest.

**WHEREAS**, the public interest and investment in roadways and public safety would be negatively impacted because VDOT and the State of Maryland (Maryland) have decreased their workforce and rely on outsourcing to provide all planned roadway maintenance, emergency response, bridge inspection services, security and operation of the WWB as well as snow and ice control on said bridge.

**WHEREAS**, each of the services referenced above are immediately required beginning June 1, 2010 and affect 108 lane miles from I-95 overlapped by I-495, from the I-95/495 interchange at Eisenhower Avenue in Virginia to the Route 414 interchange in Maryland, and that in addition, this contract includes portions of Route 1 and 241 in Virginia to the District of Columbia jurisdictional boundary, and Route 210 in Maryland.

**WHEREAS**, presently Maryland has received special approval from the Federal Highways Administration (FHWA) to temporarily defer inspection of some bridges until June 1, 2010 in anticipation of this contract. Any further delay in performing the contract could place Maryland in violation of the National Bridge Inspection Standards (NBIS).

**WHEREAS**, the WWB has never been inspected since its opening and any further delay would place Maryland and Virginia in violation of federally mandated NBIS. Any further delay of these anticipated contract bridge inspections would require another six to twelve months to procure qualified bridge inspection services from another qualified vendor and would impact the Virginia and Maryland traveling public's safety.

**WHEREAS**, the WWB is the gateway to our Nation's capital, as well as many Virginia and Maryland communities and interstate commerce.

**WHEREAS**, the proposed contract is also scheduled to provide emergency response and security of the WWB.

**WHEREAS**, this Project establishes the resources contracted to provide operational support or maintenance on this bridge and those resources must meet required security background clearance.

**WHEREAS**, if the contract is delayed further, both VDOT and Maryland would be forced to pursue emergency contracts to provide the required services without the required time to evaluate qualifications and pricing for these mission critical services.

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**WHEREAS**, any further delay of the contract would also jeopardize the 108 lane miles having qualified contractors perform the winter snow removal services in accordance with an approved snow removal plan under the contract requirements.

**NOW, THEREFORE BE IT RESOLVED** that, due to the harm the public would suffer if the contract for the Project is delayed any further pending the outcome of the appeal, the Board does hereby find that the contract for this Project should move forward and that proceeding without delay with this contract is necessary to protect the public interest and to ensure the safety of the Virginia and Maryland traveling public. Accordingly, the Board ratifies its prior decision awarding this contract and instructs VDOT to continue in its efforts to carry out the Board's prior award of the contract.

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