

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 6 to Contract No. DCAM-19-CS-RFP-0062, between the Department of General Services and Smoot Construction Company of Washington, DC, increasing the aggregate Contract amount by \$1,196,685 to \$17,821,542, and authorizing payment to Smoot Construction Company of Washington, DC for construction management 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. 3 and 6 to Contract No. DCAM-19-CS-RFP-0062 with Smoot Construction Company of Washington, DC Approval and Payment Authorization Emergency Declaration Resolution of 2021.”

Sec. 2.(a) There exists an immediate need to approve Modification Nos. 3 and 6 to the agreement for Construction Management-at-Risk Services for Franklin Park (DCAM-19-CS-RFP-0062) (the “Contract”) between the District’s Department of General Services (the “Department”) and Smoot Construction Company of Washington, DC (the “Contractor”), to increase the Guaranteed Maximum Price (“GMP”) by \$1,196,685, from \$16,624,857 to \$17,821,542, and to authorize payment to the Contractor for services received and to be received under these modifications.

1 (b) Modification No. 1, executed on October 23, 2020, established the GMP and
2 increased the previously approved Contract amount by \$973,539.20, from \$13,563,460.80
3 to \$14,537,000. The value of Modification No. 1 was less than \$1 million; thus, Council
4 approval was not required. The Department submitted and the Council subsequently
5 approved as A24-0048 on March 2, 2021, Modification Nos. 1 and 2. Modification No. 2
6 increased the Contract's GMP by \$2,087,857, from \$14,537,000 to \$16,624,857.
7 Modification No. 3 was executed on June 1, 2021 and increased the Contract's GMP by
8 \$996,765, from \$16,624,857 to \$17,621,622. Modification No. 3, in the amount of
9 \$996,765 was less than \$1 million; thus, did not require Council approval. Modification
10 Nos. 4 and 5 were zero-dollar modifications and Council approval was not required.

11 (c) Proposed Modification No. 6 would increase the Contract's GMP by \$199,920
12 from \$17,621,622 to \$17,821,542. The aggregate value of Modification No. 3 and
13 proposed Modification No. 6 is \$1,196,685, an amount in excess of \$1 million during a 12-
14 month period; therefore, Council approval of these modifications is required pursuant to
15 section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87
16 Stat. 803; D.C. Official Code § 1-204.51).

17 (d) Council approval of Modification No.3 and 6 is necessary to allow the
18 continuation of construction management at-risk services for Franklin Park and to
19 compensate the Contractor for services provided and to be provided under these
20 modifications.

21 Sec. 3. The Council of the District of Columbia determines that the circumstances
22 enumerated in Section 2 constitute emergency circumstances making it necessary that the
23 "Modification Nos. 3 and 6 to Contract No. DCAM-19-CS-RFP-0062 with Smoot

- 1 Construction Company of Washington, DC Approval and Payment Authorization
- 2 Emergency Act of 2021” be adopted after a single reading.
- 3 Sec. 4. This resolution shall take effect immediately.