



2020 MAR -3 PM 2: 05

MURIEL BOWSER
MAYOR

MAR 3 2020

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Reference: District of Columbia Department of General Services
Contract No. DCAM-19-CS-RFQ-0001U and Modification No. 1 with RBK
Construction, Inc. Approval and Payment Authorization Emergency Act of 2020
Contractor: RBK Construction Inc.
Contract Number: DCAM-19-CS-RFQ-0001U

Dear Chairman Mendelson:

Pursuant to D.C. Official Code § 1-204.51(b), the Department of General Services (the "Department") hereby submits to the Council of the District of Columbia for its review and approval the attached proposed emergency legislation, "*Contract No. DCAM-19-CS-RFQ-0001U and Modification No. 1 with RBK Construction, Inc. Approval and Payment Authorization Emergency Act of 2020*," and corresponding emergency declaration to authorize payment for services received and to be received under Basic Ordering Agreement ("BOA") DCAM-19-CS-RFQ-0001U for Small General Construction Projects (the "Contract"), and proposed Modification No. 1 (the "Modification"), between the Department and RBK Construction, Inc. (the "Contractor"). The Contract is an indefinite delivery and indefinite quantity ("ID/IQ") agreement, and any work thereunder is awarded through competitively-awarded task orders.

The underlying Contract, with a guaranteed minimum value of \$50.00 and a not-to-exceed ("NTE") amount of \$990,000.00, was executed on May 29, 2019. Thus, the Contract was not submitted to Council for approval, as the NTE value was less than \$1 million.

The proposed Modification would increase the Contract's NTE amount to \$3,500,000.00, and authorize the Contractor to provide small general construction services on a competitively-

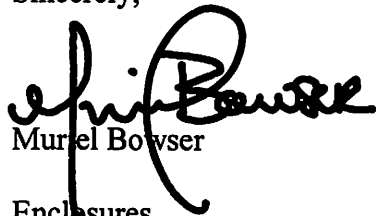
awarded task order basis. As the proposed NTE amount exceeds \$1 million, the Department seeks Council's approval of the proposed Modification.

The Agency Fiscal Officer has certified that funding remains available for the Contract's \$50.00 guaranteed minimum value for FY 2020, and funds supporting individual task orders issued against the NTE amount will be certified at the time of issuance, subject to the availability of appropriated funds.

In addition to the Contract and proposed Modification, attached are: (i) a Council Contract Summary; (ii) a Clean Hands Certificate for the Contractor; (iii) a fiscal certification; (iv) legal sufficiency reviews and certifications; (v) a proposed emergency declaration; and (vi) proposed legislation.


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

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is fluid and cursive, with a large initial "M" and "B".

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, Contract No. DCAM-19-CS-RFQ-0001U and Modification No. 1 between the Department of General Services and RBK Construction, Inc., increasing the Contract's aggregate not-to-exceed amount to \$3.5 million and authorizing payment to RBK Construction, Inc. for goods and services received and to be received under the contract and modification.

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

That this act may be cited as the "Contract No. DCAM-19-CS-RFQ-0001U and Modification No. 1 with RBK Construction, Inc. Approval and Payment Authorization Emergency Act of 2020".

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), the Council approves Contract No. DCAM-19-CS-RFQ-0001U and Modification No. 1 between the Department of General Services and RBK Construction, Inc. for small general construction projects, increasing the aggregate not-to-exceed amount of the Contract from \$990,000.00 to \$3.5 million, and authorizes payment to RBK Construction, Inc. for goods and services received and to be received under this contract and modification.

Sec. 3. Fiscal impact statement.

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

4 Sec. 4. Effective date.

5 This act shall take effect following approval by the Mayor (or in the event of veto
6 by the Mayor, action by the Council to override the veto), and shall remain in effect for
7 no longer than 90 days, as provided for emergency acts of the Council of the District of
8 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved
9 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

(Tipper)

Contract No. DCAM-19-CS-RFQ-0001U and Modification No. 1 with RBK Construction Inc. Approval and Payment Authorization Emergency Act of 2020 to Increase the NTE Values for the Base and Option Years for Basic Ordering Agreement DCAM-19-CS-RFQ-0001U for Small General Construction Projects

