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September 26th, 2008

Anthony Hood Chairperson, D.C. Zoning Commission 441 Fourth Street, N.W. Second Floor Washington, DC 20001

RE: EYA, LLC and the Missionary Society of Saint Paul the Apostle: Saint Paul's PUD Application Hearing (Z.C. Case 07-27)

Dear Chairperson Hood.

This letter serves as a continuance of the letter submitted on July 15th, 2008. In the time since the initial hearing before your commission, the community and the applicant have convened twice to discuss the development proposal. The main focus was set on the community amenities package.

In those two (2) meetings, the community came together and submitted ways to strengthen the package in an effort to see that the neighborhood receives a package that is relative to the value of the variance that would be given to the applicant if this PUD is approved. I submitted an amended version of the community amenities package to the applicant. Upon submittal, the applicant reviewed the amended version of the community amenities package and decided that the increased value of the package was not in the best interest of their business and the community and the applicant did not come to an agreement.

As I stated in my previous letter and testimony, the amenities package was a pivotal piece in progressing toward an agreement between the community and the applicant. There were other issues such as parking and construction traffic as well.

With the amenities package, there were some loose items that caused confusion.

- I. Initially the improvements to Shaed Elementary were estimated to be \$75,000. I toured the facility and the janitorial staff and the principal and that estimate appeared to be far off. There was also confusion about the work that was done and it's connection to the Mayor's annual "Buff and Scrub" initiative which the applicant participated in as well. Outside of the work done on behalf of that initiative, the following items were noted by the janitorial staff as being done by the applicant:
 - a) Fixing a portion of the ceiling tile
 - b) Installing light bulbs that were purchased by the school
 - c) Painting the cafeteria and nursing room
 - d) Repairs to some of the electrical outlets
 - e) Ran the electric to the marguis sign and light
 - f) Landscaping

Z'ONING COMMISSION
District of Columbia

CASE NO. CON BEACH

EXHIBIT NO.

EXMIBIT NO.51

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- g) Masonry work on the back steps of the school
- h) Replacement of wood with concrete curb on the ramp which is located at the front of the school
- i) One coat of paint on the doors of the facility

There was also a request to fence off the dumpster and provide exterior light bulbs for the school but those requests weren't fulfilled.

- II. The improvements to the streetscape include items that are required by the District of Columbia. The applicant offered to go beyond the requirements and as a result, these additional upgrades were considered as an amenity. I requested that the applicant submit a budget that shows each line-item within this project. This request was done by the applicant. However, I also requested that the dollars for the improvements that are above and beyond the requirements be separated from the improvements that are apart of the base requirements. This request was not completed.
- III. The improvement to the triangle park was utilized as an amenity. This was an item that the community debated back and forth about for quite some time. There were constituents who supported this amenity and those who did not. Some opponents had no desire to see the park improved. Other constituents opposed because of the dollar amount assigned to the improvements. The main issue with this amenity is that the applicant submitted a document in the PUD Application that noted an agreement with The Department of Public Works to have the agency maintain the park beyond the one-year commitment that the applicant detailed in this document. The current director of the Agency (Clark Ray) was not aware of this document but has stated that if the PUD is approved, he will then look into the matter.

In terms of construction traffic and commuter traffic, the applicant and AEDO construction have agreed to meet with the ANC Commissioners in the immediate area to discuss construction traffic layouts for the 7th Street area. But, there are some concerns that I have expressed to DDOT about the future of this street and other streets in the immediate area. I have not received a formal response as of today. I am not totally blaming the applicant for this concern. I am awaiting DDOT's response on questions about (1) alterations to the streets in the future, (2) the maximum capacity for streets in the area based on the street's designation (i.e. collector streets, etc.) and (3) if the agency would accept a petition from the citizens requesting an alternate route for construction traffic.

I'd also like to note that attached to this testimony are documents submitted by constituents of the community. One concerned citizen conducted independent research on the items within the amenities package. Another concerned citizen in the community also circulated a petition that addressed construction traffic on 5th, 6th and 7th Streets, N.E. These findings were not voted on by the ANC but, I have submitted them on behalf of the citizens who put forth the effort to do this research.

