

ENROLLED ORIGINAL

A RESOLUTION

22-139

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 17 through 20 to Contract No. DCAM-12-M-1031H-FM with MCN Build, Inc. for design-build services for Powell Elementary School, and to authorize payment in the aggregate amount of \$ 2,852,279.71 for the goods and services received and to be received under the change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Order Nos. 17 through 20 to Contract No. DCAM-12-M-1031H-FM Approval and Payment Authorization Emergency Declaration Resolution 2017”.

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 17 through 20 to Contract No. DCAM-12-M-1031H-FM with MCN Build, Inc. for design-build services for Powell Elementary School, and to authorize payment in the aggregate amount of \$ 2,852,279.71 for the goods and services received and to be received under the change orders.

(b) The underlying contract was approved by the Council as CA20-106.

(c) Change Order Nos. 1 and 2 were approved by the Change Order Nos. 001 and 002 to Contract No. DCAM-12-M-1031H-FM Approval and Payment Authorization Emergency Act of 2014, effective June 18, 2014 (D.C. Act 20-359; 61 DCR 6346).

(d) Change Order Nos. 3 and 4 were approved by the Change Order Nos. 003 and 004 to Contract No. DCAM-12-M-1031H-FM Approval and Payment Authorization Emergency Act of 2015, effective June 17, 2015 (D.C. Act 21-77; 62 DCR 8819).

(e) Change Order Nos. 5 through 16 were approved by the Change Orders to Contract No. DCAM-12-M-1031H-FM Approval and Payment Authorization Emergency Act of 2016, effective June 23, 2016 (D.C. Act 21-41; 63 DCR 9001).

(f) Thereafter, Change Order Nos. 17 through 19 were issued with an aggregate value of \$937,487.52. Because Change Order Nos. 17 through 19 were in amounts less than \$1 million during a 12-month period, Council approval was not required. Proposed Change Order No. 20, in the amount of \$1,914,792.19, would increase the aggregate value of Change Order Nos. 17 through 20 to \$ 2,852,279.71. Council approval is now required, 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), because Change Order Nos. 17 through 20 will increase the total expenditures

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under Contract No. DCAM-12-M-1031H-FM by more than \$1 million during a 12-month period. Council approval is also necessary to compensate MCN Build, Inc. for work completed and to be completed under Change Order Nos. 17 through 20.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order Nos. 17 through 20 to Contract No. DCAM-12-M-1031H-FM Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.