(A) Contract Number:	DCAM-19-CS-RFQ-0001U
Proposed Contractor:	RBK Construction Inc. (“Contractor”)
Underlying Contract Minimum Value (Base and Option Years):	\$50.00
Underlying Contract Not to Exceed (“NTE”) Amount (Base Year and Option Years):	\$990,000.00
Proposed Modification No. 1 To Increase NTE Amount (Base and Option Years):	\$3,500,000.00 (\$2,510,000.00 Increase to Contract NTE Amount)
Unit and Method of Compensation:	Monthly progress payments based on competitive lump sum pricing pursuant to competitively-awarded task orders
Term of Contract for Base Period:	May 29, 2019 through May 28, 2020

Note: Proposed Modification No. 1 must be approved by the Council’s Legislative Meeting scheduled for March 3, 2020, in order to timely authorize the necessary services.

Type of Contract: Indefinite Delivery/Indefinite Quantity
("ID/IQ")

Source Selection Method: Request for Qualifications

- (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, provides an explanation of the difference:**

Base Period and Option Years One, Two, Three and Four NTE Amounts Guaranteed Minimum Value: \$50;
Maximum NTE Amount: \$990,000.00

Proposed Modification No. 01 (Base Period and Option Years One, Two, Three and Four NTE Amounts): Guaranteed Minimum Value: \$50.00;
Increased Maximum NTE Amount: \$3,500,000.00

Explanation of difference from base period (if Applicable):

The proposed, increased NTE amount of \$3,500,000.00 for the base period ("Base Period) and four (4) one-year option period ("Option Years), is \$2,510,000.00 more than the initial NTE amount of \$990,000.00 for the base period ("Base Period) and four (4) one-year option periods ("Option Years), and is based on the current anticipated needs for small general construction services at various District owned or operated public schools, parks and recreation centers, and other municipal facilities.

- (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:**

On May 29, 2019, the underlying Contract for Small General Construction (DCAM-19-CS-RFQ-0001U) (the "Contract") between the Department of General Services ("the Department" or DGS") and RBK Construction Inc. (the "Contractor") was executed with a guaranteed minimum amount of \$50.00 and NTE amount of \$990,000.00, for Contract's Base Period and four (4) one-year option period ("Option Years). The Contract is a basic ordering agreement ("BOA") contract, and authorizes the Contractor to provide small general construction services, as awarded via competitively-awarded task orders at lump sum prices, at various DGS facilities within DGS' real estate portfolio (the "Project"). The Project locations include schools, parks, recreation facilities, municipal buildings, fire and police stations, short-term family housing, tenant fit-out type work, small park/playground work, pools, and other public locations. The Contractor is responsible for providing all types of small general construction services. That action was not previously submitted for Council for approval, as the NTE amount was less than \$1,000,000.00.

Proposed Modification No. 1, like the underlying Contract does not authorize any specific work to the Contractor. All work has been/will be awarded and released through individual Project task

order agreements, as set forth in the Contract. Since the aggregate NTE amount of proposed Modification No. 1 exceeds \$1 million, Council approval is required.

(D) The selection process, number of offerors, the evaluation criteria, and the evaluation results, experience, past performance of the team, key personnel, project management plan, and capacity components of the team:

On February 8, 2019, the Department issued a Request for Qualification (“RFQ”) to engage multiple contractors to perform Small General Construction Projects at District owned properties within the DGS construction portfolio and maintenance facility locations. The RFQ was posted on the Department’s website.

This solicitation was identified for the Department’s SBE Set-Aside Program “Pre-qualification of Small General Contractors, Trade Subcontractors and Related Construction Service Providers”.

A project information meeting was held on February 12, 2019 at the Department’s Adams Morgan Conference Room located at 1250 U Street NW, Washington DC 20009, 3rd Floor.