At the monthly Committee of the Whole Meeting for ANC 5C, the applicant presented an update before the commission. During this meeting, several commissioners questioned the applicant and me about details on this matter. I submitted documents to the ANC detailing the updates on the matters at hand. At the end of the discussion, I motioned that ANC 5C submit a resolution opposing the PUD Application for Z.C. Case 07-27 on the grounds that (1) the community and the applicant could not negotiate an agreement on the components of or the value of the community benefits package and (2) the residents continue to have concerns about construction traffic and commuter traffic on the streets proposed to serve as entrances/exits to this development.

It is my hope that the issues at hand can be resolved. In this process, many relationships have taken a turn for the better and many for the worse. In the event that pivotal relationships have turned sour, it is my hope that all parties involved can work together to achieve what's best in the interest of "the greater good".

I would like to thank the Zoning Commission for taking time to here this case and I'd like to thank all the parties involved diligently working on this matter.

Sincerely,

Silas Grant, Jr. (Advisory Neighborhood Commissioner, 5C09

ADVISORY NEIGHBORHOOD COMMISSION 5C



P.O. Box 77761, WASHINGTON, DC 20013

www.anc5c.com

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RESOLUTION OPPOSING THE APPLICATION OF

EYA, LLC and the Missionary Society of Saint Paul the Apostle: Saint Paul's PUD Application Hearing (Z.C. Case 07-27)

WHEREAS, the Advisory Neighborhood Commission 5C (ANC 5C) met on September 16th, 2008, to consider the PUD Application of EYA, LLC and the Missionary Society of Saint Paul the Apostle; and

WHEREAS, the public received notice concerning the date, time, and location of this meeting and a quorum of ANC 5C attended; and

WHEREAS, Jack Lester served as the community liaison for EYA, LLC in a series of presentations before Advisory Neighborhood Commission 5C; and

WHEREAS, during these presentations Mr. Lester provided us with (a) plans and drawings; (b) a transportation impact study; and (c) information regarding community amenities.; and

WHEREAS, Commissioner Silas Grant, Jr. is the Advisory Neighborhood Commissioner for the Single Member District (5C09) that will be affected by this proposal, and in his official capacity, he will serve as the representative from ANC 5C in the hearing of Z.C. Case 07-27 with the Office of Zoning; and

WHEREAS, Commissioner Grant expressed that there were two (2) additional community meetings scheduled after the initial zoning hearing on July 17th, 2008 that focused on negotiating the community amenities package and the applicant did not agree to the terms of the amended community amenities package submitted by Commissioner Grant; and

WHEREAS, Commissioner Grant then motioned that Advisory Neighborhood Commission 5C submit a resolution that the Commission oppose the PUD application of EYA/St. Paul's College in Zoning Case 07-27 on the grounds that (1) the community and the applicant could not agree on the components of or the value of the community benefits package and (2) that residents continue to have concerns about construction traffic and commuter traffic on the streets proposed to serve as entrances/exits to this development.

NOW, THEREFORE BE IT RESOLVED, after hearing the presentation and allowing time for questions and discussion, ten (10) ANC 5C commissioners out of a total of eleven (11) present voted to support the motion submitted by Commissioner Grant.

(ANC 5C is composed of twelve commissioners and therefore seven commissioners constitute a quorum)

ADOPTED: September 16th, 2008

We hereby certify this resolution to be true and correct.

Anita Bonds,

Chairperson

John T. Salatti

Recording Secretary

-1. Solution

EYA'S STANCE ON THE AMENDMENTS

In my discussion with EYA, they were not willing to agree to the new value of the amenities package. Their current stance is that the dollar amounts within the amenities can be moved around to pad more dollars into amenities that the citizens felt should be more. For instance, there was discussion about the need for the Triangle Park and the additional Streetscape Improvements. Some citizens questioned the need for these amenities. EYA left open the option of shifting the dollars from these items to other areas.

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In further discussion with EYA, it was made clear that a slight increase in the overall dollar value of the amenities package was a possibility. There was just not a clear dollar value expressed that would be satisfactory if an increase was made.

ITEMS THAT NEED FURTHER DISCUSSION WITHIN THE PACKAGE

- Validate that the Scope of Work for Shaed met the \$75,000 amount estimated.
- Validate the estimates for the additional Streetscape Improvements. We need a breakout of the additional improvements versus the required.
- Validate the estimates of the Triangle Park and work to get an agreement on the maintenance of the property
- Further discussion with the Community Foundation for the National Capital Region. I am bringing them into play to help develop board members for the disbursement of the dollars and to create regulation on spending.

