

**BOARD OF SUPERVISORS  
BUSINESS MEETING  
INFORMATION ITEM**

**SUBJECT:** Response to Board Member Initiative: Project Labor Agreements

**2011 ELECTION DISTRICT(S):** Countywide

**2022 ELECTION DISTRICT(S):** Countywide

**CRITICAL ACTION DATE:** At the pleasure of the Board

**STAFF CONTACT(S):** Cheryl L. Middleton, Finance and Budget  
John Sandy, Finance and Budget  
John Sherwood, County Attorney's Office

**PURPOSE:** To provide background information on Project Labor Agreements (PLAs) and their potential impacts on County construction projects.

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**BACKGROUND:** At the Board of Supervisors (Board) Business Meeting on [April 19, 2022](#), the Board voted (6-3: Buffington, Kershner, and Letourneau opposed) to direct staff to research the feasibility of implementing PLAs in Loudoun County and provide the following information:

- The types of projects and/or agreements best suited for a County PLA.
- The timeline for requesting a PLA and a description of the process to be followed to incorporate a PLA.
- Potential customizations that would benefit Loudoun County such as hiring locally, contracting with minority owned and/or disadvantaged businesses, guaranteeing timely completion, and allowing for apprenticeships.
- An analysis of the potential for a PLA to be included in the Farmwell Road Intersection Improvements Project.
- Identify federal grants, including any grants associated with the Infrastructure Investment and Jobs Act (IIJA), where Loudoun County could gain an advantage in the application process by having a PLA attached to a project.
- Other identified issues or recommendations concerning PLAs.

At the Board Business Meeting on [October 6, 2022](#), staff presented information on the potential role and impact of PLAs in the federal grant application process. Specifically, the use of a PLA does not increase the potential competitiveness of the County's application for grant funds

including the IJA. As a result of that research, staff did not recommend the Board implement PLAs for the purpose of acquiring grant funding because of Board-directed policies and procedures already in place that satisfy federal PLA requirements.

To address the remaining components of the Board's direction, a working group comprised of staff from the Departments of Finance and Budget (DFB), Transportation and Capital Infrastructure (DTCI), General Services (DGS), and the County Attorney's Office (CAO) was formed to complete the review. Staff also engaged the assistance of Sands Anderson PC.

### Overview

In 2020, the Virginia General Assembly enacted [§2.2-4321.2](#) of the Code of Virginia (PLA Statute) that amends the Virginia Public Procurement Act (VPPA) authorizing localities to require project labor agreements on public works projects. Prior to this, PLAs were prohibited in Virginia. This statute became effective May 1, 2021, and includes the following:

Each public body, when engaged in procuring products or services or letting contracts for construction, manufacture, maintenance, or operation of public works, or when overseeing or administering such procurement, construction, manufacture, maintenance, or operation, may, in its bid specifications, project agreements, or other controlling documents:

1. Require bidders, offerors, contractors, or subcontractors to enter into or adhere to project labor agreements with one or more labor organizations, on the same or related public works projects; and
2. Require bidders, offerors, contractors, subcontractors, or operators to become or remain signatories or otherwise to adhere to project labor agreements with one or more labor organizations, on the same or other related public works projects.<sup>1</sup>

Under the Virginia PLA Statute, a project labor agreement is defined as “a pre-hire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific public works project.”<sup>2</sup> Unlike a typical collective bargaining agreement (CBA) that covers an employer's long-term, regular employees, a PLA covers a general contractor's regular and temporary project laborers who may not ordinarily be covered by a traditional CBA. The PLA terminates upon completion of the construction project.

This is a non-mandatory provision of the VPPA; and the statute was written broadly with minimal guidance for public bodies on how to implement PLAs in Virginia. In other states, PLAs are often geared toward large projects of long duration, and design complexity requiring multiple trades and/or contractors and subcontractors. PLAs commonly have design features that meet twin goals of creating greater uniformity in labor contracts and minimizing workflow disruptions that can

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<sup>1</sup> [Code of Virginia §2.2-4321.2\(B\)](#)

<sup>2</sup> [Code of Virginia §2.2-4321.2\(A\)](#)

occur. They are typically signed before the construction project begins, and the terms included in PLAs vary widely depending on the negotiations of the parties. In exchange for negotiated working conditions and uniform pay, the public body receives the benefit of a no-strike and no-lock-out agreement to prevent the disruption of construction.

