



2019 MAY 28 PM 12:58
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

MAY 28 2019

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Suite 504
Washington, D.C. 20004

**Reference: District of Columbia Department of General Services
Modification Nos. 14 and 15 to Contract No. DCAM-15-NC-0085B with
National Service Contractors, Inc. Approval and Payment Authorization
Emergency Act of 2019
Contractor: National Service Contractors, Inc.
Contract Number: DCAM-15-NC-0085B**

Dear Chairman Mendelson:

Pursuant to D.C. Official Code § 1-204.51(b), the Department of General Services (“DGS” or the “Department”) hereby submits to the Council of the District of Columbia for its review and approval the attached proposed emergency legislation, “Modification Nos. 14 and 15 to Contract No. DCAM-15-NC-0085B with National Service Contractors, Inc. Approval and Payment Authorization Emergency Act of 2019”, and corresponding emergency declaration resolution, to authorize the services and payments under Modification No. 14 and proposed Modification No. 15 to the Department’s underlying Contract for Grounds Maintenance Services (DCAM-15-NC-0085B) (the “Contract”) with National Service Contractors, Inc. (the “Contractor”).

Council action is necessary to approve Modification No. 14 and proposed Modification No. 15, in the aggregate not-to-exceed (“NTE”) amount of \$1,307,703.69, with a guaranteed minimum amount of \$250, for the fourth of four (4) one-year option periods (“Option Year Four”), based on the need for continued grounds maintenance services for various District of Columbia public facilities (the “Project”). As the aggregate amount of the proposed increase to the Option Year Four value via Modification No. 14 and proposed Modification No. 15 exceeds \$1 million, Council’s approval is required for this contract action.

The Chief Financial Officer has certified that the necessary funding for the above-referenced contract action is available for FY 2019.

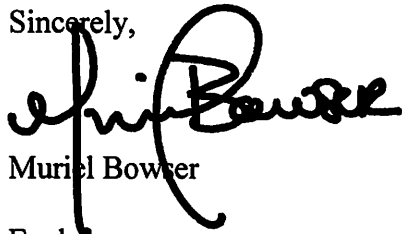
The Honorable Phil Mendelson

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In addition to Modification No. 14, and proposed Modification No. 15, attached are : (i) a contract summary; (ii) a fiscal certification; (iii) memoranda and/or certifications of legal sufficiency; (iv) a Clean Hands certification for the Contractor; (v) a proposed emergency declaration; and (vi) proposed legislation.

If you have any questions regarding this proposed action, please feel free to If you have any questions regarding this proposed action, please feel free to contact Keith A. Anderson, the Department's Director, or George G. Lewis the Department's Chief of Contracts & Procurement at (202) 727-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is written in a cursive, flowing style with a large initial "M".

Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis, Modification Nos. 14 and 15 to Contract No. DCAM-15-NC-0085B with National Service Contractors, Inc., increasing the maximum aggregate not-to-exceed Option Year Four Contract value to \$1,307,703.69, and authorizing payment to National Service Contractors, Inc. for goods and services received and to be received under these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Modification Nos. 14 and 15 to Contract No. DCAM-15-NC-0085B with National Service Contractors, Inc. Approval and Payment Authorization Emergency Act of 2019”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Modification Nos. 14 and 15 to Contract No. DCAM-15-NC-0085B with National Service Contractors, Inc. for grounds maintenance services, increasing the maximum aggregate not-to-exceed value of the Contract for Option Year

1 Four to \$1,307,703.69, and authorizing payment to National Service Contractors, Inc. for
2 goods and services received and to be received under these modifications.

3 Sec. 3. The Council adopts the fiscal statement of the Chief Financial Officer as
4 the fiscal impact statement required by section 4a of the General Legislative Procedures
5 Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-
6 301.47a).

7 Sec. 4. This act shall take effect following approval by the Mayor (or in the
8 event of veto by the Mayor, action by the Council to override the veto), and shall remain
9 in effect for no longer than 90 days, as provided for emergency acts of the Council of the
10 District of Columbia in section 412(a) of the District of Columbia Home Rule Act,
11 approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES



Pursuant to section 202(c) of the Procurement Practices Reform Act of 2010, as amended, D.C. Official Code § 2-352.02(c), the following contract summary is provided:

COUNCIL CONTRACT SUMMARY
(Retroactive or Tipping)

**Modification No. 14 and Proposed Modification No. 15
Option Year Four of Contract for Grounds Maintenance Services**

(A) Contract Number: DCAM-15-NC-0085B (“Contract”)

Proposed Contractor: National Service Contractors, Inc. (“Contractor”)

**Amount for Proposed Modification No. 15
(Option Year Four):** \$778,567.06 Increase to Not-To-Exceed (“NTE”) Value

**Aggregate Amount for Modification No. 14
And Proposed Modification No. 15
(Option Year Four):** Guaranteed Minimum Value: \$250.00;
NTE Value: \$1,307,703.69

Unit and Method of Compensation: Monthly progress payments based on fixed unit pricing

**Term of Contract
(Option Year Four):** April 20, 2019 through April 19, 2020

Please note: Proposed Modification No. 15 must be approved by legislative meeting scheduled for June 4, 2019 in order to timely authorize the necessary services.

Type of Contract: Indefinite Delivery Indefinite Quantity, Fixed Unit Price per Maintenance Session for Each Facility

Source Selection Method: Competitive Request for Proposals

(B) For a contract containing option periods, the contract amount for the base period and for each option period. If the contract amount for one or more of the option periods differs from the amount for the base period, provide an explanation of the reason for the difference:

Base Period Amount: NTE: \$1,177,802.00
(CA21-0095)

Full Option Year One Amount: NTE: \$1,343,785.35
(A21-0441)

Explanation of difference from base period (if applicable):

The Contract provides for fixed unit prices per maintenance session for District facilities to be served. Fixed unit prices vary from year to year to allow for wage increases, inflation and other increased costs as well as variations in the District facilities served and/or number of maintenance sessions provided.

