

COUNCIL OF THE DISTRICT OF COLUMBIA

MEMORANDUM

To: Chairman Phil Mendelson
From: Councilmember Janeese Lewis George
Date: February 2, 2023
Subject: Emergency Contract Approval Measures

At our next legislative meeting, I intend to move emergency measures to retroactively approve several contracts for the Department of General Services and the Child and Family Services Agency. The specific measures and contracts are identified later in this memorandum, and I request that you place these measures on the agenda of our regular legislative meeting scheduled for February 7, 2023.

These legislative measures are necessary to cure the Executive's routine failure to submit contracts for timely Council approval as required by the Home Rule Act. Although my staff is engaged in obtaining and reviewing information about the current group of contracts, I am not currently aware of significant problems with the work performed under them. For that reason, I intend to move these measures to ensure the continuity of contractual services for our residents and agencies.

Nonetheless, the recurring failure to seek timely Council approval of contracts is a longstanding problem. The Council has shown patience in granting retroactive approval again and again, yet our patience has been matched by the Executive's indifference to matters of basic operational planning. Our patience is not working.

With respect to this group of emergency measures, the agency (either DGS or CFSA, each of which has independent procurement authority) failed to seek Council approval before exercising options to extend existing contractual arrangements. Instead of exercising an option *year* as provided in the contract, the agency has modified the contract and exercised a "partial" option for a shorter period having a contract value under \$1 million. Thus, the agency now seeks Council approval for an action already taken (the exercise of the partial option) *and* a future action with no convenient alternative (the exercise of the remaining portion of the option year, at an aggregate cost over \$1 million). In general, exercising a contractual option requires very little foresight and involves none of the risks inherent in a new procurement, but the agencies have complicated this simple matter with contract modifications and deprived the Council of meaningful agency.

As colleagues have said before many times, these practices are disrespectful to the Council as a coequal branch of District government. In the future, I will oppose retroactive approval of contracts if I am in any way dissatisfied with the substance of the contracts or the quality of the services performed. I would welcome our colleagues' partnership and other ideas for promoting compliance with Home Rule Act requirements as they relate to procurement and contracting.

The remainder of this memorandum reproduces information that has been provided by the agencies regarding the contracts and the approval measures. Should you or your staff have questions, please contact Will Perkins, Committee Director for the Committee on Facilities and Family Services.

Department of General Services

- Modification Nos. 05, 06, 07 and 08 to Contract DCAM-18-NC-0027 with Superior Services & Associates, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2023
- Modification Nos. 05, 06, 07 and 08 to Contract DCAM-18-NC-0027 with Superior Services & Associates, Inc Approval and Payment Authorization Emergency Act of 2023

Drafts of these measures are attached.

These measures approve Modification Nos. 05, 06, 07 and 08 to Contract DCAM-18-NC-0027 with Superior Services & Associates, Inc a certified Local, Small, or Disadvantaged Business Enterprise. The contractor will continue to provide comprehensive janitorial services, including the management, supervision, labor, materials, supplies, and equipment at the Metropolitan Police Department (MPD) and Fire and Emergency Medical Services (FEMS).

Modification No. 05 partially exercised Option Year Four, from June 14, 2022, through July 13, 2022, for a zero (\$0.00) dollar amount. Modification No. 06 extended the Option Year Four Contract term through October 31, 2022 for a total NTE amount of \$986,212.44. Modification No. 07 extended the Option Year Four Contract term through January 31, 2023 and increased the not to exceed (NTE) amount for Option Year Four from \$986,212.44 by \$10,949.00 to \$997,161.44. Proposed Modification No. 08 will exercise the remainder of option year four and increase the NTE amount from \$997,161.44 by \$1,474,815.20, to a total aggregate NTE amount of \$2,471,976.64 and authorize the Contractor to continue to provide comprehensive janitorial services. Proposed Modification No. 08 will extend the contract's period of performance through June 13, 2023. Since the aggregate NTE amount of Modification Nos. 05, 06, 07 and proposed Modification No. 08 will exceed \$1 million, Council approval is required.

- Modification Nos. 11, 12, 13 and 14 to Contract DCAM-19-NC-RFP-0007B with Maryland Elevator Services, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2023
- Modification Nos. 11, 12, 13 and 14 to Contract DCAM-19-NC-RFP-0007B with Maryland Elevator Services, Inc Approval and Payment Authorization Emergency Act of 2023

Drafts of these measures are attached.

These measures approve Modification Nos. 11, 12, 13 and 14 to Contract DCAM-19-NC-RFP-0007B with Maryland Elevator Services, Inc to allow the contractor to continue to provide services including management, supervision, labor, materials, supplies, and equipment necessary to ensure effective performance of operations, maintenance and repair services for elevator, escalator, wheel-chair lifts, and conveyances at various District facilities.

Modification No. 11 partially exercised Option Year Three, from October 1, 2022 through December 31, 2022 for a NTE amount of \$458,728. Modification No. 12 increased the cost reimbursement ceiling for supplemental services from \$25,000 to \$100,000. Thus, Modification No. 12 increased the NTE amount for Option Year Three from \$458,728 by \$100,000 to \$533,728.