There were five (5) Addenda issued:

- Addendum No. 1, issued on February 26, 2019, extended the statement of qualifications (“SOQ”) submission date to March 8, 2019, transmitted the Information Meeting Sign-In Sheet, the Bidder-Offeror Certification Form, and incorporated the Tax Affidavit and Past Performance Evaluation into the RFQ.
- Addendum No. 2, issued on March 6, 2019, extended the SOQ submission date to March 15, 2019.
- Addendum No. 3, issued on March 7, 2019, incorporated the Request for Information (RFI)/ Questions and Answers, and Revised the RFQ Executive Summary, replaced the term “General Contractors” with “Prime Contractor”, and clarified terms within the RFQ.
- Addendum No. 4, issued on March 13, 2019, extended the SOQ submission date to March 19, 2019.
- Addendum No. 5, issued on March 15, 2019, provided the Basic Ordering Agreement, provided additional RFIs and Award Signature page, and clarified terms of the Project Management Plan.

Sixty (60) firms (collectively, the "Bidders" and each individually, a "Bidder") submitted SOQs in a timely manner on March 19, 2019, the SOQs Due Date.

Due to the number of SOQs received, the evaluation process has been broken into groups (Group 1, Group 2, Group 3, and Group 4). Each group of proposals were disbursed to the Technical Evaluation Panel (TEP) members with Evaluation score sheets specifically for each group. Four technical categories were comprised into a 100 point scale as follows: (i) Past Performance, Experience & References worth, 25 Points; (ii) Key Personnel, worth 25 points; (iii) Project Management Plan, worth 25 Points; and (iv) Capacity, worth 25 points.

The groups were prioritized by the needs of the District. TEP Members met to discuss their respective technical scores for each Offeror within each Group. TEP Members completed individual evaluations of proposals. TEP members discussed details of each proposals, in addition to evaluation factors and sub-factors as consensus scores were developed. The TEP Panel met often for group Consensus meetings. Offerors that scored 50 points or higher from each group were selected as qualified contractors for award. The Contracting Officer reviewed TEP's technical scoring and the statement of qualifications (SOQs) submitted, and determined that 57 Contractors out of 60, including RBK Construction Inc., are qualified, responsive and responsible and awarded the BOAs. The Award Memorandum provides a greater amount of detail on the selection process.

- (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 was 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:**

RBK Construction Inc. is a Certified Small Business Enterprise (SBE) based in Washington DC. The Contractor was founded in 1998 with specialization in building upgrades and small park and playground renovations. RBK Construction Inc., is dedicated in the execution of requirements as a Certified Business Enterprise in the District of Columbia. The Contractor has a history of working with several agencies with the District of Columbia Government. RBK Construction Inc., has been awarded and satisfactory performed three (3) small general construction projects for the District under Contract No. DCAM-19-CS-RFQ-0001U. The Contractor has been determined responsible in accordance with Chapter 27 DCMR 1406.1.

- (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. 1 is the Base Period, May 29, 2019 through May 28, 2020. Proposed Modification No. 1 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:**

Under Contract No. DCAM-19-CS-RFQ-0001U, with a guaranteed minimum value of \$50.00 and a maximum NTE amount of \$990,000.00, RBK Construction Inc., has been awarded the following three (2) task orders:

1. Task Order No. 1 (\$33,800.00) – Fire Life Safety at Various DCPS locations.
2. Task Order No. 2 (\$706,730.00) - Small General Construction Services for District of Columbia Schools.
3. Task Order No.3 (\$200,000.00) – Emergency HVAC Services for District of Columbia Schools.

(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 and four (4) one-year option periods (“Option Years”) valued at a maximum NTE amount of \$990,000.00, with a guaranteed minimum amount of \$50, and RBK Construction Inc. (the “Contractor”) has already been issued three (3) task orders totaling an aggregate amount of \$940,530.00. The Department now seeks Council’s approval for proposed Modification No. 1 to increase the maximum NTE amount from \$990,000.00 to \$3,500,000.00. Since the proposed change exceeds \$1 million, Council approval is required.

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

October 11, 2019.

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

The proposed change will exceed \$1 million, so therefore, Council approval is required.

(L) The reason for the proposed change:

RBK Construction Inc. (the “Contractor”) has already been issued three (3) task orders totaling an aggregate amount of \$940,530.00 under Contract No. DCAM-19-CS-RFQ-0001U. The Department now seeks Council’s approval for proposed Modification No. 1 to increase the maximum NTE amount from \$990,000.00 to \$3,500,000.00 and ensure that adequate funding is available for Contractor to continue providing necessary small general construction services through individual competitively awarded task orders. Since the proposed change exceeds \$1 million, Council approval is required.

