



MURIEL BOWSER
MAYOR

June 23, 2020

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

Dear Chairman Mendelson:

Enclosed for consideration by the Council of the District of Columbia is proposed emergency legislation, "Modification Nos. 8, 10 and 12 to Contract No. DCAM-17-CS-0041A with Smoot Construction Company of Washington, DC Approval and Payment Authorization Emergency Act of 2020", and the accompanying declaration resolution, to authorize payment to Smoot Construction Company of Washington, DC in the aggregate amount of \$29,710,565.61 for construction management at risk services for the Ward 3 short term family housing and parking structure.

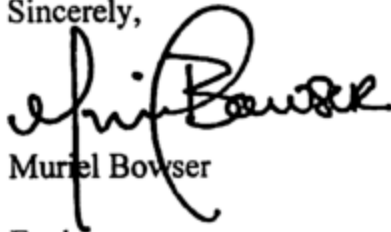
Council approved a Guaranteed Maximum Price ("GMP") of \$28,502,422 via Modification No. 3 as CA23-0016. The Department then issued Modification Nos. 4 through 7, each a \$0 modification to revise completion dates, authorize value engineering, and release the full amount of the previously approved GMP. The Department subsequently issued Modification No. 8 in the amount of \$345,086.72 to authorize additional services; Modification No. 9 was a \$0 action to revise completion dates; Modification No. 10 in the amount of \$608,944.29 to authorize additional services; and Modification No. 11 was a \$0 action to address completion date related issues. The aggregate value of Modification Nos. 4 through 11 is \$954,031.01, an amount under \$1 million; thus, Council approval was not required. The proposed Modification No. 12, in the amount of \$254,112.60, will fund the contractor's contractual earned incentive and increase the aggregate value of Modification Nos. 4 through 12 to \$1,208,143.61, an amount over \$1 million; therefore, Council approval is required.

The Chief Financial Officer has certified that the necessary funding for the above-referenced contract action is available for FY 2020

In addition to the proposed Contract Modification Nos. 4 through 12 are: (i) a contract summary; (ii) a fiscal certification; (iii) memoranda and/or certifications of legal sufficiency; and (iv) a Clean Hands Certification for the contractor.


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 written in a cursive style with a large, prominent initial "M".

Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis, Modification Nos. 8, 10 and 12 to Contract No. DCAM-17-CS-0041A, between the Department of General Services and Smoot Construction Company of Washington, DC, increasing the aggregate amount of the Contract to \$29,710,565.61 and authorizing payment to Smoot Construction Company of Washington, DC for construction management at risk services received and to be received under the these modifications.

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

That this act may be cited as the "Modification Nos. 8, 10 and 12 to Contract No. DCAM-17-CS-0041A with Smoot Construction Company of Washington, DC 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) and the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 8, 10 and 12 to Contract No. DCAM-17-CS-0041A, between the Department of General Services and Smoot Construction Company of Washington, DC, increasing the aggregate amount of the Contract to \$29,710,565.51 and authorizing

1 payment to the contractor for construction management at risk services received and to be
2 received under these Contract modifications.

3 Sec. 3. Fiscal impact statement.

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

7 Sec. 4. Effective date.

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