Modification No. 13 extended the Option Year Three Contract term by an additional one month through January 31, 2023, increasing the NTE amount from 533,728 by \$144,576 to \$678,304.

Proposed Modification No. 14 will exercise the remainder of Option Year Three and increase the NTE amount from \$678,304 by \$1,306,608, to a total aggregate NTE amount of \$1,984,912 and authorize the Contractor to continue to provide services. Proposed Modification No. 14 will extend the contract's period of performance through September 30, 2023. Since the aggregate NTE amount of Modification Nos. 11, 12, 13 and proposed Modification No. 14 will exceed \$1 million, Council approval is required.

- [PR 25-49](#), Modifications Nos. 02, 03, and 04 to Contract DCAM-21-NC-RFP-0013B with RSC Electrical & Mechanical Contractors, Inc Approval and Payment Authorization Emergency Declaration Resolution of 2023
- [Bill 25-6](#), Modifications Nos. 02, 03, and 04 to Contract DCAM-21-NC-RFP-0013B with RSC Electrical & Mechanical Contractors, Inc Approval and Payment Authorization Emergency Act of 2023

These measures have been filed in the Office of the Secretary.

These measures approve Modifications Nos. 02, 03, and 04 to Contract DCAM-21-NC-RFP-0013B with RSC Electrical & Mechanical Contractors, Inc a certified Local, Small, or Disadvantaged Business Enterprise. The contractor shall provide comprehensive consolidated maintenance services including the management, supervision, labor, materials, supplies, and equipment to ensure effective performance of operations, maintenance and repair services at the Department of Employment Services (“DOES”). The Contractor is responsible for ensuring that DOES is maintained as a clean, comfortable, and operable facility for the District’s workforce and staff, and the public at all times.

Modification No. 02 partially exercised Option Year One for a two-month period, from October 1, 2022, through November 30, 2022 for a NTE amount of \$429,969.70.

Modification No. 03 extended the term by two (2) months through January 31, 2023, increasing the NTE amount from \$429,969.70 to \$809,939.40. The amount of Modification Nos. 02 & 03 were less than \$1 million, thus Council’s approval was not required.

The proposed Modification No. 04, if approved, will authorize the Contractor to continue providing services after January 31, 2023. Since the aggregate NTE amount of Modification Nos. 02 & 03, and the proposed Modification No. 04 exceed \$1 million, Council approval is required.

- [PR 25-79](#), Modification Nos. 3 and 4 to Contract No. DCAM-20-CS-RFQ-0001B with Alternatives Renewable Solutions, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2023

- [Bill 25-76](#), Modification Nos. 3 and 4 to Contract No. DCAM-20-CS-RFQ-0001B with Alternatives Renewable Solutions, LLC Approval and Payment Authorization Emergency Act of 2023

These measures have been filed in the Office of the Secretary.

These measures approve Modification Nos. 3 and 4 to Contract No. DCAM-20-CS-RFQ-0001B with Alternatives Renewable Solutions, LLC is a Certified Local, Small, or Disadvantaged Business Enterprise. The Contract authorizes the Contractor to provide on-call construction, repair, and replacement services, as awarded via competitively awarded task order agreements for general construction and facility maintenance projects, including but not limited to electrical, mechanical and plumbing services, concrete and masonry services, painting services, fire, life safety, and other miscellaneous work. The Contract work may also include, from time to time, small construction projects that need to be completed quickly; these projects would primarily be in response to emergency situations such as vandalism, structural failures, or other life safety issues.

The underlying Contract was previously submitted and approved by the Council on October 31, 2020, as CA23-0716. Modification No. 3 was executed on November 14, 2022, and partially exercised Option Year 002 with a guaranteed minimum value of \$50 and an aggregate NTE amount of \$990,000, for a period of November 16, 2022, through January 15, 2023. The amount of Modification No. 3 was less than \$1 million; thus, Council’s approval was not required.

Proposed Modification No. 4 would increase the Contract’s Option Year 002 aggregate NTE amount from \$990,000, by \$4,010,000 to \$5,000,000. Since the aggregate NTE amount of Modification No. 3 and proposed Modification No. 4 exceeds \$1 million, Council approval is required for this contract action.

Child and Family Services Agency

- [PR 25-58](#), Modification Nos. 12, and 13 to Contract No. DCRL-2020-C-0103 with Edgewood Brookland Family Support Collaborative Approval and Payment Authorization Emergency Act of 2023
- [Bill 25-38](#), Modification Nos. 12 and 13 to Contract No. DCRL-2020-C-0103 with Edgewood Brookland Family Support Collaborative Approval and Payment Authorization Emergency Declaration Resolution of 2023”

These measures have been filed in the Office of the Secretary.

This legislation will approve Modification Nos. 12 and 13 to fully exercise option year two of a contract with Edgewood Brookland Family Support Collaborative to provide community-based child welfare services, and to authorize payment for services received and to be received under option year two of the contract. These contract modifications will allow community-based child welfare service delivery systems, and authorizes payment in the not-to-exceed amount of \$2,134,880.72.

Sincerely,

Janeese Lewis George

cc: All Councilmembers
Office of the Secretary
Office of Policy and Legislative Affairs
Department of General Services
Child and Family Services Agency