CONCLUSION

At this moment, I am not prepared to support this project moving forward. I support the project in general but the zoning variance is an important piece within this matter. The citizens have expressed an overwhelming support for the project throughout the process. However, the community is being asked to give support to a variance that will increase the density of the project as well as the value of the project for EYA and St. Paul's. The community's request is to increase the value of the amenities being given in exchange for that request. The impact of traffic, construction and quality of life are at stake. I believe that this project can become a success but the status of the negotiations is not moving in the direction that the community would like it to. I must commend EYA for continuing to come out and meet with the community. I must also commend St. Paul's College for hosting these meetings. We are just not able to agree at this moment.

Amendments to the Comprehensive Amenities Plan

Homeownership Training:

The existing details of the existing amenities item should include training for current homeowners in the area on topics including but not limited to: refinancing, purchasing additional properties, proper usage of equity, avoiding mortgage crisis

Triangle Park Improvements and Maintenance:

Provide an itemized budget for this amenity. Include the park maintenance with the standard maintenance of the property on the "mainland" of the project.

Streetscape and Infrastructure Improvements:

Provide an itemized budget for this amenity. Also, provide details on the exact areas/boundaries that will be improved.

Collegiate Scholarships/Adult Education:

The Advisory Neighborhood Commissioner is requesting that the amount for collegiate scholarships for students and opportunities for adults seeking to continue education in Single Member Districts 5C08, 5C09, and 5C10 be raised to \$125,000.

Small Business Support:

The Advisory Neighborhood Commissioner is requesting that the amount for small business support within Single Member District 5C08, 5C09 and 5C10 be raised to \$100,000. The Advisory Neighborhood Commissioner is looking to assist the business owners in creating a business alliance. The alliance would be created to handle the administrative needs of doing market research, identifying other funding opportunities for façade improvements and creating employment opportunities for local citizens that would support the businesses and the business district as a whole.

Edgewood Civic Association Support:

In addition to the purpose of the original contribution amount, the Advisory Neighborhood Commissioner is requesting that the Edgewood Civic Association receive \$100,000. This amount would include office equipment such as a laptop and printer, prepaying printing costs of the association's newsletter directly to the printing vendor and allowing the remaining sum of the funding to be used to administer grants to groups who have community based projects within the boundaries of the civic association. Such projects would include but are not limited to: gardening/landscaping projects, community cleanups, school supplies drives, feeding the less fortunate and other projects of this nature.

Contribution to the "Friends of Edgewood Recreation Center":

The Advisory Neighborhood Commissioner is requesting that \$100,000 be contributed to the group that will serve as the "Friends of" group for the Edgewood Recreation Center. This group is being planned at this moment. The beginning stages of the redevelopment of the Edgewood Recreation Center are in place. At this moment, the recreation center has secured \$500,000 in planning dollars to research and develop draft designs for the new center. This will begin the effort to create a "Friends of" group that will ensure that the recreation center will serve the community in the best manner possible. The contribution will allow the "Friends of" group to enhance the interior of the recreation center by purchasing state of the art equipment/furniture as well as beginning a fund that will serve as a reserve when certain items within the new recreation center are broken.

Support for Non-Profits/Community Organizations:

Dance Place, Beacon House and the H.E.L.P. Foundation are three organizations that serve the immediate community surrounding this project. The Advisory Neighborhood Commissioner is requesting that these three (3) organizations receive \$25,000 each in funding. This would be a total of \$75,000. The organizations must provide detailed statements on projects that the funding would be used for and account for the funding on a bi-yearly basis to ANC 5C and the entity that would house the funding.

Ward 5 Employment Opportunities:

In addition to the details listed in the original text of this amenity, the Advisory Neighborhood Commissioner is requesting that 51% of the dollars given to first-source subcontractors on the development be set aside for companies based in the District of Columbia throughout the duration of the project.

Parking:

EYA made a verbal commitment to make the off-street parking option of two (2) car garages available for every housing unit at no additional cost. This option will be the default style of housing. This will assist in curtailing the parking strains on citizens in the existing community. The Advisory Neighborhood Commissioner is requesting that this verbal commitment is transferred into a written agreement.

