

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 emergency Contract No. CW97797 with ABC Towing, Inc., and Modification Nos. 1, 2, 3, 4, 5, 6 and 7 thereto, to provide standby towing services to support the District’s response to the 2022 Trucker’s Convoy and to authorize payment for the goods and services received under the contract and modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Emergency Contract No. CW97797 with ABC Towing, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2023”.

Sec. 2. (a) There exists an immediate need to approve emergency Contract No. CW97797 with ABC Towing, Inc., and Modification Nos. 1, 2, 3, 4, 5, 6 and 7 thereto, to provide standby towing services to support the District’s response to the 2022 Trucker’s Convoy and to authorize payment for the goods and services received under the contract and modifications.

(b) On February 21, 2022, the Office of Contracting and Procurement, on behalf of the Department of Public Works, awarded Contract No. CW97797, on an emergency

34 basis, to ABC Towing, Inc. for the period February 22, 2022 through March 13, 2022 in
35 the not-to-exceed amount of \$3,128,400.

36 (c) Modification No. 1 was an administrative modification.

37 (d) By Modification No. 2, dated March 13, 2022, the Office of Contracting and
38 Procurement, on behalf of the Department of Public Works, exercised part of option
39 period 1 of Contract No. CW97797 for the period March 14, 2022 through March 17,
40 2022 in the not-to-exceed amount of \$633,600.

41 (e) By Modification No. 3, dated March 17, 2022, the Office of Contracting and
42 Procurement, on behalf of the Department of Public Works, exercised another part of
43 option period 1 of Contract No. CW97797 for the period March 18, 2022 through March
44 24, 2022 in the not-to-exceed amount of \$1,108,800.

45 (f) By Modification No. 4, dated March 24, 2022, the Office of Contracting and
46 Procurement, on behalf of the Department of Public Works, exercised another part of
47 option period 1 of Contract No. CW97797 for the period March 25, 2022 through March
48 27, 2022 in the not-to-exceed amount of \$475,200.

49 (g) By Modification No. 5, dated March 25, 2022, the Office of Contracting and
50 Procurement, on behalf of the Department of Public Works, exercised the remainder of
51 option period 1 of Contract No. CW97797 for the period March 28, 2022 through April 1,
52 2022 in the not-to-exceed amount of \$396,000.

53 (h) By Modification No. 6, dated March 31, 2022, the Office of Contracting and
54 Procurement, on behalf of the Department of Public Works, revised the period of
55 performance of option period 1 of Contract No. CW97797, and revised the not-to-exceed
56 amount awarded under Modification No. 5 to for option period 1 to \$237,600, bringing

57 the total not-to-exceed amount for the period from March 14, 2022 through March 30,
58 2022 to \$2,455,200.

59 (i) By Modification No. 7, dated June 30, 2023, the Office of Contracting and
60 Procurement, on behalf of the Department of Public Works, clarified that Modification
61 No. 6 overstated the not-to-exceed amount awarded under Modification No. 5 for option
62 period 1 by \$50,000 and administratively corrected the total not-to-exceed amount as
63 \$5,674,096, inclusive of interest.

64 (j) Council approval is required by section 451(b) of the District of Columbia
65 Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-
66 204.51(b)) since the contract is in excess of \$1 million during a 12-month period.

67 (k) Approval on an emergency basis is necessary to allow the timely continuation
68 of these vital services. In addition, without this approval, ABC Towing, Inc. cannot be
69 paid for goods and services provided in excess of \$1 million for the contract period
70 February 22, 2022 through March 30, 2022.

71 Sec. 3. The Council determines that the circumstances enumerated in section 2
72 constitute emergency circumstances making it necessary that the Emergency Contract
73 No. CW97797 with ABC Towing, Inc. Approval and Payment Authorization Emergency
74 Act of 2023 be adopted after a single reading.

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