



MURIEL BOWSER
MAYOR

June 23, 2020

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration by the Council of the District of Columbia is proposed emergency legislation, "Modification Nos. 8, 10 and 12 to Contract No. DCAM-17-CS-0041A with Smoot Construction Company of Washington, DC Approval and Payment Authorization Emergency Act of 2020", and the accompanying declaration resolution, to authorize payment to Smoot Construction Company of Washington, DC in the aggregate amount of \$29,710,565.61 for construction management at risk services for the Ward 3 short term family housing and parking structure.

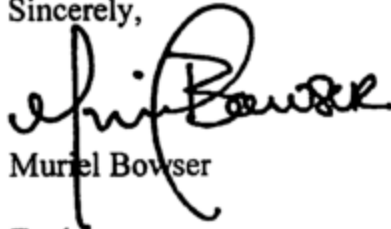
Council approved a Guaranteed Maximum Price ("GMP") of \$28,502,422 via Modification No. 3 as CA23-0016. The Department then issued Modification Nos. 4 through 7, each a \$0 modification to revise completion dates, authorize value engineering, and release the full amount of the previously approved GMP. The Department subsequently issued Modification No. 8 in the amount of \$345,086.72 to authorize additional services; Modification No. 9 was a \$0 action to revise completion dates; Modification No. 10 in the amount of \$608,944.29 to authorize additional services; and Modification No. 11 was a \$0 action to address completion date related issues. The aggregate value of Modification Nos. 4 through 11 is \$954,031.01, an amount under \$1 million; thus, Council approval was not required. The proposed Modification No. 12, in the amount of \$254,112.60, will fund the contractor's contractual earned incentive and increase the aggregate value of Modification Nos. 4 through 12 to \$1,208,143.61, an amount over \$1 million; therefore, Council approval is required.

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

In addition to the proposed Contract Modification Nos. 4 through 12 are: (i) a contract summary; (ii) a fiscal certification; (iii) memoranda and/or certifications of legal sufficiency; and (iv) a Clean Hands Certification for the contractor.


If you have any questions regarding this matter, 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,

A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is fluid and cursive, with a large loop at the end.

Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

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. 8, 10 and 12 to Contract No. DCAM-17-CS-0041A, between the Department of General Services and Smoot Construction Company of Washington, DC, increasing the aggregate amount of the Contract to \$29,710,565.61 and authorizing payment to Smoot Construction Company of Washington, DC for construction management at risk 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 "Modification Nos. 8, 10 and 12 to Contract No. DCAM-17-CS-0041A with Smoot Construction Company of Washington, DC Approval and Payment Authorization Emergency Declaration Resolution of 2020."

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 8, 10 and 12 to Contract DCAM-17-CS-0041A (the "Contract") between the Department of General Services and Smoot Construction Company of Washington, DC ("Contractor"), which would increase the amount of the Contract to \$29,710,565.61 and authorize payment to the Contractor for construction management at risk services received and to be received under these Contract modifications.

1 (b) Modification No. 8 in the amount of \$345,086.72 and Modification No. 10 in
2 the amount of \$608,944.29 increased the Contract's aggregate value by \$954,031.01, an
3 amount under \$1 million; thus, Council approval was not required. However, proposed
4 Modification No. 12 in the amount of \$254,112.00 would increase the Contract's
5 aggregate value by \$1,208,143.61, from \$28,502,422.00 to \$29,710,565.61.

6 (c) The aggregate increase of Modification Nos. 8, 10 and 12 is in excess of \$1
7 million during a 12-month period; therefore, Council approval is required pursuant to
8 section 451 of the District of Columbia Home Rule Act, approved December 24, 1973
9 (87 Stat. 803; D.C. Official Code § 1-204.51) and the requirements of section 202 of the
10 Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371;
11 D.C. Official Code § 2-352.02).

12 (d) Council approval of Modification Nos. 8, 10 and 12 is necessary to allow the
13 continuation of essential construction management at risk services at the Ward 3 Short
14 Term Family Housing facility and to compensate the Contractor for services provided
15 and to be provided under these Contract modifications.

16 Sec. 3. The Council of the District of Columbia determines that the
17 circumstances enumerated in Section 2 constitute emergency circumstances making it
18 necessary that the "Modification Nos. 8, 10 and 12 to Contract No. DCAM-17-CS-0041A
19 with Smoot Construction Company of Washington, DC Approval and Payment
20 Authorization Emergency Act of 2020" be adopted after a single reading.

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