Full Option Year Two Amount: NTE: \$1,520,507.24
(CA22-0061)

Explanation of difference from base period (if applicable):

The Contract provides for fixed unit prices per maintenance session for District facilities to be served. Fixed unit prices vary from year to year to allow for wage increases, inflation and other increased costs as well as variations in the District facilities served and/or number of maintenance sessions provided.

Full Option Year Three Amount: Guaranteed Minimum: \$250.00;
(CA22-0446) NTE: \$1,220,485.56

Explanation of difference from base period (if applicable):

The Contract provides for fixed unit prices per maintenance session for District facilities to be served. Fixed unit prices vary from year to year to allow for wage increases, inflation and other increased costs as well as variations in the District facilities served and/or number of maintenance sessions provided.

Full Option Year Four Proposed Amount: Guaranteed Minimum: \$250.00;
NTE: \$1,307,703.69

Explanation of difference from base period (if applicable):

The Contract provides for fixed unit prices per maintenance session for District facilities to be served. Fixed unit prices vary from year to year to allow for wage increases, inflation and other increased costs as well as variations in the District facilities served and/or number of maintenance sessions provided.

(C) The goods or services to be provided, the methods of delivering goods or services, and any significant program changes reflected in the proposed contract:

The underlying Contract for Grounds Maintenance Services (DCAM-15-NC-0085B) (the "Contract") between the Department of General Services (the "Department" or "DGS") and National Service Contractors, Inc. (the "Contractor") was deemed approved by the Council as CA21-0095 in the not-to-exceed ("NTE") amount of \$1,177,802.00 for the Contract's base period ("Base Period"). The Contract, which is an Indefinite Delivery/Indefinite Quantity ("IDIQ") contract, authorizes the Contractor to provide grounds maintenance services at fixed-unit prices per maintenance session, at various District of Columbia facilities in Award Group 3 (Wards 5 and 6), and Award Group 5 (DYRS Locations) (the "Project"). The Contractor is responsible for providing all management, tools, supplies, equipment, vehicles and labor necessary to perform grounds maintenance services at various District facilities to maintain grass, trees, shrubs, and plants for a clean, neat and professional appearance at such facilities.

The Contract provided for a Base Period through April 19, 2016. Modification Nos. 04 and 05, which fully exercised Option Year One, was approved by Council (A21-0441) in the NTE amount of \$1,343,785.35. The exercise of Option Year One extended the Contract's term from April 20, 2016 through April 19, 2017. Modification No. 09, which fully exercised Option Year Two, was approved by Council (CA22-0061) in the NTE amount of \$1,520,507.24. The exercise of Option Year Two extended the Contract's term from April 20, 2017 through April 19, 2018. Modification No. 12, which fully exercised Option Year Three, was deemed approved by Council (CA22-0446) in the NTE amount of \$1,220,485.56. Modification No. 14 partially exercised Option Year Four, which extended the term of the Contract from April 20, 2019 through July 31, 2019 in the NTE amount of \$539,136.63. The Department now seeks approval of Modification No. 15. If approved, Modification No. 15 will extend the Contract's term from August 1, 2019 through April 19, 2020 and authorize the Contractor to continue to perform grounds maintenance services at locations within Award Groups 3 (Wards 5 and 6), and 5 (DYRS Locations). Modification No. 15 increases the not-to-exceed ("NTE") amount for Option Year Four by \$778,567.06 for a total NTE amount of \$1,307,703.69 for Option Year Four.

(D) The selection process, including the number of offerors, the evaluation criteria, and the evaluation results, including price, technical or quality, and past performance components:

The underlying Contract was competitively bid and previously submitted to and approved by the Council as CA21-0095.

(E) A description of any bid protest related to the award of the contract, including whether the protest was resolved through litigation, withdrawal of the protest by the protestor, or voluntary corrective action by the District. Include the identity of the protestor, the grounds alleged in the protest, and any deficiencies identified by the District as a result of the protest:

The award of the Contract, Modification Nos. 1 through 14 and proposed Modification No. 15 were not protested.

- (F) The background and qualifications of the proposed contractor, including its organization, financial stability, personnel, and performance on past or current government or private sector contracts with requirements similar to those of the proposed contract:**

The Contractor is a long-standing certified small business enterprise headquartered in the District of Columbia. The Contractor has serviced the Washington, DC metropolitan area for over 20 years with an emphasis on facilities management, specifically landscaping and grounds maintenance. The Contractor has satisfactorily provided comprehensive landscaping and grounds maintenance services in the District for several years. The Contractor has been determined responsible in accordance with 27 DCMR 4706.1.

- (G) The period of performance associated with the proposed change, including date as of which the proposed change is to be made effective:**

The period of performance associated with Modification No. 14 and proposed Modification No. 15 is Option Year Four, April 20, 2019 through April 20, 2020. Proposed Modification No. 15 will become effective upon approval by the Council and execution by the Department.

- (H) The value of any work or services performed pursuant to a proposed change for which the Council has not provided approval, disaggregated by each proposed change if more than one proposed change has been aggregated for Council review:**

On April 19, 2019, the Department executed Modification No. 14, which partially exercised Option Year Four, extending the term of the Contract from April 20, 2019 through April 19, 2020, in the NTE amount of \$539,136.63, with a guaranteed minimum amount of \$250.

