

A RESOLUTION

22-197

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2017

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 3 through 7 to Contract No. DCAM-16-CS-0074 with W.M. Schlosser Company, Inc. for construction manager at-risk services for infrastructure work in connection with the DC United Soccer Stadium, and to authorize payment in the aggregate amount of \$6,955,761.28 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 Orders to Contract No. DCAM-16-CS-0074 Approval and Payment Authorization Emergency Declaration Resolution of 2017”.

Sec. 2 (a) There exists an immediate need to approve Change Order Nos. 3 through 7 to Contract No. DCAM-16-CS-0074 with W.M. Schlosser Company, Inc. for construction manager at-risk services for infrastructure work in connection with the DC United Soccer Stadium, and to authorize payment in the aggregate amount of \$6,955,761.28 for the goods and services received and to be received under the change orders.

(b) On May 27, 2016, the underlying contract was deemed approved by the Council as CA21-0385. The underlying contract, as submitted to Council, included 3 phases with a total value of \$25,077,000, which included a lump sum of \$13,752,000 for the first phase, a fee of \$325,000 for the second phase, and a target guaranteed maximum price of \$11 million for the third phase.

(c) The Department subsequently submitted Change Order Nos. 1 and 2 which were approved by the Council as B21-0983 and PR21-1090. Change Order Nos. 1 and 2 authorized revised scopes of work for the contract’s first phase in the aggregate amount of \$1,630,088, increasing the lump sum price for the first phase to \$15,382,088 and the total contract value from \$25,077,000 to \$26,707,088.

(d) Council approval is now required as proposed Change Order No. 7 would establish a final guaranteed maximum price for the third phase of the contract, increasing the target guaranteed maximum price for the third phase by \$6.3 million from \$11.4 million to \$17.7 million and the total value of the contract to \$33,662,849.28. If approved, the aggregate increase to the total contract value, via Change Order Nos. 3 through 7, would be \$6,955,761.28. Proposed Change Order No. 7 would cause the aggregate value of all change orders issued after

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the last Council approval to exceed \$1 million and thus Council approval of Change Order No. 3 through 7 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).

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 Orders to Contract No. DCAM-16-CS-0074 Approval and Payment Authorization Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.