

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 Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 between the Department of General Services and Keystone Plus Construction Corporation, increasing the aggregate Contract amount by \$8,147,295.89 and authorizing payment to Keystone Plus Construction Corporation for design-build services received and to be received under these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 with Keystone Plus Construction Corporation Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2.(a) There exists an immediate need to approve Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 (the “Contract”) between the Department of General Services (the “Department”) and Keystone Plus Construction Corporation (the “Contractor”) to increase the aggregate Contract amount by \$8,147,295.89, from \$5,500,000.00 to \$13,647,295.89, and to authorize payment to the Contractor for design-build services received and to be received to complete the construction of the new Eastern Market Metro Market Park.

1 (b) On January 17, 2019, the Department executed Modification No. 1 in the
2 amount of \$0, and on March 12, 2019, the Department executed Modification No. 2 in
3 the amount of \$0. On April 15, 2020, the Department executed Modification No. 3 in the
4 amount of \$900,559.67, increasing the previously approved Contract not to exceed
5 amount (“NTE”) and establishing the Guaranteed Maximum Price (“GMP”) for Phase I
6 in the amount of \$6,400,559.67. The amount of Modification No. 3 was less than \$1
7 million; thus Council’s approval was not required. Proposed Modification No. 4, in the
8 amount of \$7,246,736.22, would establish the GMP for Phase II. The aggregate amount
9 of Modification No. 3 and proposed Modification No. 4 would increase the Contract’s
10 GMP and NTE by \$8,147,295.89, from \$6,400,559.67 to \$13,647,295.89.

11 (c) Proposed Modification No. 4 would cause the aggregate value of the Contract
12 and all modifications issued after Council’s last approval to exceed \$1 million; thus,
13 Council approval is now required pursuant to section 451 of the District of Columbia
14 Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-
15 204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective
16 April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02),

17 Sec. 3. The Council of the District of Columbia determines that the
18 circumstances enumerated in Section 2 constitute emergency circumstances making it
19 necessary that the “Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 with
20 Keystone Plus Construction Corporation Approval and Payment Authorization
21 Emergency Act of 2020” be adopted after a single reading.

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