- (I) The aggregate dollar value of the proposed changes as compared with the amount of the contract as awarded:**

The Contract, as awarded, contemplated a Base Period valued at an NTE amount of \$1,177,802.00 as well as four (4) one-year option periods valued at as follows: (i) Option Year One: NTE \$1,343,785.35; (ii) Option Year Two: NTE \$1,520,507.24; and (iii) Option Year Three: NTE \$1,220,485.56. The aggregate dollar value of Modification No. 14 and proposed Modification No. 15, for the exercise of Option Year Four, is the NTE amount of \$1,307,703.68, with a guaranteed minimum amount of \$250.

- (J) The date on which the contracting officer was notified of the proposed change:**

April 17, 2019

- (K) The reason why the proposed change was sent to Council for approval after it is intended to take effect:**

The Department intended to fully exercise Option Year Four, however, to avoid possible lapses in service before Modification No. 15 could be submitted to Council for approval, Modification No. 14 was issued to incrementally fund and exercise Option Year Four. Modification No. 14 was not

previously submitted to Council for approval because its value did not exceed \$1 million. However, proposed Modification No. 15, which is based on the need to ensure that adequate funding is available for the Contractor to continue providing necessary grounds maintenance services for the Project through the end of Option Year Four, will cause the aggregate value of Modification No. 14 and proposed Modification No. 15 to exceed \$1 million; thus, Council approval is required.

(L) The reason for the proposed change:

The Contract, as awarded, contemplated a one-year Base Period and four (4) one-year option periods. Modification No. 14 and proposed Modification No. 15 would fully exercise Option Year Four and authorize the Contractor to continue to provide the necessary grounds maintenance services for the Project and receive payment for services provided and to be provided under Modification Nos. 14 and 15, with an aggregate NTE amount of \$1,307,703.68 and a guaranteed minimum amount of \$250, for Option Year Four.

(M) The legal, regulatory, or contractual authority for the proposed change:

The Department wishes to exercise Option Year Four pursuant to the terms of the Contract. As Modification No. 14 and proposed Modification No. 15 would increase the total Contract value in an aggregate amount in excess of \$1 million, this contract action is subject to the requirements of the District of Columbia Home Rule Act, codified at D.C. Official Code §1-204.51(b). Thus, Council review and approval of the proposed contract action are required under the District of Columbia Home Rule Act, and the Modifications would be authorized by Council's enactment of Modification Nos. 14 and 15 to Contract No. DCAM-15-NC-0085B Approval and Payment Authorization Emergency Act of 2019, under D.C. Official Code § 2-352.02.

(N) A summary of the subcontracting plan required under section 2346 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, as amended, D.C. Official Code § 2-218.01 *et seq.* ("Act"), including a certification that the subcontracting plan meets the minimum requirements of the Act and the dollar volume of the portion of the contract to be subcontracted, expressed both in total dollars and as a percentage of the total contract amount:

This is an IDIQ type contract based on fixed unit prices. The Contractor is a certified local, disadvantaged, development zoned, small business enterprise in accordance with the Act (Certification No. LS DR11016082021). The Contractor is self-performing the work under the Contract, and therefore a subcontracting plan is not required.

(O) Performance standards and the expected outcome of the proposed contract:

In general, the Contractor will continue to provide grounds maintenance services for the Project. The Contractor will be required to meet or exceed performance standards in accordance with the Contract's scope of work. DGS staff will continue to monitor the Contractor's performance to ensure consistency with the Contract's terms and conditions.

(P) The amount and date of any expenditure of funds by the District pursuant to the contract prior to its submission to the Council for approval:

On April 19, 2019, the Department executed Modification No. 14 in the NTE amount of \$539,136.63, with a guaranteed minimum amount of \$250, for the exercise of Option Year Four, which represents the total expenditure of funds to date since Council's last approval.

(Q) A certification that the proposed contract is within the appropriated budget authority for the agency for the fiscal year and is consistent with the financial plan and budget adopted in accordance with D.C. Official Code §§ 47-392.01 and 47-392.02:

The Office of the Chief Financial Officer has certified that Modification No. 14 and proposed Modification No. 15, in the aggregate guaranteed minimum amount of \$250.00, are within the appropriated budget authority for the agency for the fiscal year and is consistent with the financial plan and budget adopted in accordance with D.C. Official Code §§ 47-392.01 and 47-392.02. The applicable Fiscal Sufficiency certification accompanies this Council Package.

(R) A certification that the contract is legally sufficient, including whether the proposed contractor has any pending legal claims against the District:

Modification No. 14 and proposed Modification No. 15 have been deemed legally sufficient by the Department's Office of the General Counsel. The Contractor does not appear to have pending legal claims against the District.

(S) A certification that Citywide Clean Hands database indicates that the proposed contractor is current with its District taxes. If the Citywide Clean Hands Database indicates that the proposed contractor is not current with its District taxes, either: (1) a certification that the contractor has worked out and is current with a payment schedule approved by the District; or (2) a certification that the contractor will be current with its District taxes after the District recovers any outstanding debt as provided under D.C. Official Code § 2-353.01(b):

The Citywide Clean Hands database indicates that the Contractor is current with its District taxes. The relevant Clean Hands Certificate accompanies this Council Package.

(T) A certification from the proposed contractor that it is current with its federal taxes, or has worked out and is current with a payment schedule approved by the federal government:

The Contractor has certified that it is in compliance with federal tax laws.

(U) The status of the proposed contractor as a certified local, small, or disadvantaged business enterprise as defined in the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, as amended; D.C. Official Code § 2-218.01 *et seq.*:

According to the DSLBD's website, the Contractor is a certified Local, Small, or Disadvantaged Business Enterprise. The Contractor's Certification Number is LSDR11016082021, with an expiration date of June 8, 2021.