On February 4, 2022, President Biden signed an Executive Order requiring any contractor awarded a large-scale federal construction project to enter into a PLA with one or more appropriate labor organizations.<sup>3</sup> The requirement flows down to subcontractors on the project as well. Under this Executive Order, a large-scale construction project is defined as “a federal construction project within the United States for which the total estimated cost of the construction contract to the federal government is \$35 million or more.” The Executive Order provides criteria for some large-scale projects that may eliminate the PLA requirement.

As noted in the Executive Order, the purpose of requiring PLAs on large-scale federal construction projects is to avoid threats to the efficient and timely completion of construction projects, such as the absence of a steady supply of labor, lack of coordination among various employers, uncertainty about terms and conditions of employment for the various groups of workers and avoid labor-related work stoppages and disruptions by providing an agreed-upon dispute resolution process. This Executive Order does not apply to locally constructed projects receiving federal grant funding.

## ISSUES:

### Candidate PLA Projects

The PLA Statute does not include parameters for which public works contracts are eligible for PLAs unlike the prevailing wage statute that includes the general process for implementing a prevailing wage requirement in procurement transactions including a minimum project cost threshold.<sup>4</sup> In looking to the federal Executive Order for guidance, a large-scale construction project with an estimated construction value of \$35 million or more could be one criterion. Additionally, staff research notes that PLAs are mostly used for very complex, high dollar, and long duration contracts involving multiple unique trades, such as bridges, tunnels, complex rail systems, and power grids. These types of projects require a significant commitment from the labor market for an extended period of time, often under demanding time schedules and design complexity, without disruption in order to be successful and keep cost escalation to a minimum. Failure to meet project deadlines or quality standards on these types of projects can be costly to the owner as well as the public at large. Further, most PLAs include language that prevent work stoppages even if a local trade union is on strike in the area.

The Board requested staff to specifically research PLAs for the Farmwell Road Intersection Improvements project. This project is more expensive than many of the County’s other highway projects due to i) the amount of telecom utilities to be relocated, ii) high traffic volumes complicating maintenance-of-traffic/sequence of construction efforts, and iii) high land acquisition

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<sup>3</sup> [Executive Order on Use of Project Labor Agreements for Federal Construction Projects](#)

<sup>4</sup> [Code of Virginia § 2.2-4321.3](#)

and utility relocation costs. However, the actual construction activities are not particularly complex and the number of trades are rather straightforward (e.g., earthwork, installation of storm drainage, concrete work for curbs, sidewalks, and the like, placement of various kinds of stone, placement of asphalt, pavement markings, traffic signal modifications). Further, the current estimated construction budget is approximately \$23 million. A summary of the project is included in Attachment 1. When using the existing federal criteria for the use of a PLA, specifically complexity, time constraints and cost, staff does not believe requiring a PLA for the Farmwell Road Intersection Improvements Project would provide a tangible benefit to the public.

In review of the current FY 2023-2028 Adopted Capital Improvement Program, there are thirteen projects that exceed \$35 million in estimated construction costs. However, four of those are federally funded road projects that require the County to follow a specific procurement process as identified in the Virginia Department of Transportation Locally Administered Projects Manual. Of the remaining projects, there are three building projects that are expected to exceed \$35 million: General Government Office Building Phase 1, Western Loudoun Recreation Center, and the Adult Detention Center Phase 3. Although these projects are high dollar, they do not include any significant logistical challenges or complexities that necessitate the use of a PLA. The remaining road projects, while high dollar and include some material components, like bridges, staff does not believe that they would benefit from the application of a PLA as the County has not experienced significant delays in the delivery of road construction projects due to having the benefit of an experienced vendor pool in this region.

#### County Customizations

As part of the Board Member Initiative (BMI), the Board inquired about customizations that could potentially be included in a County PLA. Any customizations must comply with the requirements of the VPPA.

