



2020 FEB 14 PM 1:42

MURIEL BOWSER  
MAYOR

February 14, 2020

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Suite 504  
Washington, D.C. 20004

**Reference:** Request for Council Approval of District of Columbia Department of General Services Modification Nos. 1, 2, 4 and 6 to Contract No. DCAM-17-CS-0083 with Consys, Inc. Through the Proposed "*Approval and Payment Authorization Emergency Act of 2020*"

**Contract Number:** DCAM-17-CS-0083  
**Contractor:** Consys, Inc.

Dear Chairman Mendelson:

Pursuant to D.C. Official Code § 1-204.51(b), the Department of General Services ("DGS" or the "Department") hereby submits to the Council of the District of Columbia for its review and approval the attached proposed emergency legislation, "Modification Nos. 1, 2, 4 and 6 to Contract No. DCAM-17-CS-0083 with Consys, Inc., under the proposed "*Approval and Payment Authorization Emergency Act of 2020*," and corresponding emergency declaration.

The proposed legislation would authorize payments for services received and to be received under existing Modification Nos. 1, 2, 4, and proposed Modification No. 6 for the revised scope of the underlying "*Agreement for Construction Services*" for the East Potomac Pool and Pool House, Contract No. DCAM-18-CS-0083 (the "Contract") with Consys, Inc. (the "Contractor").

Council authorization for the work contemplated under existing Modification Nos. 1, 2, 4, and proposed Modification No. 6 would allow the Contractor to continue providing construction services to complete the renovation of the East Potomac pool and pool house. The project must achieve substantial completion no later than May 1, 2020.

The Honorable Phil Mendelson

Page 2

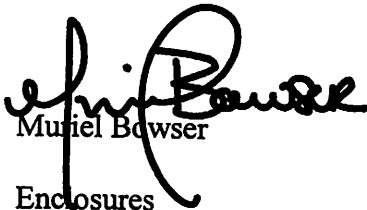
Council authorization is necessary to approve payment for the revised scope of work via Modification Nos. 1, 2, 4 and 6, in the aggregate amount of \$2,967,399.00. Proposed Modification No. 6, in the amount of \$1,986,646.42, would increase the aggregate value of Modification Nos. 1, 2, 4 and 6 over \$1 million, and establish a total Contract value of \$14,807,420.98. Accordingly, the Department now seeks the Council's authorization for this contract action.

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

Attached in connection with this request for the Council's authorization of existing Modification Nos. 1 through 5, and proposed Modification No. 6 are: (i) a contract summary; (ii) a fiscal certification; (iii) legal sufficiency reviews and certifications; (iv) a Citywide Clean Hands Certificate for the Contractor; (v) a proposed emergency declaration; and, (vi) proposed legislation.

If you have any questions regarding this proposed action, 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,

  
Muriel Bowser

Enclosures

  
Chairman Phil Mendelson  
at the request of the Mayor

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to approve Modification Nos. 1, 2, 4 and 6 to Contract No. DCAM-17-CS-0083 between the Department of General Services and Consys, Inc. increasing the Contract's aggregate not-to-exceed value to \$2,967,399.00 and authorizing payment to Consys, Inc. for goods and services received and to be received under these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification Nos. 1, 2, 4 and 6 to Contract No. DCAM-17-CS-0083 Approval and Payment Authorization Emergency Declaration Resolution of 2020".

Sec. 2 (a) There exists an immediate need to approve Modification Nos. 1, 2, 4 and 6 to Contract No. DCAM-17-CS-0083 with Consys, Inc. for construction services for East Potomac Pool and Pool House and to authorize payment in the increased aggregate not-to-exceed amount of \$2,967,399.00, for a total Contract value of \$14,807,420.98, for goods and services received and to be received under these modifications.

1 (b) On December 25, 2017, the underlying Contract was deemed approved by the  
2 Council as CA22-0371. The underlying Contract, as submitted to Council, included an  
3 initial not-to-exceed amount of \$11,840,021.98.

4 (c) The Department subsequently issued Modification Nos. 1 through 5.  
5 Modification No. 1, in the amount of \$193,393.41, added additional scope to the  
6 Contract. Modification No. 2, in the amount of \$597,767.22 added additional scope.  
7 Modification No. 3 for \$0 added administrative language to the Contract. Modification  
8 No 4, in the amount \$189, 591.95 added additional scope to the Contract. Modification  
9 No. 5 for \$0 extended the substantial completion and administrative term dates. Thus,  
10 Modification Nos. 1, 2 and 4 increased the Contract's not-to-exceed amount by  
11 \$980,752.58, an aggregate amount less than \$1 million.

12 (d) Council approval is now required as proposed Modification No. 6 would  
13 increase the Contract value by \$1,986,646.42 and add additional scope to the Contract. If  
14 approved, the aggregate increase to the total Contract value, via Modification Nos. 1, 2, 4  
15 and 6, would be \$2,967,399.00. Proposed Modification No. 6 would cause the aggregate  
16 value of all modifications issued after the last Council approval to exceed \$1 million;  
17 therefore, Council approval of proposed Modification No. 6 is now required pursuant to  
18 section 451 of the District of Columbia Home Rule Act, approved December 24, 1973  
19 (87 Stat. 803; D.C. Official Code § 1-204.51).

20 (d) Council approval of proposed Modification No. 6 is also necessary to timely  
21 authorize the continuation of essential construction services for the East Potomac Pool  
22 and Pool House.

1           Sec. 3. The Council of the District of Columbia determines that the  
2   circumstances enumerated in section 2 constitute emergency circumstances making it  
3   necessary that the “Modification Nos. 1, 2, 4 and 6 to Contract No. DCAM-17-CS-0083  
4   with Consys, Inc. Approval and Payment Authorization Emergency Act of 2020” be  
5   adopted after a single reading.

6           Sec. 4. This resolution shall take effect immediately.