



DEPARTMENT OF GENERAL SERVICES

Isiah Leggett
County Executive

David E. Dise
Director

April 5, 2013

To: Nancy Navarro, Council President

From: David Dise, DGS Director *D*

Subject: Update – Remediation of defective work at the Silver Spring Transit Center

You have requested an update on the status of the remediation plan for the Silver Spring Transit Center (Transit Center). This memorandum provides you with a summary of activities to-date and the anticipated schedule leading to remediation work commencing on the Transit Center.

Since receiving KCE Structural Engineers, Inc.'s Report (KCE), Executive staff has been in communication with Parsons Brinkerhoff (PB), The Robert B. Balter Company (Balter), and Foulger Pratt Contracting, LLC (Foulger Pratt) regarding the design and construction of the remediation recommendations summarized in the Report.

PB has communicated its intent to continue as the Engineer-of-Record and to design the remediation plan as recommended in the KCE Report. Executive staff is meeting with PB senior management on Wednesday, April 10th to establish a schedule for PB to complete the remediation plans. Executive staff will direct PB to complete the remediation plans within six weeks. KCE will thoroughly review and validate PB's plans before they are shared with WMATA, Foulger Pratt, and the other project partners. KCE estimates it can complete its review of PB's plans within two weeks of receipt.

Following this two-month design and validation, the remediation plans must be reviewed and approved by WMATA under its Memorandum of Understanding (MOU) with the County. The MOU allows 15 business days for WMATA to review the remediation plans and to provide its comments to the County. While WMATA's review of the remediation plans is taking place, the County will forward the plans to the County's Department of Permitting Services (DPS) for review and comment, leading to issuance of construction permits. At the same time, the County will forward the plans to Foulger Pratt for its review so that a schedule for the remediation work can be established. Once permits are issued, the County will direct Foulger Pratt to perform the remediation work in accordance with the approved and permitted plans. If timely progress is made on these items, remediation work should begin in late summer. The time required to perform the work will be dependent on the schedule provided by Foulger Pratt and approved by the County.

Office of the Director

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Prior to remediation it is critical that the two defective pour strips on the Level 330 slab be replaced. You will recall the KCE report cited the absence of post-tensioning (PT) cables and certain steel elements in the two pour strips on the Level 330 slab. Discovering this in the course of its investigations, KCE immediately brought this serious construction defect to the County's attention in early August 2012. By a letter dated August 14, 2012, the County formally notified Foulger Pratt of the defective construction in the Level 330 pour strips and directed Foulger Pratt to submit a remediation plan. Foulger Pratt responded on August 30, 2012 acknowledging that neither it nor its concrete subcontractor, Facchina Construction Company, Inc. ("Facchina") had installed the required PT in those locations. Facchina stated its intent to comply with the County's directive (with reservation of right to file a subsequent claim for cost and delay), including replacing the slabs if so directed. However, the options discussed in that correspondence did not include replacing the pour strips but suggested other means to "bring the slabs up to code."

In a letter dated October 16, 2012, the County formally rejected the defective work and directed Foulger Pratt to correct and/or replace the non-conforming and defective work in the Level 330 pour strips. On November 28, 2012, Foulger Pratt submitted a remediation plan. Review by County staff, PB and WMATA raised questions of durability and compliance with required fire ratings. On January 16, 2013 the County informed Foulger Pratt that a final resolution and directive on the non-conforming and defective work in the Level 330 pour strips will be conditioned on the findings of the KCE report.

With the results of KCE analysis now known we have determined, with KCE concurrence, that replacement of the defective pour strips must take place prior to the other remediation work. Therefore, in a letter issued today, April 5, 2013, Foulger Pratt has again been directed by the County to replace the defective pour strips. Over the coming weeks Executive staff will have discussions with Foulger Pratt on other matters related to the range of activities associated with the remediation of the Transit Center structure.

In a letter received earlier this week, Balter contests the adverse findings contained in the KCE report with respect to Balter's inspections and testing on this project. Balter provides no details, but promises that its analysis will follow. As of the date of this memorandum, the County has not received Balter's analysis. The extent of special inspections work required to implement the remediation is undetermined at this time. KCE and its team of consulting engineers will play a significant role in the review of the remediation plans and the construction work.

I want to emphasize my earlier remarks to Council and assure you that none of the identified defects are beyond repair and remediation, as noted in the KCE report. The work needing to be done will be accomplished. Once completed, the Transit Center will be placed into full and safe operation with the same life and functionality originally intended.

If you have any questions, please contact me.

cc: Councilmember Roger Berliner, Chair, T&E Committee