Housing the Funds:

Items such as the collegiate scholarship, contribution to the "Friends of" group and the support for non-profits/community organizations can be housed by **The Community Foundation for the National Capital Region**. This entity is a public charity founded in 1973 serving the greater Washington, D.C. metropolitan region. It is the fifth largest community foundation nationally. The Advisory Neighborhood Commissioner has spoken to representatives within this foundation and discussed the possibility of creating a board of directors within the community along with members of the foundation to great detailed guidelines for releasing the funds within these amenities. There may be resistance in releasing the total amount of funding at the inception of the development. EYA has committed to be in the community for years to come working out any issues that arise through continued community input. So with that promise, the community can ensure that installments are in place and the selected housing for the funding can accept funding installments over the course of 7-10 years.

ITEMIZED SCOPE OF WORK DOCUMENTS

The following documents are scope of work papers for the Triangle Park Improvements, Streetscape/Off-Site Improvements and the Shaed Elementary Improvements.

There are a few items that I've asked to be updated:

- Shaed Elementary Improvements The dollar amounts are not shown. For clarification, EYA made a commitment to participate in the "Buff and Scrub Initiative" through the Mayor but, the improvements that EYA committed to were supposed to be done separate of their efforts on 8/23/08 with the Mayor.
- Streetscape/Off-Site Improvements The dollar amounts are not broken out to differentiate between what was required and what goes above and beyond the requirements. In the amenities package, EYA recognizes what goes above and beyond the standards as an amenity. These items are valued/estimated at \$450,000 out of the total amount of \$1.6 Million.