(V) Other aspects of the proposed contract that the Chief Procurement Officer considers significant:

N/A

(W) A statement indicating whether the proposed contractor is currently debarred from providing services or goods to the District or federal government, the dates of the debarment, and the reasons for debarment:

The Contractor is not debarred from providing services to the Government of the District of Columbia or the Federal Government, according to the Office of Contracts & Procurement's Excluded Parties List and the Federal Government's Excluded Parties List.

(X) Any determination and findings issues relating to the contract's formation, including any determination and findings made under D.C. Official Code § 2-352.05 (privatization contracts):

N/A

(Y) Where the contract, and any amendments or modifications, if executed, will be made available online:

Contract award information is available on the DGS web page. Copies of contract documents, Modification No. 14 and proposed Modification No. 15 (if approved) will be made available upon request.

(Z) Where the original solicitation, and any amendments or modifications, will be made available online:

The original solicitation and any amendments have been posted on the Department of General Services' website.



Government of the District of Columbia

CERTIFICATE OF CLEAN HANDS

NATIONAL SERVICE CONTRACTORS INC
2007B MARTIN L KING AVE SE
WASHINGTON, DC 20020-0000

EIN : *****1984

As reported in the Citywide Clean Hands system, the above referenced individual or entity has no outstanding liability with the District of Columbia. As of the date herein, you have complied with the following official DC code and therefore are issued this Certificate of Clean Hands.

TITLE 47. TAXATION, LICENSING, PERMITS, ASSESSMENTS AND FEES
CHAPTER 28. GENERAL LICENSE LAW
SUBCHAPTER II. CLEAN HANDS BEFORE RECEIVING A LICENSE OR PERMIT
D.C. Code § 47-2862 (2006)
§ 47-2862. Prohibition against issuance of license or permit.

Authorized By Marc Aronin
Chief, Collection Division

Date: Friday this 19th day of April 2019 09:34 AM

Tracking#: 1000831

This document is a certified, complete and true copy.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES



Memorandum

To: Keith A. Anderson
Director, DGS

From: Massimo Marchiori *Henry Wang for MM*
Agency Fiscal Officer

Reference: Indefinite Delivery Indefinite Quantity (IDIQ) Grounds Maintenance Services
Modification No. 16, Option Year Four (OY4), Groups 3 & 5
Contract No.: DCAM-15-NC-0085B - National Service Contractors, Inc.

Date: May 2, 2019

Subject: Fiscal Sufficiency Review

In my capacity as the Agency Fiscal Officer of the Department of General Services (the "Department"), I hereby certify that funds for Option Year Four ("OY4") of the Contract for grounds maintenance services between the Department and National Service Contractors, Inc. ("NSC") with a minimum value of \$250.00 is consistent with the Department's current budget and that adequate funds are available in the budget for the expenditure. The \$250.00 minimum value is hereby certified.

The Department previously issued Modification No. 14 in the amount Not-To-Exceed ("NTE") \$529,136.63, with a \$250.00 minimum value, for the partial exercise of OY4 extending the Contract for the period of 20-April-2019 thru 31-July-2019. The Department now seeks to issue proposed Modification No. 15 in the NTE amount of \$778,567.06, which will exercise the remaining portion of OY4 extending the term of the Contract from 1-August-2019 thru 19-April-2020. The total aggregate NTE amount of the full OY4 under Modification Nos. 14 and 15 is therefore \$1,307,703.68 (\$529,136.62 + \$778,567.06).

Funds supporting individual task orders to be issued against the OY4 NTE amount of \$1,307,703.68 will be certified at the time of issuance of any such task orders and are subject the availability of appropriated funds.

The Department of General Services has \$250.00 available in its FY 2019 facilities maintenance budget: fund detail 101; Index B3002; PCA 30002; CSG 35; and Object 310.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES



Memorandum

TO: Keith A. Anderson
Director, Department of General Services

George Lewis
Chief, Contracts and Procurement Division

FROM: Beth-Sherri Akyereko, Esq. *BSA*
Interim General Counsel

SUBJECT: Legal Sufficiency Review

Modification No. 03 to Contract for City Wide Security Guard Services
in Sectors 1 and 3
Contract Number: DCAM-17-NC-0007
Contractor: Security Assurance Management, Inc.

DATE: May 15, 2019

1. Description of Proposed Contract

The Department of General Services (the “Department” or “DGS”) seeks approval, via emergency legislation, of the above-referenced Modification No. 03 to the Contract for City Wide Security Guard Services in areas defined as Sectors 1 and 3 (DCAM-17-NC-0007) (the “Contract”) with Security Assurance Management, Inc. (the “Contractor”). The Contract authorizes the Contractor to provide security guard services at various facilities leased or owned by the District in Sectors 1 and 3. The Contract, which is an Indefinite Delivery/Indefinite Quantity (ID/IQ) contract, authorizes the Contractor to provide security guard services, as awarded via task order at fixed-unit prices as required in order to maintain security at various locations. As an ID/IQ contract, the Contract does not authorize any specific work or constitute a guarantee that any work will be assigned to the Contractor. The Contract provides for a one (1) year base period (the “Base Year”) and up to four (4) one-year option periods. The Contract, with a guaranteed minimum order amount of \$250.00 and a Not-to-Exceed (“NTE”) amount of \$25,736,931.48 for the Base Year, was previously approved by the Council as CA22-0442 on April 8, 2018.

