

A RESOLUTION

23-434

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 8 and 9 to Contract No. DCAM-17-CS-0131 between the Department of General Services and MCN Build, Inc., increasing the aggregate contract amount to \$50,489,666.49, and to authorize payment to MCN Build, Inc. for the design-build services received and to be received pursuant to these modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modification Nos. 8 and 9 to Contract No. DCAM-17-CS-0131 with MCN Build, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2.(a) There exists an immediate need to approve Modification Nos. 8 and 9 to Contract No. DCAM-17-CS-0131 (“Contract”) between the Department of General Services (“Department”) and MCN Build, Inc. (“Contractor”) to increase the Contract amount by \$2,875,678.49 to the aggregate amount of \$50,489,666.49 and to authorize payment to the Contractor for design-build services, for C. W. Harris Elementary School, received and to be received pursuant to these modifications.

(b) On February 6, 2020, the Department executed Modification No. 8, which authorized changes that were required to the scope of work to meet programmatic needs that increased the Contract amount by \$900,712.12 from \$47,613,988.00 to \$48,415,700.12. The value of Modification No.8 was less than \$1 million; thus, Council’s approval was not required.

(c) Proposed Modification No. 9, in the amount of \$1,974,966.37, would increase the Contract amount from \$48,514,700.12 to \$50,489,666.49 for design-build services to be received. The aggregate value of Modification Nos. 8 and 9 is \$2,875,678.49, an amount in excess of \$1 million during a 12-month period; therefore, the Council’s approval of Modification No. 9 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).

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(d) Council approval of Modification Nos. 8 and 9 is necessary to authorize the continuation of essential design-build services for C. W. Harris Elementary School and to compensate the Contractor for services provided and to be provided pursuant to these modifications.

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 Modification Nos. 8 and 9 to Contract No. DCAM-17-CS-0131 with MCN Build, Inc. Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.