- **Hiring Locally:** Currently the VPPA includes limited local preference in the public procurement process. In Virginia Code [§2.2-4328](#), a local preference is only allowed in the case of a tie bid. No other provision exists for a local preference. As a Dillon Rule state and as confirmed by the County Attorney's Office, the County would be prohibited from creating and applying other local preference requirements as part of a PLA or any other procurement transaction.
- **Contracting with minority/disadvantaged businesses:** The County currently does not have any preferences or goals for small, women and minority owned (SWaM) businesses, except for state or federally funded construction projects. The VPPA includes a provision to facilitate the participation of SWaM businesses in procurement transactions.<sup>5</sup> The Division of Procurement currently accomplishes this through participation in small business fairs, actively notifying and soliciting small businesses about procurement opportunities, and educating firms on how to do business with the County through a monthly Buyer/Seller Information Exchange program. A Virginia local public body cannot

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<sup>5</sup> Code of Virginia § [2.2-4310](#), § [15.2-965.1](#).

implement an enhancement or goal program without the existence of (i) a rational basis for small business or employment services organization enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses. This is traditionally done through contracting for a formal disparity study, which can be a very lengthy and costly process. Absent a disparity study, staff would not be able to include a local preference requirement in a PLA or procurement transaction.

- **Timely completion:** Guaranteed timely completion of a construction contract can be difficult with or without a PLA as external factors, such as weather delays and material shortages, are outside the control of the County and contractors. Notwithstanding, the County currently includes provisions in each construction contract to foster the timely completion of contracts. Section [2.2-4333](#) of the VPPA permits public bodies to retain up to 5 percent from each progress payment on a construction project (retainage) to ensure faithful performance of the contract. Upon successful completion of the project, the total amount of funds retained will be remitted to the contractor with the final payment. Modifying this percentage through a negotiated PLA appears to be inconsistent with the VPPA.

In addition, County construction contracts include “liquidated damages” provisions. Liquidated damages are a specific dollar amount that is charged to the contractor for contractor-caused delays beyond the contractual completion date. The purpose of liquidated damages is to compensate the County for costs it incurs but are hard to quantify when a contractor delivers a project late. Beyond the remedies available to the County if a contractor delivers late, the County also can offer early completion incentives. Pending budget availability, the County can offer a contractor an additional amount of money above the agreed upon bid price if the contractor completes the project in advance of the contractual completion dates. The amount of the incentive and the incentive date would be advertised as part of the Invitation for Bid. If the contractor failed to meet the early completion deadline, they would not be eligible for the incentive payment.

Separately, understanding that one the of goals of a PLA is to avoid labor disruptions (strikes, walkouts), in review of past County construction projects, staff is not aware of any construction projects that were disrupted due to labor disputes or strikes.

- **Apprenticeships:** The VPPA was updated in 2020, to revise the process for competitive sealed bidding (i.e., Invitations for Bid, or IFBs). IFBs are awarded to the lowest responsive and responsible bidder, per [§2.2-4302.1](#) paragraph 5. A responsive bidder is one that has submitted a bid that conforms in all material respects to the IFB. A responsible bidder has demonstrated the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance, and who has been prequalified, if required. The process for competitive sealed bidding was updated to allow localities to include additional criteria in determining whether a bidder is responsible, to include a history or good faith assurances of (i) completion by the bidder

and any potential subcontractors of specified safety training programs established by the U.S. Department of Labor, Occupational Safety and Health Administration; (ii) participation by the bidder and any potential subcontractors in apprenticeship training programs approved by state agencies or the U.S. Department of Labor; or (iii) maintenance by the bidder and any potential subcontractors of records of compliance with applicable local, state, and federal laws. Staff has not applied any of these additional criteria as part of an IFB since the language has been modified. However, if so directed, staff would work with the County Attorney's office to determine how best to apply and evaluate these criteria as part of a bid process. It should be noted that the County contracts directly with general contractors that commonly do not self-perform work outside of project management. As such, adding an apprenticeship requirement to general contractors may limit participation in a bid, regardless of whether there is a PLA included or not.

#### Timeline and Process

There is uncertainty for how long it may take to negotiate and incorporate a PLA into a County construction project as this is a new statute not currently applied elsewhere in Virginia. At the time of finalizing this item, no other locality had proceeded with executing a PLA. Fairfax County has progressed the furthest by selecting a project to proceed as a pilot. That project is expected to be advertised in late summer 2023 and they are expected to begin forming a draft PLA later over the next few months.