Legal Sufficiency Review

Modification No. 03 to Contract for City Wide Security Guard Services in Sectors 1 and 3

Contract Number: DCAM-17-NC-0007

Subsequently, the Department issued Task Order Nos. 1 through 6 in the aggregate amount of \$24,679,229.02. On August 22, 2018, the Department issued Modification No. 01, a zero dollar modification; thus Council approval was not required. On February 8, 2019, the Department issued Task Order Nos. 7 with a value of \$2,817,468.60 and Task Order No. 8 with a value of \$124,605.45. Task Order Nos. 7 and 8, with an aggregate value of \$2,942,074.05, increased the total amount of the Contract to \$27,621,303.07, representing an increase of \$1,884,371.59 since Council's approval of the initial NTE amount for the Base Year of the Contract. On March 14, 2019, the Department issued Task Order Nos. 9 with a value of \$2,036,560.27 and Task Order No. 10, with a value of \$89,046.18, increasing the total amount of the Contract by an additional \$2,125,606.45 to \$29,746,909.52 to continue to meet the increased needs for security guard services at additional locations and for increased security at previously-serviced locations within Sectors 1 and 3. As the end date of the Base Year approached, the Department submitted and the Council approved Modification No. 02 as CA23-0058 on April 6, 2019, which authorized the Department to exercise the first of four one-year option periods with a NTE of \$27,950,002.08 and extend the term of the Contract from April 11, 2019 through April 10, 2020. The Department now seeks Council approval of proposed Modification No. 03 in the value of \$4,009,978.04 for services received during the Base Year under individual Task Orders Nos. 7 through 10. If approved, Modification No. 03 will increase the NTE of the Base Year by \$4,009,978.04, from \$25,736,931.48 to \$29,746,909.52. If approved, the Modification No. 03 will increase the total Contract value in an amount over \$1,000,000; thus, Council approval is required.

2. Procurement Process

On November 9, 2016, the Department issued a Request for Proposals ("RFP") to engage one or more contractors to provide security guard services in Sectors 1 and 3 at various District Government facilities. On the proposal due date, December 22, 2016, four (4) firms submitted proposals in a timely manner. The proposals were evaluated by a technical evaluation panel in accordance with the criteria set forth in the RFP. Subsequently, by an award memorandum executed August 10, 2017, the Department awarded Contract No. DCAM-17-NC-0007.

3. Legal Review

Congress amended §451 of the District of Columbia Home Rule Act by requiring that no contract involving the expenditure of funds in excess of \$1 million in a 12 month period be made "unless the Mayor submits the contract to Council for its approval and the Council approves the contract." District of Columbia Financial Responsibility and Management Assistance Act of 1995 §304(a), 109 Stat. 151 Pub. L. 104-8 (April 17, 1995) (codified at D.C. Official Code §1-204.51(b) (2001). Modification No. 03 is in excess of \$1 million and is subject to the §451 requirement of the District of Columbia Home Rule Act. Thus, Council review and approval of Modification No. 03 are required under the District of Columbia Home Rule Act.

Legal Sufficiency Review

Modification No. 03 to Contract for City Wide Security Guard Services in Sectors 1 and 3

Contract Number: DCAM-17-NC-0007

This office was asked to review Modification No. 03 for legal sufficiency. I have reviewed and approved the subject modification for legal sufficiency. Please be advised that my finding that Modification No. 03 is legally sufficient is premised on its submission to and approval by the Council of the District of Columbia, as required by §§1-204.51(b) and 2-352.02 of the District of Columbia Official Code for contracts valued at \$1 million or more, and the issuance of a funding certification by the Department's Agency Fiscal Officer.

If there are any questions, please feel free to contact me at (202) 727-2800.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General




ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Alana Intrieri
Director
Office of Policy and Legislative Affairs

FROM: Brian K. Flowers 
Deputy Attorney General
Legal Counsel Division

DATE: May 9, 2019

SUBJECT: Legal Sufficiency Review of Draft Legislation, the "Modification Nos. 14 and 15 to Contract No. DCAM-15-NC-0085B with National Service Contractors, Inc. Approval and Payment Authorization Emergency Act of 2019" and Emergency Declaration Resolution (AL-19-348)

This to Certify that this Office has reviewed the above-referenced draft bill and draft resolution and found them to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5565.


