

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. 1, 2, and 6 to Contract No. DCAM-21-CS-IFB-0001, between the Department of General Services and Fort Myers Construction Corporation, increasing the aggregate amount of the Contract by \$1,401,624.90 from \$9,976,624.90 to \$11,378,319.55, and to authorize payment to Fort Myers Construction Corporation for 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. 1, 2, and 6 to Contract No. DCAM-21-CS-IFB-0001 with Fort Myers Construction Corporation Approval and Payment Authorization Emergency Declaration Resolution of 2022”.

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 1, 2, and 6 to Contract DCAM-21-CS-IFB-0001 (“Contract”) between the Department of General Services and Fort Myers Construction Corporation (“Contractor”), which would increase the aggregate amount of the Contract by \$1,401,624.90, from \$9,976,694.65 to \$11,378,319.55, and to authorize payment to the Contractor for construction services received and to be received under these modifications.

1 (b) The Contract, which was executed on June 2, 2021 in the amount of  
2 \$9,976,694.65, was previously approved by the Council as CA24-0127. Modification No.  
3 1, executed on August 30, 2021, increased the Contract amount by \$803,690, from  
4 \$9,976,694.65 to \$10,780,384.65, an amount under \$1 million; thus, Council approval was  
5 not required. Modification No. 2, executed on November 5, 2021, increased the Contract  
6 amount by \$78,443.64, from \$10,780,384.65 to \$10,858,828.29. The aggregate amount of  
7 Modification Nos. 1 and 2 is \$882,133.64, an amount under \$1 million; thus, Council  
8 approval was not required. Modification Nos. 3, 4, and 5 were \$0 administrative contract  
9 actions. Proposed Modification No. 6 would increase the Contract amount by \$519,491.26,  
10 from \$10,858,828.29 to \$11,378,247.49; thus, Modification No. 6 would increase the  
11 aggregate amount of Modification Nos. 1, 2 and 6 to \$1,401,624.90, an amount over \$1  
12 million.

13 (c) Since the aggregate amount of Modification Nos. 1, 2 and 6 is in excess of \$1  
14 million during a 12-month period, Council approval is required pursuant to section 451 of  
15 the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C.  
16 Official Code § 1-204.51) and the requirements of section 202 of the Procurement Practices  
17 Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-  
18 352.02).

19 (d) Council approval of Modification Nos. 1, 2, and 6 is necessary to allow the  
20 continuation of essential construction services for the redevelopment of St. Elizabeths East  
21 Campus and to compensate the Contractor for services provided and to be provided under  
22 these modifications.

1           Sec. 3. The Council of the District of Columbia determines that the circumstances  
2 enumerated in Section 2 constitute emergency circumstances making it necessary that the  
3 “Modification Nos. 1, 2, and 6 to Contract No. DCAM-21-CS-IFB-0001 with Fort Myers  
4 Construction Corporation Approval and Payment Authorization Emergency Act of 2022”  
5 be adopted after a single reading.

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