Additionally, staff does not have expertise in drafting or negotiating PLAs. As such, outside expertise would need to be contracted. Given that PLAs are not common in Virginia, it is anticipated that it may be difficult to contract for a consultant that is experience in PLAs as well as Virginia law. Funding would also need to be established to support contracting for a PLA consultant.

A determination would also have to be made regarding the type of PLA. There are two general approaches for implementing PLAs, the "direct" and "indirect" approaches. The direct approach involves the public agency negotiating PLAs with local construction unions (operating as a council of trades). Once executed, the terms of the PLAs are incorporated into solicitation materials, requiring bidders to adhere to the agreements. The indirect approach requires general contractors to negotiate PLAs upon award of the project. The contractor then is responsible for negotiating terms that enable successful completion of the project. Both approaches have limitations. With the indirect approach, a contractor is required to enter into a PLA upon contract award, if the contractor is not accustomed to coordinating and applying PLAs, this could be a time-intensive process that has the potential to delay the start of construction if the contractor is unable to negotiate in a timely manner. For the direct approach, when an owner enters into a PLA with a union directly, it places the owner in an area in which it does not have expertise and typically has a very limited role. The County is not involved in the day-to-day operations of a construction contractor, including supervision of laborers and by applying the direct approach, it could place unnecessary liability on the County.

Separately, clear criteria to justify when a PLA would be required would need to be developed in order to mitigate challenges to the use of a PLA. As noted above, PLAs are typically used on high dollar, complex construction projects where a large labor commitment is needed. However, without further defining what makes a project “complex” and illustrating the impact to the community could result in the County being challenged as has occurred in other states.

### Purported Advantages and Disadvantages

The use of PLAs in public works projects is a subject of significant debate. Proponents and opponents tout a variety of advantages and disadvantages for PLAs. However, there is limited quantitative data or empirical evidence that provides validating support for either perspective. Based upon research conducted, the following includes the primary advantages and disadvantages most stated as well as information as it relates to County projects.

### **Advantages**

- Labor stability: PLAs typically include terms that prevent strikes, lockouts, and other work disruptions during a project, forcing disputes into a grievance or impasse process. The prevention of job actions improves on-time completion of projects. There is little quantitative data to support the proposition that PLAs avoid work stoppages. Studies of PLAs disclose that since the mid-1990s, there have been at least three work stoppages at PLA projects.<sup>6</sup> In terms of County construction projects, staff cannot recall an instance of a work stoppage or strike on any of its construction projects in the past twenty years, if ever. This aligns with the limited history of strikes on construction projects in Virginia and this region. Therefore, it is unlikely that the County would experience any additional benefit of labor stability if a PLA were implemented.
- Increased timeliness: PLAs streamline hiring by relying on the local union hiring halls, and if needed, coordination with out-of-area hiring halls to provide workers when the local unions cannot meet demand. Use of the hiring halls proposes to reduce project slowdowns caused by lack of qualified workers. There is no objective data to support this proposition.<sup>7</sup> Studies that conducted interviews of construction project stakeholders appeared to support the assertion that PLAs result in more timely projects, but no information was provided about the number of interviews, and the number of respondents who actually agreed or disagreed with these assertions; nor are there any studies that compare PLA and non-PLA project experiences with recruiting workers to the project.
- Ease of project management: PLAs ease project management due to uniform work rules, wages, benefits, and hours. As addressed above, only qualitative interviews,

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<sup>6</sup> Belman and Bodah, *Building Better*, 6-7. See endnotes 9, 11, 12. See also Gartland, Michael, “Judge orders city carpenters union back to work,” *New York Post*, July 6, 2015.