Brian K. Flowers

MODIFICATION OF CONTRACT				1 Contract Number	Page of Pages
				DCAM-15-NC-0085B	1 3
2 Modification Number	3 Effective Date	4 Requisition/Purchase Request No	5 Contract Caption		
M14	See Block 16C	TBD	Grounds Maintenance Services- Groups 5 & 6		
6 Issued By		7 Administered By (If other than line 6)			
Department of General Services Contracting and Procurement Division 2000 14th Street, 8th Floor Washington, DC 20009 Attention: Domonique L. Banks domonique.banks@dc.gov		Department of General Services Facilities Division 2000 14th Street NW, 8th Floor Washington, DC 20009 Attention: Cameron Washington cameron.washington@dc.gov			
8 Name and Address of Contractor (No. Street, city, country, state and ZIP Code)				9A Amendment of Solicitation No.	
NATIONAL SERVICE CONTRACTORS, INC 2007 B Martin Luther King Jr. Avenue SE Washington, DC 20020					
ATTN: Alex Woldu awoldu@nscinc1.com				9B Dated (See Item 11)	
				10A Modification of Contract/Order No.	
				DCAM-15-NC-0085B	
				10B Dated (See Item 13)	
				April 20, 2015	
11 THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS					
The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended <input type="checkbox"/> is not extended					
Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or fax which includes a reference to the solicitation and amendment number. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by letter or fax, provided each letter or telegram makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.					
12. Accounting and Appropriation Data (If Required)					
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14					
A. This change order is issued pursuant to: (Specify Authority) The changes set forth in Item 14 are made in the contract/order no. in item 10A.					
B. The above numbered contract/order is modified to reflect the administrative changes (such as changes in paying office, appropriation date, etc.) set forth in item 14.					
C. This supplemental agreement is entered into pursuant to authority of:					
X D. Other (Specify type of modification and authority) Contract DCAM-15-NC-0085B and Title 27 DCMR Sections 4727					
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copy to the issuing office.					
14. Description of modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible.)					
Contract No. <u>DCAM-15-NC-0085B</u> Grounds Maintenance Services- Groups <u>5 & 6</u> are hereby modified as follows:					
1. In accordance with Sections 9.2, Option Years, the District hereby exercises a portion of Option Year Four (OY4) extending the term of the Contract from April 20, 2019 through July 30, 2019.					
2. Option Year Four (OY4) has a Guaranteed Minimum value of \$250.00 and a Total Not-To-Exceed value of \$529,136.63, which includes a maximum, non-guaranteed total of eleven (11) maintenance sessions as described in <i>Exhibit A</i> - DCAM-15-NC-0085B OY4 CLIN Schedule.					
3. The Department of Labor Wage Determination No. 2015-4281, Revision No.: 12 dated, 26-December-2018 is hereby incorporated and attached hereto as <i>Exhibit B</i> .					
4. The Living Wage Action 2016, Effective January 1, 2019 is hereby incorporated and attached hereto as <i>Exhibit C</i> .					
5. Continuation of Services beyond 30-September-2019 is subject to the availability of appropriated FY20 budget funding.					
RELEASE: It is mutually agreed that in exchange for this Modification and other consideration, the Contractor hereby releases, waives, settles, and holds the Department harmless from any and all actual or potential claims or demands for delays, disruptions, additional work, additional time, additional costs, contract extensions, compensation, or liability under any theory, whether known or unknown, that the Contractor may have now or in the future against the Department arising from or out of, as a consequences or result of, relating to or in any manner connected with this Modification, the above-reference Project, and the Contract work. ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.					
Except as provided herein, all terms and conditions of the document referenced in Item (9A or 10A) remain unchanged and in full force and effect					
15A. Name and Title of Signer (Type or print)		16A. Name of Contracting Officer			
Abal A Woldu President		George G. Lewis, CPPO Chief of Contracts and Procurement			
15B. Name of Contractor		15C. Date Signed		16B. District of Columbia	
		4/18/19		16C. Date Signed	
(Signature of person authorized to sign)				(Signature of Contracting Officer)	
				4/19/19	

(Continuation)

Contract Number	Modification No.	Page of Pages	
DCAM-15-NC-0085B	M14	2	3
1. Base Year	April 20, 2015 through April 19, 2016		
	a. Annual Monthly Basis Services		\$1,177,802.00
			<u>\$1,177,802.00</u>
2. Administrative Change			
Modification No. 01	a. Update COTR		\$0.00
	b. Update Standard Contract Provisions		\$0.00
			<u>\$0.00</u>
3. Increase Services			
Modification No. 02	a. Increase Contract Value		\$150,000.00
			<u>\$150,000.00</u>
4. Increase Services			
Modification No. 03	a. Add Salesforce Reporting Requirement		\$5,271.59
			<u>\$5,271.59</u>
	TOTAL BASE YEAR NOT-TO-EXCEED CONTRACT VALUE		<u>\$1,333,073.59</u>
5. Partial Exercise of OY1	Partial Exercise of Opt Yr-1 Apr 20, 2016 thru July 19, 2016		
Modification No. 04	a. Basic Services		\$707,889.09
			<u>\$707,889.09</u>
6. Partial Exercise of OY1	Partial Exercise of Opt Yr-1 Apr 20, 2016 thru July 19, 2016		
Modification No. 05	a. Basic Services		\$635,896.26
			<u>\$635,896.26</u>
7. Increase Services			
Modification No. 06	a. Adding funding to cover emergency & unplanned services		\$30,000.00
			<u>\$30,000.00</u>
8. Reduce Services			
Modification No. 07	a. Deobligate funding due to OY1 Calculation error		(\$63,259.08)
			<u>(\$63,259.08)</u>
9. Reduce Services			
Modification No. 08	a. Delete DC General from Group Three (3)		\$0.00
			(\$9,426.48)
			<u>(\$9,426.48)</u>
	TOTAL OPTION YEAR ONE (1) NOT-TO-EXCEED CONTRACT VALUE		<u>\$1,301,099.79</u>
10. Exercise Option Period	Option Year Two (OY) Apr 20, 2017 thru Apr 19, 2018		
Modification No. 09	a. Not-to-Exceed Value for Maintenance Sessions		\$1,457,248.16
	b. Annual Salesforce Administration		\$63,259.08
	c. Revised Mowing Schedule - Exhibit B		\$0.00
			<u>\$1,520,507.24</u>
11. Reduce Services			
Modification No. 10	a. Reduce the total number of maintenance session from 34 to 27		(\$300,021.68)
	b. Incorporate Exhibits A & B		\$0.00
			<u>(\$300,021.68)</u>
	TOTAL OPTION YEAR TWO (2) NOT-TO-EXCEED CONTRACT VALUE		<u>\$1,220,485.56</u>
	YEAR-TO-DATE CONTRACT GRAND TOTAL (BASE + OY1 + OY2 + OY3 + OY4)		<u>\$3,854,658.94</u>

(Continuation)

Contract Number	Modification No.	Page of Pages	
DCAM-15-NC-0085B	M14	3	\$3.00

12. Administrative Change

Modification No. 11

a. Administrative Clarification to Modification No. 10	\$0.00
b. Revised, 1-Dec-2017 Section 1.7.2 "Scheduling"	\$0.00
	<u>\$0.00</u>