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SAINT PAULS COLLEGE OFF-SITE IMPROVEMENTS ESTIMATE

				571	STREET	6TH	STREET	HAML	IN STREET	JACK:	SON STREET	4TH S	TREET	FRANK	LIN STREET	PUB	LIC ALLEY	
COST	DESCRIPTION	UNIT	UNIT COST	QTY	TOTAL COST	ΩΤΥ	TOTAL COST	QTY	TOTAL COST	QTY	TOTAL COST	QTY	TOTAL COST	QTY	TOTAL COST	QTY	-TOTAL COST	
24-00	OFFSITE IMPROVEMENTS						· · · · · · · · · · · · · · · · · · ·											TOTAL
224-08	WATER	T													,		T	
	8" DIP	LF	\$150.00	0	0.00	150	\$22,500.00	350	52,500.00	350.0	\$52,500.00	ol	0.00	0	Ü.UU	0	0.00	
	Valve	EA	\$2,182.00	0	0.00	1	\$2,182.00	4	8,728.00	4.0		0	0.00	0	0.00	0	0.00	
	Lateral Connection	ĒÄ	\$1,060.00	1 01	0.00	1	\$1,060.00	5	5,300.00	4.0		0	0.00	0	0.00	0	0,00	
	Fire Hydrant	ΕA	\$1,350.00	0	0.00	0	\$0.00	1	1,350.00		\$0.00	0	0.00	0	0.00	0	0.00	
	Line Testing	LF	\$12.00	0	0.00	150	\$1,800.00	350	4,200.00	350.0	+	0	0.00	0	0.00	0	0.00	
_	Tie to Existing	LS	\$1,750.00	0	0.00	1	\$1,750.00	1	1,750.00	1.0	\$1,750.00	0	0.00	0	0.00	0	0.00	
	TOTAL	<u> </u>			0.00		29,292.00		73,828.00		71,418.00		0.00		0.00		0.00	\$174,538.0
24-06	STORM DRAIN																	
	12" RCP	LF	\$130.00	0	0.00	0	\$0.00	0	0.00	0.0	\$0.00	60	7,800.00	0	0.00	0	0.00	
	15" RCP	LF	\$142.00	150	21,300.00	0	\$0.00	0	0.00	0.0	\$0.00	0	0.00	0	0.00	0	0.00	
	18" RCP	LF	\$241.00	0	0.00	150	\$36,150.00	0	0.00	0.0	\$0.00	0	0.00	0	0.00	0	0,00	
	24" RCP	LF	\$300.00	0	0.00	0	\$0.00	350	105,000.00	350.0	\$105,000.00	0	0.00	0	0.00	0	0.00	
	Headwall	EA	\$2,500.00	0	0.00	0	\$0.00	0	0.00	0.0	\$0.00	1	2,500.00	0	0.00	0	0.00	
	Inlets	EΑ	\$3,500.00	0	0.00	0	\$0.00	2	7,000.00	2.0	\$7,000.00	0	0.00	0	0.00	0	0.00	
	Infiltration Trench	LS	\$20,000.00	0	0.00	0	\$0.00	0	0.00	0.0	\$0.00	1	20,000.00	0	0.00	0	0.00	
	Manhole	EA	\$4,000.00	0	0.00	0	\$0.00	0	0.00	0.0	\$0.00	1	4,000.00	0	0.00	0	0.00	
	Tie into Existing	LS	\$10,000.00	_ 1	10,000.00	1	\$10,000.00	1	10,000.00	1.0	\$10,000.00	1	10,000.00	0	0.00	0	0.00	
	TOTAL				31,300.00		46,150.00		122,000.00		122,000.00		44,300.00		0.00		0,00	\$365,750.0
24-04	SANITARY SEWER	ļ																
	8" PVC	LF	\$188.00	300	56,400.00	150	\$28,200.00	350	65,800.00	350.0		0	0.00	0	0.00	0	0.00	
	Sewer Manhole	EA	\$8,000.00	2	16,000.00	1	\$8,000.00	2	16,000.00	1.0	\$8,000.00	0	0.00	0	0,00	0	0.00	
	Tie into Existing	LS	\$2,856.00	1	2,856.00	1	\$2,856.00	1	2,856.00	1,0		0	0.00	0	0.00	0	0.00	
	TOTAL				75,256.00		39,056.00		84,656.00		76,656.00		0.00		0,00		0.00	\$275,624.0
24-12	ROADS	 -													r			
	Saw-Cut	LF	\$3.50	300	1,050.00	300	\$1,050.00	700	2,450.00	700,0		0	0.00	0	0.00	0	0.00	
	Mill Existing Pavement & Overlay	SY	\$15.85	833	13,208.28	500	\$7,925.00	1,000	15,850.00	1000.0		200	3,170.00	0	0.00	0	0.00	
	Stone Subase	TN	\$35.82	0	0.00		\$0.00	0	0.00	41.6		0	0.00	0	0.00	456	16,333.92	
	Intermediate Asphalt	TN	\$99.00	101	0.00	0	\$0.00	0	0.00	20.8		0	0.00	0	0.00	228	22,572.00	
_	Surface Asphalt	TN	\$130.00	0	0.00	0	\$0.00	0	0.00	10.4		0	0.00	0	0.00	114	14,820.00	
	Crosswalk	LF	\$1.00	0	0.00	0	\$0.00	0	0.00	0.0		0	0.00	200	200.00	0	0.00	
	Line Striping	LS	\$1,500.00	1	1,500.00	1	\$1,500.00		1,500.00	1.0		1	1,500.00	0	0.00	0	0.00	
	Traffic Control	LS	\$25,000.00	1	25,000.00	1	\$25,000.00	1	25,000.00	1.0		1	25,000.00	0	0.00	0	0.00	
	Permanent Patching	SY	\$250.00	167	41,750.00	167	\$41,750.00	389	97,250.00	389.0		33	8,250.00	0		0	0.00	
	Misc. (Road Restoration)	LS	\$10,000.00	_1	10,000.00	1_	\$10,000.00	1	10,000.00	1.0		1	10,000.00	0	0.00	0	0.00	
	TOTAL				92,508.28		87,225.00	L	152,050.00		156,951.31		47,920.00	<u></u>	200.00		53,725.92	\$590,580.5
24-10	CURB & GUTTER	70.7	400.50	1 - 1				44.1	0.400.00									
	Stone Base	TN	\$30.00	-0	0.00		\$0.00	114	3,420.00	0,0		0	0.00	0		0	0.00	
	Concrete Curb & Gutter	LF	\$45.00	0	0.00	0	\$0.00	1,400	63,000.00	0.0		0	0.00	0		0	0.00	
	(Backfill	LF	\$4.00	0	0.00	0	\$0.00	1,400	5,600.00	0.0		0	0.00	0	0.00	0	0.00	
	Misc. (Demo Existing)	LS	\$50,000.00	0	0.00	0]	\$0.00	1	50,000.00	1.0		0	0.00	0		1	5,000.00	
	·				0.00		0.00	L	122,020.00		50,000.00		0.00		0.00		5,000.00	\$177,020.0
24.44	TOTAL	 			" "													
24-14	SIDEWALK	CE 1	05.05.1		0.00		60.00	4.005	0.504.05	2050.0	244.040.55		0.55		6.00			
24-14		SF	\$5.25	0	0.00	0	\$0.00	1,825	9,581.25 9,581.25	2250.0	\$11,812.50 11,812.50	0	0.00	0	0.00	0	0.00	\$21,393.75

