



DEPARTMENT OF GENERAL SERVICES

Isiah Leggett
County Executive

David E. Dise
Director

August 20, 2015

Mr. Andrew Scott, Acting Director
Office of Real Estate and Station Planning
Washington Metropolitan Area Transit Authority
600 Fifth Street, NW
Washington, DC 20001

Re: Silver Spring Transit Center – Item Completion Notice

Dear Mr. Scott:

This letter is sent to you in accordance with Paragraph 13.B, “Transfer to WMATA”, of the September 25, 2008, Amended and Restated Memorandum of Understanding between Washington Metropolitan Area Transit Authority and Montgomery County, Maryland (“MOU”).

Pursuant to Paragraph 13.B. of the MOU, the letter is issued to WMATA to formalize the transfer of the Silver Spring Transit Center (“SSTC”) facility to WMATA for its intended use, culminating many months of coordination efforts between the County and WMATA to facilitate an opening of the SSTC.

This letter also represents the “Item Completion Notice” specified in Paragraph 13.B of the MOU, indicating that Montgomery County has met the requirements under the MOU in order to transfer the SSTC to WMATA.

Specifically, Paragraph 13.B requires the County to provide four items with transmittal of the “Item Completion Notice”: (1) certificate of Substantial Completion, (2) final certificates of occupancy (County’s Use and Occupancy Permit), (3) certification that the Contractor has satisfied requirements under the Contract, and (4) approval by FTA. The attachments to this letter contain documents that certify all four conditions.

Item (1) is addressed by the County “Certificate of Substantial Completion” documents which are signed by the County’s A/E – Parsons Brinckerhoff, Inc. (“PB”), Specialty Engineer – KCE Structural Engineers, P.C. (“KCE”), the Construction Contractor – Foulger Pratt Contracting, LLC (“FPC”) and the County (Contract Administrator). Copies of the each Certificate of Substantial Completion are enclosed, collectively, as Attachment 1.

Office of the Director

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In furtherance of item (1), this letter constitutes certification as to completion of all applicable “a) training, b) O&M Manuals, c) warranties and d) punchlist items whose completion or correction would otherwise impact normal bus and rail operations.” For reference as to the warranties, enclosed as Attachment 2, is an itemization of all applicable subcontractor warranties for the project. For further reference as to applicable warranties, also enclosed are Attachment 3, Structural Preservation System Warranty, and Attachment 4, Martins Construction Warranty, respectively. As it relates to the punchlist items, the County sent WMATA the County Punchlist on July 16, 2015, which represents the punch list referenced in both Montgomery County “Certificate of Substantial Completion” documents. The County acknowledges that WMATA has made comments and/or changes/additions to the County Punchlist, referred to in the Paragraph 13.A.3 of the MOU as the “WMATA Supplemental List”. The County received the WMATA Supplemental List on July 30, 2015, and the items were added to the project Punchlist accordingly. A copy of the inclusive punchlist, identifying completion of necessary items per the MOU, is enclosed as Attachment 5.

Relative to item (2) of Paragraph 13.B, enclosed as Attachment 6, is a copy of the final certificate of occupancy for the SSTC.

As it pertains to item (3), by the execution of the Certificates of Substantial Completion, the County’s Contract Administrator has certified that the Construction Contractor has satisfied “all requirements under the [SSTC] Construction Contract to attain Substantial Completion.”

With regards to Item (4) from Paragraph 13.B, the County has received correspondence from FTA as to FTA’s approval of the County’s transfer of the SSTC to WMATA. That email correspondence is enclosed for reference as Attachment 7. As it relates to FTA’s approval of the transfer, also enclosed are copies of the County’s August 13, 2015 letter to FTA Regional Administrator, Terry Garcia-Crews informing FTA as to the County’s transfer of the federal interest in the SSTC project, Attachment 8, and WMATA’s August 19 letter to Ms. Garcia-Crews concurring in the transfer, Attachment 9.

For reference as it relates to the transfer of this SSTC facility, as well as WMATA’s operation and maintenance thereof pursuant to Paragraph 13.C of the MOU, enclosed as Attachment 10 is a copy of the Maryland National Capital Park and Planning Commission’s letter confirming acceptance of the Transit Plaza Easement Area.

As stated in the MOU, “Within ten (10) Business Days of receipt of the Item Completion Notice, WMATA shall provide the County with written Notice of its acceptance or rejection of the Transit Center (“Acceptance/Rejection Notice”).” Given the high degree of collaboration that has taken place between County and WMATA staff in satisfying all operational-related matters covered under the MOU, as well as many other items requested by WMATA in addition to the requirements of the MOU, we trust that WMATA’s response to this Item Completion Notice will allow the facility to be open for use by the public as soon as possible with both Metro and RideOn buses operating, as scheduled.

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Thank you for WMATA's assistance in responding to this Notice and completing the transfer of the Silver Spring Transfer Center to WMATA. Please feel free to contact me should you have any questions related to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Dise", is written over a vertical line. The signature is stylized and loops around the line.

David Dise

Attachments

cc: Tim Firestine, MCG
John Markovs, MCG
Trevor Ashbarry, MCG
Ernest Lunsford, MCG
Jack Requa, WMATA
A. Robert Troup, WMATA
Mark Pohl, WMATA
Gerald Stief, WMATA
Kermit Welch, WMATA
Lou Viner, WMATA
Tom Robinson, WMATA
Mike Bailey, WMATA