<sup>7</sup> Belman, Dale, Bodah, Matthew, Phillips, Peter, *Project Labor Agreements*, *Electri International*, Foundation for Electrical Construction, 2007.

without accompanying data analysis, have been published.<sup>8</sup> In one survey of large federal construction projects during a period where PLAs were prohibited, associated contractors and federal contract administrators did not identify a single instance of cost overruns or delays that would have been prevented by a PLA.<sup>9</sup> There is also no evidence provided to compare PLA and non-PLA projects to determine if any perceived benefits could be quantified (e.g., cost savings, on-time performance, reduced management actions, etc.).<sup>10</sup>

Additionally, the Board adopted a prevailing wage program effective July 1, 2022,<sup>11</sup> for all new construction and construction related maintenance contracts valued at \$250,000 and above. The prevailing wage provides for the rate, amount, or level of wages, salaries, benefits, and other remuneration prevailing for the corresponding classes of mechanics, laborers, or workers employed for the same work in the same trade or occupation in Loudoun County, Virginia, as determined by the Commissioner of Labor and Industry on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the Davis-Bacon Act,<sup>12</sup> as amended. Bidders, offerors, and contractors awarded a County Construction Contract, and subcontractors hired to perform services on a County Construction Contract shall pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the County Construction Contract at the prevailing wage rate. Remuneration to any individual performing the work of any mechanic, laborer, or worker on a County Construction Contract shall be at a rate equal to the prevailing wage rate. As a result, there should be uniform minimum wages for similar classifications of workers on the same project, reducing friction amongst subcontractor staff. With the existence of the prevailing wage requirement, staff does not believe the use of a PLA would provide additional benefit. Additionally, given the recent adoption of the prevailing wage program, no data or trends are available to determine if the application of prevailing wage has had a negative or positive affect on the delivery of County construction projects. To date, prevailing wage has been added to two single project bids and one task order bid. One project is in the early stage of construction and the other two are preparing to be awarded.

- Cost savings: PLAs reduce costs by modifying work rules and expenses under existing CBAs, introducing concessions from the unions for the life of the project. In addition, they reduce the use of overtime by ensuring a steady supply of workers, presumably at straight-time, and reducing the need to rely on overtime to make up for being short-staffed. There have been some studies to determine if cost savings are realized under

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<sup>8</sup> *Id.*

<sup>9</sup> David G. Tuerck, Why Project Labor Agreements are not in the Public Interest, 30 CATO J. 45, 56 (2010).

<sup>10</sup> *Id.*

<sup>11</sup> See February 15, 2022 Business Meeting [Item 07 Response to BMI Prevailing Wage Ordinance](#) and June 21, 2022 Business meeting [Item 03 Prevailing Wage Program and Maintenance Contracts](#)

<sup>12</sup> 40 U.S.C. §§ 276 et seq.



PLAs.<sup>13</sup> The studies were conducted as a due diligence review on the appropriateness of requiring a PLA for a public works project. The consultant firm conducting the review used a baseline assumption that almost all of the labor working on the project would be covered by collective bargaining agreements.<sup>14</sup> The studies did not compare costs or savings experienced by projects without CBAs or PLAs.<sup>15</sup>

### **Disadvantages**

- Increased labor costs: PLAs drive up labor costs by forcing general contractors to pay union wages and benefits, which are perceived to be higher than non-union wages and benefits. Unlike other value propositions, there has been numerous data analyses on PLAs cost impacts.<sup>16</sup> These studies have focused primarily on school construction in various states due to the significant state and local investment in school construction since 2000, and the relatively similar type and complexity of the projects. The dominant analytical metric relies on a cost per square foot of a project. While differing in control variables, the end analyses are that cost per square foot is greater on projects using PLAs.<sup>17</sup> Peer review of many of these studies conservatively estimate that PLAs add approximately 13 percent to project costs.<sup>18</sup> Similar studies by the U.S. Government Accountability Office and the New Jersey Department of Labor estimate PLAs added 20 percent to project costs.<sup>19</sup>
- Reduced competition: PLA requirements in public works solicitations reduce bids from non-union bidders, reducing price competition on public works procurements. Smaller construction firms, including many minority- and women-owned subcontractors, do not have unionized workforces. Detractors of PLAs claim that PLA requirements discourage bidders due to real or perceived preference for contractors with unionized workforces, or that the additional costs associated with PLAs will make them less competitive or profitable. Similar to other propositions, there is little quantitative data to prove or disprove this assertion.<sup>20</sup> One study of California based community college projects compared PLA and non-PLA competition to determine if the number of

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<sup>13</sup> “Project Labor Agreement Benefits Analysis: Clinton County Plattsburgh International Airport Renovations, Plattsburgh, New York,” Seeler Engineering P.C. (August 2017). Seeler conducted three reviews for different localities between 2017 and 2020, each time recommending PLAs.