TOTAL OPTION YEAR TWO (OY2) NOT-TO-EXCEED CONTRACT VALUE

\$1,220,485.56

13. Exercise Option Period

Modification No. 12

Option Year Three (OY3) | Apr 20, 2018 thru Apr 19, 2019

a. Not-To-Exceed Value of Maintenance Sessions	\$1,157,226.48
b. Annual Salesforce Administration	\$63,259.10
	<u>\$1,220,485.58</u>

14. Decrease Services

Modification No. 13

a. Add and Remove CLINs Effective October 1, 2018	(\$14,105.21)
b. Delete in its entirety CLIN Summary & Schedule of Services M12 Exhibit B	\$0.00
c. Add/Incorporate Revised CLIN Summary & Schedule of Services Exhibit A	\$0.00
	<u>(\$14,105.21)</u>

TOTAL OPTION YEAR THREE (OY3) NOT-TO-EXCEED CONTRACT VALUE

\$1,206,380.37

15. Partial Exercise Opt Period

Modification No. 14

Option Year Four (OY4) | Apr 20, 2019 thru July 31, 2019

a. Partial Exercise of OY4 with a non-guaranteed maximum of 11 Sessions	\$506,995.94
b. 3.5 Months of Salesforce Administration	\$22,140.69
	<u>\$529,136.63</u>

TOTAL OPTION YEAR FOUR (OY4) NOT-TO-EXCEED CONTRACT VALUE

\$529,136.63

YEAR-TO-DATE CONTRACT GRAND TOTAL (BASE + OY1 + OY2 + OY3 + OY4)

\$6,810,661.50

MODIFICATION OF CONTRACT		1. Contract Number	Page of Pages	
		DCAM-15-NC-0085B	1	3
2. Modification Number	3. Effective Date	4. Requisition/Purchase Request No.	5. Contract Caption	
M15	See Block 16C	TBD	Grounds Maintenance Services- Groups 3 & 5	
6. Issued By: Department of General Services Contracting and Procurement Division 2000 14th Street, 8th Floor Washington, DC 20009 Attention: Domonique L. Banks domonique.banks@dc.gov		7. Administered By (If other than line 6) Department of General Services Facilities Division 2000 14th Street NW, 8th Floor Washington, DC 20009 Attention: Cameron Washington cameron.washington@dc.gov		
8. Name and Address of Contractor (No. Street, city, country, state and ZIP Code)		9A. Amendment of Solicitation No.		
NATIONAL SERVICE CONTRACTORS, INC. 2007 B. Martin Luther King Jr. Avenue SE Washington, DC 20020		9B. Dated (See Item 11)		
ATTN: Alex Woldu awoldu@nscinc1.com		10A. Modification of Contract/Order No. DCAM-15-NC-0085B		
		10B. Dated (See Item 13) April 20, 2015		
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS				
The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or fax which includes a reference to the solicitation and amendment number. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by letter or fax, provided each letter or telegram makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12. Accounting and Appropriation Data (If Required)				
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14				
A. This change order is issued pursuant to: (Specify Authority) The changes set forth in Item 14 are made in the contract/order no. in item 10A.				
B. The above numbered contract/order is modified to reflect the administrative changes (such as changes in paying office, appropriation date, etc.) set forth in item 14.				
C. This supplemental agreement is entered into pursuant to authority of:				
X D. Other (Specify type of modification and authority) Contract DCAM-15-NC-0085B and Title 27 DCMR Sections 4727				
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copy to the issuing office.				
14. Description of modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible.)				
Contract No. DCAM-15-NC-0085B Grounds Maintenance Services- Groups 3 & 5 is hereby modified as follows:				
1. In accordance with Section 9.2, the District hereby exercises the remaining fraction of Option Year Four (OY4), extending the term of the Agreement from August 1, 2019 through April 19, 2020 ("OY4 Remaining Fraction").				
2. The OY4 Remaining Fraction shall have a total Not-to-Exceed value of \$778,567.06, which includes a maximum, non-guaranteed total of sixteen (16) maintenance sessions as set forth in DCAM15-NC-0085B OY4 CLIN Summary (16-Sessions) hereby incorporated and attached as Exhibit A .				
3. CONTRACT RECAP: As a result of the fully executed Modification No. 14 in the amount of \$529,136.63 and this Modification No. 15 in the amount of \$778,567.06, Option Year Four (OY4) has a total Guaranteed Minimum value of \$250.00 and a Total Not-To-Exceed value of \$1,307,703.69 , which includes a maximum, non-guaranteed total of twenty-seven (27) maintenance sessions.				
4. The Department of Labor Wage Determination No. 2015-4281, Revision No.: 12 dated, 26-December-2018 is hereby incorporated and attached hereto as Exhibit B .				
5. The Living Wage Act 2016, effective January 1, 2019 is hereby incorporated and attached hereto as Exhibit C .				
6. Ordering Clause: Any supplies and services to be furnished under this Contract for OY4 must be ordered by issuance of Task Order by the CO. All delivery Orders or Task Orders are subject to the terms and conditions of this Contract.				
7. Continuation of Services beyond 30-September-2019 is subject to the availability of appropriated FY20 budget funding.				
8. RELEASE: It is mutually agreed that in exchange for this Modification and other consideration, the Contractor hereby releases, waives, settles, and holds the Department harmless from any and all actual or potential claims or demands for delays, disruptions, additional work, additional time, additional costs, contract extensions, compensation, or liability under any theory, whether known or unknown, that the Contractor may have now or in the future against the Department arising from or out of, as a consequences or result of, relating to or in any manner connected with this Modification, the above-referenced Services, and the work provided pursuant to the Agreement.				
9. ALL OTHER TERMS AND CONDITIONS OF THE AGREEMENT REMAIN UNCHANGED				
Except as provided herein, all terms and conditions of the document referenced in Item (9A or 10A) remain unchanged and in full force and effect				
15A. Name and Title of Signer (Type or print) Abel A Woldu President & CEO		16A. Name of Contracting Officer George G. Lewis, CPPO Chief of Contracts and Procurement		
15B. Name of Contractor National Service Contractors, Inc.	15C. Date Signed 05/08/2019	16B. District of Columbia	16C. Date Signed	
(Signature of person authorized to sign)		(Signature of Contracting Officer)		

