

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. 2, 3 and 6 to Contract No. DCAM-18-CS-0105 between the Department of General Services and MCN Build, Inc., increasing the aggregate Contract amount by \$1,218,974.40 to \$12,818,974.40, and authorizing payment to MCN Build, Inc. 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 “Modification Nos. 2, 3 and 6 to Contract No. DCAM-18-CS-0105 with MCN Build, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2021.”

Sec. 2.(a) There exists an immediate need to approve Modification Nos. 2, 3 and 6 to the Contract No. DCAM-18-CS-0105 (the “Contract”) between the District’s Department of General Services (the “Department”) and MCN Build, Inc. (the “Contractor”) for design-build services for Shepherd Recreation Center and Shepherd Elementary School Cafeteria, to increase the Contract’s not-to-exceed (“NTE”) amount by \$1,218,974.40 from \$11,600,000 to \$12,818,974.40, and to authorize payment to the Contractor for services received and to be received under these modifications.

1 (b) Modification No. 2, in the amount of \$400,000, was executed on June 12,
2 2020 and increased the previously approved Contract NTE amount by \$400,000 from
3 \$11,600,000 to \$12,000,000. Modification No. 3, in the amount of \$426,027.69, was
4 executed on September 17, 2020 and increased the Contract NTE amount by \$426,027.69
5 from \$12,000,000 to \$12,426,027.69. The aggregate value of Modification Nos. 2 and 3
6 is \$826,027.69, an amount less than \$1 million; thus, Council approval was not required.

7 (c) Proposed Modification No. 6 would increase the NTE amount of the Contract
8 by \$392,946.71 from \$12,426,027.69 to \$12,818,974.40. The aggregate value of
9 Modification Nos. 2, 3 and proposed Modification No. 6 is \$1,218,974.40, an amount in
10 excess of \$1 million during a 12-month period; therefore, Council approval of these
11 modifications is required pursuant to section 451 of the District of Columbia Home Rule
12 Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

13 (d) Council approval of the modifications is necessary to allow the completion of
14 services for the Shepherd Recreation Center and Shepherd Elementary School Cafeteria
15 and to compensate the Contractor for services provided and to be provided pursuant to
16 the modifications.

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. 2, 3 and 6 to Contract No. DCAM-18-CS-0105
20 with MCN Build, Inc. Approval and Payment Authorization Emergency Act of 2021” be
21 adopted after a single reading.

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