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

The Department wishes to increase the NTE value from \$990,000.00 to \$3,500,000.00 through Modification No. 1, and ensure that adequate funding is available for the Contractor to continue providing necessary small general construction services. The proposed Modification No. 1 would increase the total contract value in an aggregate amount in excess of \$1 million, thus the proposed 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 is required under the District of Columbia Home Rule Act. The proposed Modification would be authorized by Council’s enactment of Contract No. DCAM-19-CS-RFQ-0001U and

Modification No. 1 with RBK Construction Inc. Approval and Payment Authorization Emergency Act of 2020.

- (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:**

Pursuant to the Contract, competitive task orders will be issued for projects on an as needed basis. The Contractor is a certified business enterprise in accordance with the Act (Certification No. LSDZR67610042021). As appropriate, subcontracting plans will be submitted for review and approval for each task order with a value of \$250,000.00 or more.

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

In general, the Contractor will continue to provide small general construction 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, and, more specifically, the established pricing and completion dates included in individual task orders executed.

- (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:**

Contract No. DCAM-19-CS-RFQ-0001S was executed on May 29, 2019 in the NTE amount of \$990,000.00, with a guaranteed minimum amount of \$50.00. RBK Construction Inc. (the “Contractor”) has been issued three (3) task orders with total aggregate amount of \$940,530.00 as follows:

1. Task Order No. 1 (\$33,800.00): Issued in the amount of \$33,800.00 for Fire Life Safety at various DCPS locations.
2. Task Order No. 2 (\$706,730.00): Issued in the amount of \$571,400.00 for Small General Construction Services for District of Columbia Schools and increased to \$706,730.00 by \$135,330.00 through two modifications.
3. Task Order No. 3 (\$200,000.00): Issued in the amount of \$200,000.00 Emergency HVAC Support Services for District of Columbia Schools.

- (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 Agency Fiscal Officer has certified that the proposed Modification No. 1 is within the Department’s appropriated budget authority 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 relevant 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:**

The proposed Modification No. 1 to Contract No. DCAM-19-CS-RFQ-0001U has been deemed legally sufficient by DGS' General Counsel, and the Contractor appears to have no 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 current with its federal taxes.

- (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 LSDZR67610042021, with an expiration date of April 12, 2021.

- (V) Other aspects of the proposed contract that the Contracting 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 and 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):**

On January 6, 2020, the Department issued a Determination and Findings with respect to proposed Modification No. 1 for the \$2,510,000.00 increase in the aggregate NTE amount in which DGS' Contracting Officer concluded that the increase is fair and reasonable, and in the best interest of the District in order to meet the required services.

(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, and proposed Modification No. 1 (if approved) will be made available upon request.

(Z) Where the original solicitation, and any amendments or addenda, 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

RBK CONSTRUCTION INC
4635 MINNESOTA AVE NE
WASHINGTON, DC 20019-3822

EIN : *****7650

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: Tuesday this 28th day of January 2020 02:53 PM

Tracking#: 1221637

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

From: Henry Wong
Interim Agency Fiscal Officer
Department of General Services

Reference: Contract for Small General Construction Projects
Modification No. 1 (Contract No. DCAM-19-CS-RFQ-0001U) with RBK
Construction, Inc.

Date: January 27, 2020

Subject: Fiscal Sufficiency Review

In my capacity as the Agency Fiscal Officer of the Department of General Services (the "Department"), I hereby certify that Contract No. DCAM-19-CS-RFQ-0001U for Small General Construction Projects between the Department and RBK Construction, Inc. (the "Contractor") with a Not-To-Exceed ("NTE") value of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) and a guaranteed minimum value of Fifty Dollars (\$50.00) is consistent with the Department's current budget and that adequate funds are available in the budget for the expenditure. The Fifty Dollars (\$50.00) minimum value is hereby certified.

Funds supporting individual task orders to be issued against the base period (Base Period") and four (4) one-year option periods ("Option Years") aggregate NTE value of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) will be certified at the time of issuance of any such task orders and are subject to availability of appropriated funds.

The Department of General Services (DGS) has Fifty Dollars (\$50.00) in its cumulative capital budget allotment balance.

