

Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 007 through 011 to the Construction Agreement for Renovation and Expansion of Inmate Processing Center at DC Central Detention Facility between the District of Columbia government and Prince Construction Company/ W.M. Schlosser Company, Inc., Joint Venture, Contract No. DCAM-12-CS-0165, in an aggregate amount of \$4,574,980, for goods and services received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Order Nos. 007 through 011 to Contract No. DCAM-12-CS-0165 Approval and Payment Authorization Emergency Declaration Resolution of 2018”.

Sec. 2.(a) There exists an immediate need to approve Change Order (“CO”) Nos. 007 through 011 to Contract No. DCAM-12-CS-0165 (the “Contract”) to finalize a settlement agreement (the “Settlement Agreement”) and authorize payment for various scope of work revisions to the Contract with Prince Construction Company/ W.M.

1 Schlosser Company, Inc., Joint Venture (the “Contractor”), for goods and services
2 received in an aggregate amount of \$4,574,980, for construction services for the
3 renovation and expansion of the inmate processing center at the DC Central Detention
4 Facility located at 1901 D Street, SE, Washington, DC (the “Project”).

5 (b) CO No. 006 was previously submitted to and approved by Council as CA21-
6 0056 on May 31, 2015. CO No. 006 increased the Contract value by \$2,575,000, from
7 \$20,701,636 to \$23,276,636. However, on July 15, 2015, the Department issued CO No.
8 007, which voided CO No. 006, and increased the Contract value by \$996,443 from
9 \$20,701,636 to \$21,698,079. CO. No. 007 facilitated an interim progress payment for
10 work originally included in CO No. 006. Subsequently, the Department submitted CO
11 No. 008 for Council approval in the amount of \$1,578,557 (the remaining unpaid balance
12 contemplated in CO No. 006), however, on December 1, 2015, CO No. 008 was
13 withdrawn from Council consideration and no funds were expended thereunder. On
14 December 4, 2015, the Department issued CO No. 009, which increased the Contract
15 value by \$1,578,557 (the remaining unpaid balance of former CO No. 006), from
16 \$21,698,079 to \$23,276,636. CO No. 009 did not alter the scope of work. On July 13,
17 2016, the Department issued CO No. 010, which did not alter the Contract value, but
18 established an administrative term through September 30, 2016 and included scope of
19 work revisions that were funded through the balances of various Contract allowances.
20 Subsequent to CO No. 006, certain claims and disputes arose between the Department
21 and the Contractor concerning the Contract balance, final payment, schedule delays and
22 related issues. As a result of the ongoing claims and disputes, the Department and the
23 Contractor attended mediation, which resulted in the Settlement Agreement on March 8,

1 2018. Proposed CO No. 011 in the final Settlement Agreement amount of \$1,999,980,
2 which would close out the Contract and increase the Contract value from \$23,276,636 to
3 \$25,276,616, would cause the aggregate value of CO Nos. 007 through 011 to be
4 \$4,574,980.

5 (c) Proposed CO Nos. 009 and 011 cause the aggregate value of all change orders
6 issued since the last Council approval to exceed \$1 million, thus Council approval of CO
7 Nos. 007 through 011 is required pursuant to section 451 of the District of Columbia
8 Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-
9 204.51).

10 Sec. 3. The Council of the District of Columbia determines that the circumstances
11 enumerated in Section 2 constitute emergency circumstances making it necessary that CO
12 Nos. 007 through 011 to Contract No. DCAM-12-CS-0165 Approval and Payment
13 Authorization Emergency Act of 2018 be adopted after a single reading.

14 Sec. 4. This resolution shall take effect immediately.