

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. 4 and 5 to Contract No. DCAM-20-CS-RFQ-0002F between the Department of General Services and American Combustion Industries, Inc., exercising Option Year 002 with an aggregate not-to-exceed (“NTE”) amount of \$10,000,000, and authorizing payment to American Combustion Industries, Inc. for services received and to be received under the contract and these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “Modification Nos. 4 and 5 to Contract No. DCAM-20-CS-RFQ-0002F with American Combustion Industries, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2022”.

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 4 and 5 to the Agreement for IDIQ for HVAC Systems Maintenance, Replacement, and Installation Services (DCAM-20-CS-RFQ-0002F) (the “Contract”) between the District’s Department of General Services (the “Department”) and American Combustion Industries, Inc. (the “Contractor”), which would increase the aggregate NTE amount of Option Year 002 of the Contract to \$10,000,000, and to authorize payment to the Contractor for services received and to be received under these modifications.

1 (b) Modification No. 1 partially exercised Option Year 001 with a guaranteed
2 minimum amount of \$50 and a NTE amount of \$990,000 through July 31, 2021. The
3 amount of Modification No. 1 was less than \$1 million; thus, Council’s approval was not
4 required. Modification No. 2 fully exercised Option Year 001 with a guaranteed minimum
5 amount of \$50 and a NTE amount of \$10,000,000 through June 7, 2022 and was approved
6 by Council on July 7, 2021. Modification No. 3 was a zero-dollar administrative change.
7 Modification No. 4 partially exercise Option Year 002 with a guaranteed minimum amount
8 of \$50 and a NTE amount of \$990,000 through September 30, 2022. The amount of
9 Modification No. 4 was less than \$1 million; thus, Council’s approval was not required.

10 (c) Proposed Modification No. 5 would fully exercise Option Year 002 through
11 June 7, 2023 in the amount of \$10,000,000; therefore, Council approval of these
12 modifications is required pursuant to section 451 of the District of Columbia Home Rule
13 Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).

14 (d) Council approval of the modifications is necessary to authorize the continuation
15 of services provided and to be provided pursuant to the modifications.

16 Sec. 3. The Council of the District of Columbia determines that the circumstances
17 enumerated in Section 2 constitute emergency circumstances making it necessary that the
18 “Modification Nos. 4 and 5 to Contract No. DCAM-20-CS-RFQ-0002F with American
19 Combustion Industries, Inc. Approval and Payment Authorization Emergency Act of
20 2022” be adopted after a single reading.

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