<sup>14</sup> Burke, William F., Tuerck, David G, Belaboring the PLAs: A Critique of the Seeler Reports, Beacon Hill Institute (2021).

<sup>15</sup> Seeler.

<sup>16</sup> Ward, Jason, The Effects of Project Labor Agreements on Production of Affordable Housing, RAND Corporation, 11 (2021).

<sup>17</sup> *Id.* at 10.

<sup>18</sup> *Id.* at 13.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

responsive bidders was reduced. It found that PLAs did not reduce numbers of bidders on projects.<sup>21</sup>

However, studies attempting to measure PLA impacts on competition have focused on projects in states with relatively high levels of unionized workforces, such as California and New York. Virginia has approximately one quarter of the number of unionized workers than California and New York. According to the U.S. Bureau of Labor Statistics, 26.1 percent of workers are represented by unions and 17.8 percent of workers in California are represented, but only 6.5 percent of workers in Virginia are represented.<sup>22</sup> Due to the relatively low level of unionization in Virginia, it is likely that that PLAs would have a negative impact on the number of bidders on projects due to limited access to union workers. Moreover, the County has recently seen a reduction in the number of bids submitted for construction projects, largely due to the current amount of work available in the market. To include additional administrative requirements may result in even less competition, especially if general contractors in this region are not familiar with working under the requirements of a PLA.

- Exclusion of business set-aside targets: PLAs reduce or eliminate bidding participation by minority- and women-owned businesses in bidding for public works. These businesses typically are small, and not unionized, so PLA requirements may discourage them for bidding for subcontract works or small projects. Proponents and opponents of PLAs appear to generally accept that these businesses are likely non-union groups, but disagree on whether it discourages their participation in bidding processes. Based on the studies, it appears that many agencies attempt to mitigate this potential impact through targeting set-aside goals for general contractors, but this has been met with challenges. For example, the African American Chamber of Commerce of New Jersey opposed a bill in New Jersey to expand the use of PLAs stating that the legislation would actually do more harm to the minority community given that 98 percent of minority-owned construction companies are non-union and over 80% of New Jersey construction workers do not belong to a union.<sup>23</sup>

### Summary

PLAs have been used by various public and private entities throughout the United States for decades, most frequently on large-scale, complex projects requiring a significant labor commitment to avoid long-term impacts to the community during construction. The purpose of PLAs is to expeditiously resolve labor disputes that arise during the course of the project thus

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<sup>21</sup> Phillips, Peter, Waitzman, Emma, Do Project Labor Agreements Reduce the Number of Bidders on Public Projects? The Case of Community Colleges in California, Public Works Management Policy Vol. 24, No. 4 (2021).

<sup>22</sup> Bureau of Labor Statistics News Release, 22-273-NEW, "Union Members in New York and New Jersey – 2021," February 23, 2022. Bureau of Labor Statistics News Release, 22-492-SAN, "Union Members in California, March 22, 2022. Bureau of Labor Statistics News Release, 22-302-PHI, "Union Members in Virginia – 2021," February 15, 2022.

<sup>23</sup> [https://www.roi-nj.com/2021/03/24/real\\_estate/african-american-chamber-associated-builders-and-contractors-oppose-pla-bill/](https://www.roi-nj.com/2021/03/24/real_estate/african-american-chamber-associated-builders-and-contractors-oppose-pla-bill/)

mitigating project delays. In recent years, PLAs have been updated to include community support provisions, like local hiring and inclusion of small/minority owned businesses, as well as other provisions to create uniformity in labor contracts. PLAs have not been common in Virginia with low union participation by Virginia-based contractors. The County has not experienced labor disruptions or strikes on construction projects in many years, if at all. Staff does not have experience in developing or negotiating PLAs and outside expertise would need to be contracted for ongoing assistance. It is also unclear what additional benefits a PLA would provide on a county construction project that are not provided through the existing VPPA requirements and the newly enacted Prevailing Wage requirement. Moreover, due to the limited availability of unionized workers in Virginia, concern exists that the requirement for PLAs could create less competition in bidding on projects. Consequently, staff does not recommend implementing PLAs at this time until sufficient data is gathered within Virginia or other low union-based states to determine a clear benefit to the public trust. Although staff recommends that the Board continue to monitor the viability of PLAs in the future, staff believes that the implementation of prevailing wage and other policies and procedures already adopted or available through the Procurement Resolution and the VPPA can assist in the timely delivery of construction projects and equity in pay.

