DETERMINATION AND FINDINGS

Description: Construction Testing and Inspection **Date:** May 16, 2025

Vendor Name: WDP & Associates Consulting Engineers **Project:** Herndon ES

Department: Office of Administrative Services

STATEMENT OF REQUIREMENT:

Fairfax County Public Schools (FCPS) Office of Design and Construction Services has a requirement for the renovation of Herndon Elementary School. This requires the contracting of construction testing and inspection services.

FINDINGS:

A request for construction testing and inspection services (CTI) at Herndon ES, to be performed by WDP & Associates Consulting Engineers, was received by Procurement from the Office of Design and Construction. Upon review, procurement notified Design and Construction due to the amount, $334,170.00, it would require board approval. It was questioned whether School Board approval was needed since the School Board had already approved the annual contracts on June 16, 2022. Procurement then reached out to the Office of Division Counsel. Division Counsel reviewed the contract documents and determined the contracts were not procured in accordance with the Code of Virginia § 2.2-4303.1, which includes *"The sum of all projects performed in a contract term shall not exceed $10 million, and the fee for any single project shall not exceed $2.5 million*." Unfortunately, this language was not included in RFP 22-003 Construction Testing and Inspection Services and subsequent School Board approval.

DETERMINATION:

The Procurement Team believe this was an unintended oversight. Based on the amount of the contract, $334,170.00, and the omission from the original solicitation, it is recommended FCPS School Board approves to amend all CTI annual contracts to include the provision listed above and award a contract to WDP & Associates Consulting Engineers for CTI services at Herndon ES.

CTI services, as part of this amendment, is tied to the critical path for construction and is needed to perform essential summer work. Without it, the full project runs the risk of delays, therefore it is recommended the agenda goes straight to consent for board approval on May 22, 2025.

Chief: Andrew B. Mueck Digitally signed by Andrew B. Mueck Date: 2025.05.20 07:55:41 -04'00'

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Andy Mueck, Chief Operating Officer