PROJECT: Saint Paul's College

SCOPE: Public Park DATE: 1/8/2008

COST	ITEM DESCRIPTION	SOURCE OF BUDGET	QUANITY	UNIT	UNIT PRICE	соѕт	COMMENTS
224-00	OFFSITE IMPROVEMENTS						
224-16	Neighborhood Beautification						
	3' Iron Fence	Estimate	1,065.00	lf	\$50.00	\$53,250.00	
	Street Lights	Estimate	14.00	ea	\$5,000.00	\$70,000.00	
	Bollards	Estimate	9.00	ea	\$1,500.00	\$13,500.00	*Assumes interior lighting to be bollards
	Benches	Estimate	12.00	ea	\$2,000.00	\$24,000.00	
	6' Planting Strip	Estimate	407.00	sy	\$6.00	\$2,442.00	*Assume sod in this area
	12' Planting Strip	Estimate	620.00	sy	\$6.00	\$3,720.00	*Assume sod in this area
	Planting Bed	Allowance	3.00	ea	\$5,000.00	\$15,000.00	
	Brick Pavers	Estimate	2,500.00	sf	\$16.50	\$41,250.00	*Includes conc. subslab
	Ornamental Trees	Estimate	24.00	ea	\$300.00	\$7,200.00	
	Shade Trees	Estimate	13.00	ea	\$500.00	\$6,500.00	
	Concrete Sidewalk / Concrete Path	Estimate	10,650.00	sf	\$5.20	\$55,380.00	
	Handicap ramps	Estimate	4.00	ea	\$900.00	\$3,600.00	
	Seed & Mulch	Estimate	4,700.00	sy	\$2.00	\$9,400.00	
	Overhead @ 6%					\$18,314.52	
	TOTAL					\$323,556.52	



★★ Mayor's 2008 Buff and Scrub Initiative

School Shaed Elementary School

Lead business EYA, LLC Primary contact Andy Warren

Phone 240-793-2195; 301-634-8600

Email awarren@eya.com

Sc pe of Work

	Task	Location
1	Paintinginterior	Cafeteria, nurses office
2	Paintingexterior	All entry doors, railings
3	Landscaping — :	Front entry, sidewalk, rear
4	Electricalwire new sign (NOTE: WO # FM-200802569)	Front corner
5	Electricalrepair wall pack lights	Exterior doors
6	Electricalinterior outlet & switch repair and relamping (NOTE WO # FM 200803121)	Interior, various locations
7	Masonry repair of brick work on retaining walls	Front entry & right side
8	Concrete steps and flatwork break and replace	Front and rear entry areas
9	Ceiling tile replacement and repair (NOTE WO# FM-200717700)	Multiple interior locations
10,	Replace decaying exterior rail ties with concrete curb	Right front of entry
	Flag-pole repair (NOTE WO # FM-200803955)	Front entry

Check to indicate '	your agreement/	consent to	the following:

Every business on our team has submitted a signed donation agreement to the Office of the Deputy Mayor for Education		Every business on our tear	n has submitted a signed do	nation agreement to the O	ffice of the Deputy Mayor for Education
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This scope of work was developed in consultation with the Office of Public Education Facilities Modernization.

We have read and agree to comply with OPEFM's product and construction specifications.

The principal of the school is aware of and endorses this scope of work.

The agreed-to scope of work will be completed prior to August 15, 2008.

Return this agreement to mel_butler@urscorp.com and rebecca.katz@dc.gov.