**ATTACHMENT(S):**

1. Farmwell Road Intersection Improvements Project Summary

## **Farmwell Road Intersection Improvements Project Summary** **UPC 106996**

### **Project Description**

The purpose of the Farmwell Road Intersection, Pedestrian and Bicycle Improvements project is to provide civil engineering design and construction support services for the design, right-of-way determination, and geometric design improvements of Farmwell Road (Route 625) and a portion of Waxpool Road (Route 625). The proposed project consists of widening and resurfacing of about 9,600 ft. of roadway to allow for additional queueing of traffic, safer turn lanes and improved pedestrian safety and access in the form of ADA compliant ramps and sidewalks. The project scope will provide geometric design improvements at the major intersections of Farmwell Road at Ashburn Road, Ashburn Village Boulevard, and Smith Switch Road to maximize through and turning traffic movements. A separate westbound right-turn lane at the intersection of Farmwell Road at Hemingway Drive/Dodge Terrace will also be provided. In addition to intersection improvements, the revised scope will include improving pedestrian and bicycling mobility by the design and construction of a continuous 10-foot wide multi-use trail on the southern side of the roadway and a 6-foot wide sidewalk on the north side between Ashburn Road and Smith Switch Road. The road and intersections will be designed and constructed to VDOT standards and will become part of the VDOT system for maintenance.

The previous scope of the project was intended to widen the existing four-lane road to a six-lane urban major collector (U6M) in accordance with the County Transportation Plan (CTP). This section of roadway is planned to be a six-lane urban collector as shown on the 2010 CTP and identified by the Loudoun County Board of Supervisors as a priority project at the Board of Supervisor's 2013 Transportation Summit. As a result of input received at a May 30, 2017 Public Informational Meeting, and subsequent discussions between County staff and County Supervisors, it has been determined that the existing design should be revised to reflect intersection improvements rather than widen the entire project limits to a U6M roadway. The project is currently at the 90% design phase with 100% design plans anticipated to be submitted in Spring of 2023.

### **Small Plan of the Project**

Please see attached plans

### **Land Acquisition Requirements**

41 parcels are anticipated to require easement or right-of-way acquisition for the project.

The project requires the following:

- Fee Simple ROW
  - 1.52 Acres Total
  - 22 Property Owners requiring ROW
- Permanent Drainage Easement
  - 0.257 Acres Total

- 12 Property Owners impacted
- Permanent Utility Easement
  - 0.189 Acres Total
  - 1 Property Owner impacted
- Temporary Construction Easement
  - 2.50 Acres Total
  - 34 Property Owners Impacted

### **Utility Relocation Requirements**

There are 17 utility owners within the project limits, of which the following 16 require relocation:

- Cavalier Telephone (Windstream)
- Centurylink & Level 3 (Lumen)
- Comcast
- Dominion Virginia Power
- Fiberlight
- Dark Fiber & Infrastructure (Goff/USA Fiber Networks)
- Lighttower Fiber (Crown Castle)
- Loudoun Water
- Lumos Networks (Segra)
- Cox Cable (Formlery Open Band)
- Summit InfrastructureGroup
- Verizon (TEC)
- Washington Gas (EN Engineering)
- Zayo Group
- United Fiber & Data
- Ashburn Village Community Association

Utility coordination and relocation is ongoing and taking place where feasible within right-of-way prior to easement acquisition.

### **Project Schedule**

- Design – Completion in Spring 2023
- Land Acquisition – March 2023 to March 2024
- Utility Relocation – March 2024 – January 2025
- Construction – January 2025 – June 2027

### **Project Cost** (based on proposed FY24 budget)

- Design – \$6,231,000

- Land Acquisition – \$8,315,000
- Utility Relocation – \$313,000
- Construction – \$22,795,000