

A RESOLUTION

22-678

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2018

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 007 through 011 to Contract No. DCAM-12-CS-0165 with Prince Construction Company/ W.M. Schlosser Company, Inc., Joint Venture for construction services for the renovation and expansion of the inmate processing center at the DC Central Detention Facility, and to approve payment in the aggregate amount of \$4,574,980 for the goods and services 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-12-CS-0165 Approval and Payment Authorization Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need to approve Change Order Nos. 007 through 011 to Contract No. DCAM-12-CS-0165 with Prince Construction Company/ W.M. Schlosser Company, Inc., Joint Venture for construction services for the renovation and expansion of the inmate processing center at the DC Central Detention Facility, and to approve payment in the aggregate amount of \$4,574,980 for the goods and services received and to be received under the change orders.

(b) Change Order No. 006 was previously submitted to and approved by Council as CA21-0056 on May 31, 2015. Change Order No. 006 increased the contract value by \$2,575,000 from \$20,701,636 to \$23,276,636. However, on July 15, 2015, the Department of General Services (“Department”) issued Change Order No. 007, which voided Change Order No. 006, and increased the contract value by \$996,443 from \$20,701,636 to \$21,698,079. Change Order No. 007 facilitated an interim progress payment for work originally included in Change Order No. 006. Subsequently, the Department submitted Change Order No. 008 for Council approval in the amount of \$1,578,557 (the remaining unpaid balance contemplated in Change Order No. 006), however, on December 1, 2015, Change Order No. 008 was withdrawn from Council consideration and no funds were expended thereunder. On December 4, 2015, the Department issued Change Order No. 009, which increased the contract value by \$1,578,557 (the remaining unpaid balance of former Change Order No. 006), from \$21,698,079 to \$23,276,636. Change Order No. 009 did not alter the scope of work. On July 13, 2016, the Department issued Change

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Order No. 010, which did not alter the contract value, but established an administrative term through September 30, 2016, and included scope of work revisions that were funded through the balances of various contract allowances. Subsequent to Change Order No. 006, certain claims and disputes arose between the Department and Prince Construction Company/ W.M. Schlosser Company, Inc., Joint Venture concerning the contract balance, final payment, schedule delays, and related issues. As a result of the ongoing claims and disputes, the Department and Prince Construction Company/ W.M. Schlosser Company, Inc., Joint Venture attended mediation, which resulted in the Settlement Agreement on March 8, 2018. Proposed Change Order No. 011 in the final Settlement Agreement amount of \$1,999,980, which would close out the contract and increase the Contract value from \$23,276,636 to \$25,276,616, would cause the aggregate value of Change Order Nos. 007 through 011 to be \$4,574,980.

(c) Proposed Change Order Nos. 009 and 011 cause the aggregate value of all change orders issued since the last Council approval to exceed \$1 million, thus Council approval of Change Order Nos. 007 through 011 is 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-12-CS-0165 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.