(Continuation)

Contract Number	Modification No.	Page of Pages	
DCAM-15-NC-0085B	M15	2	3
1. Base Year	April 20, 2015 through April 19, 2016		
	a. Annual Monthly Basis Services		\$1,177,802.00
			<u>\$1,177,802.00</u>
2. Administrative Change			
Modification No. 01	a. Update COTR		\$0.00
	b. Update Standard Contract Provisions		<u>\$0.00</u>
3. Increase Services			
Modification No. 02	a. Increase Contract Value		\$150,000.00
			<u>\$150,000.00</u>
4. Increase Services			
Modification No. 03	a. Add Salesforce Reporting Requirement		\$5,271.59
			<u>\$5,271.59</u>
TOTAL BASE YEAR NOT-TO-EXCEED CONTRACT VALUE			<u>\$1,333,073.59</u>
5. Partial Exercise of OY1	Partial Exercise of Opt Yr-1 Apr 20, 2016 thru July 19, 2016		
Modification No. 04	a. Basic Services		\$707,889.09
			<u>\$707,889.09</u>
6. Partial Exercise of OY1	Partial Exercise of Opt Yr-1 Apr 20, 2016 thru July 19, 2016		
Modification No. 05	a. Basic Services		\$635,896.26
			<u>\$635,896.26</u>
7. Increase Services			
Modification No. 06	a. Adding funding to cover emergency & unplanned services		\$30,000.00
			<u>\$30,000.00</u>
8. Reduce Services			
Modification No. 07	a. Deobligate funding due to OY1 Calculation error		(\$63,259.08)
			<u>(\$63,259.08)</u>
9. Reduce Services			
Modification No. 08	a. Delete DC General from Group Three (3)		\$0.00
			(\$9,426.48)
			<u>(\$9,426.48)</u>
TOTAL OPTION YEAR ONE (1) NOT-TO-EXCEED CONTRACT VALUE			<u>\$1,301,099.79</u>
10. Exercise Option Period	Option Year Two (OY) Apr 20, 2017 thru Apr 19, 2018		
Modification No. 09	a. Not-to-Exceed Value for Maintenance Sessions		\$1,457,248.16
	b. Annual Salesforce Administration		\$63,259.08
	c. Revised Mowing Schedule - Exhibit B		\$0.00
			<u>\$1,520,507.24</u>
11. Reduce Services			
Modification No. 10	a. Reduce the total number of maintenance session from 34 to 27		(\$300,021.68)
	b. Incorporate Exhibits A & B		\$0.00
			<u>(\$300,021.68)</u>
TOTAL OPTION YEAR TWO (2) NOT-TO-EXCEED CONTRACT VALUE			<u>\$1,220,485.56</u>
YEAR-TO-DATE CONTRACT GRAND TOTAL (BASE + OY1 + OY2 + OY3 + OY4)			<u>\$3,854,658.94</u>

(Continuation)

Contract Number	Modification No.	Page of Pages	
DCAM-15-NC-0085B	M15	3	\$3.00

12. Administrative Change			
Modification No. 11	a. Administrative Clarification to Modification No. 10		\$0.00
	b. Revised, 1-Dec-2017 Section 1.7.2 "Scheduling"		\$0.00
			<u>\$0.00</u>

TOTAL OPTION YEAR TWO (OY2) NOT-TO-EXCEED CONTRACT VALUE **\$1,220,485.56**

13. Exercise Option Period	Option Year Three (OY3) Apr 20, 2018 thru Apr 19, 2019		
Modification No. 12	a. Not-To-Exceed Value of Maintenance Sessions		\$1,157,226.48
	b. Annual Salesforce Administration		\$63,259.10
			<u>\$1,220,485.58</u>

14. Decrease Services			
Modification No. 13	a. Add and Remove CLINs Effective October 1, 2018		(\$14,105.21)
	b. Delete in its entirety CLIN Summary & Schedule of Services M12 Exhibit B		\$0.00
	c. Add/Incorporate Revised CLIN Summary & Schedule of Services Exhibit A		\$0.00
			<u>(\$14,105.21)</u>

TOTAL OPTION YEAR THREE (OY3) NOT-TO-EXCEED CONTRACT VALUE **\$1,206,380.37**

15. Partial Exercise Opt Period	Option Year Four (OY4) Apr 20, 2019 thru July 30, 2019		
Modification No. 14	a. Partial Exercise of OY4 with a non-guaranteed maximum of 11 Sessions		\$506,995.94
	b. 3.5 Months of Salesforce Administration		\$22,140.69
			<u>\$529,136.63</u>

16. Partial Exercise Opt Period	Option Year Four (OY4) July 30, 2019 thru April 19, 2020		
Modification No. 15	a. Partial Exercise of OY4 with a non-guaranteed maximum of 16 Sessions	\$	737,448.64
	b. 6.5 Months of Salesforce Administration	\$	41,118.42
		\$	<u>778,567.06</u>

TOTAL OPTION YEAR FOUR (OY4) NOT-TO-EXCEED CONTRACT VALUE **\$1,307,703.69**

YEAR-TO-DATE CONTRACT GRAND TOTAL (BASE + OY1 + OY2 + OY3 + OY4) **\$7,589,228.56**