Fiscal Sufficiency Review
Small General Construction Projects
Contract Number: DCAM-19-CS-RFQ-0001U

The SOAR/PASS attributes are below and attached:

Project Name	Project Number	AY	Fund Detail	Imp. Agency	Owner Agency	RQ/PO	Amount	Comments
CRITICAL SYSTEM REPLACEMENT	PL902C	2010	0300	AM0	AM0	RK146233	\$50.00	See Attached
Total							\$50.00	

Janya Hatchel-Thomas for HW

Henry Wong
Interim Agency Fiscal Officer
Department of General Services

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES



OFFICE OF THE GENERAL COUNSEL

MEMORANDUM

TO: Ronan Gulstone
Director, Office of Policy and Legislative Affairs

FROM: Cameron Gore, Esq. *CG 2/19/2020*
General Counsel

SUBJECT: Legal Sufficiency Certification

Contract No. DCAM-19-CS-RFQ-0001U and Modification No.1 with RBK Construction, Inc. Approval and Payment Authorization Emergency Act of 2020

Contract Number: DCAM-19-CS-RFQ-0001U
Contractor: RBK Construction, Inc.

DATE: February 19, 2020

This is to certify that this Office has reviewed the above-referenced Contract Modification No. 1 and has found it to be legally sufficient, subject to submission of: (i) any required materials and Council approval; (ii) Council's approval of the same; and (iii) a Fiscal Certification issued by the Department of General Services' Agency Fiscal Officer.

Please feel free to contact me at (202) 727-2800 with any questions.

CG 2/19/2020

Cameron Gore, Esq.
General Counsel

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

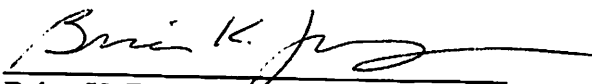
TO: Ronan Gulstone
Executive Director
Office of Policy and Legislative Affairs

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

DATE: February 21, 2020

SUBJECT: Legal Sufficiency Review of the "Contract No. DCAM-19-CS-RFQ-0001U and Modification No. 1 with RBK Construction, Inc. Approval and Payment Authorization Emergency Act of 2020" and Accompanying Emergency Declaration Resolution (AE-20-105)

This is to Certify that this Office has reviewed the above-referenced legislation and that we have found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Brian K. Flowers

MODIFICATION OF CONTRACT			1. Contract Number	Page of Pages	
2. Modification Number	3. Effective Date	4. Requisition/Purchase Request No.	DCAM-19-CS-RFQ-0001U	1	1
Modification No. 1	See Block 16C	N/A	5. Caption Small General Construction Projects		
6. Issued By: Department of General Services Contracting and Procurement Division 2000 14th Street, 8th Floor Washington, DC 20009			7. Administered By (if other than line 6) Department of General Services Capital Construction Division 1250 U Street, 4th Floor Washington, DC 20009		
8. Name and Address of Contractor (No. Street, city, country, state and ZIP Code) RBK Construction, Inc. 4635 Minnesota Avenue, NE Washington, DC 20019 Keith.Lomax@rbkconstruction.com			9A. Amendment of Solicitation No.		
			9B. Dated (See Item 11)		
			10A. Modification of Contract/Order No. DCAM-19-CS-RFQ-0001U		
			10B. Dated (See Item 13) May 29, 2019		
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS					
<p>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.</p>					
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) 27 DCMR Sections 4728 and Contract No. DCAM-19-CS-RFQ-0001U					
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 amendment/modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible.) Contract No. DCAM-19-CS-RFQ-0001U - Small General Construction Projects is modified as follows: 1) Contract Amount: The Not-To-Exceed ("NTE") value of the contract is hereby increased from \$990,000.00 to \$3,500,000.00. 2) Terms and Conditions: All other terms and conditions remain unchanged. 3) Complete Settlement: This modification order represents a full accord and satisfaction for the events giving rise to the change, and a full and final release of any related claims. By accepting this change order, the Contractor hereby releases any claim it may have by virtue of the events giving rise to this Modification Order.					
15A. Name and Title of Signer			16A. Name of Contracting Officer		
15B. RBK Construction, Inc. <i>Keith Lomax</i> (Signature of person authorized to sign)			Franklin Austin, Contracting Officer		
15C. Date Signed 2/6/2020			16B. District of Columbia		16C. Date Signed