

A RESOLUTION

23-543

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency with respect to the need to approve Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 between the Department of General Services and Keystone Plus Construction Corporation, and to authorize payment for design-build 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. 3 and 4 to Contract No. DCAM-18-CS-0059 with Keystone Plus Construction Corporation Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2.(a) There exists an immediate need to approve Modification Nos. 3 and 4 to Contract No. DCAM-18-CS-0059 (“Contract”) between the Department of General Services (“Department”) and Keystone Plus Construction Corporation (“Contractor”) to increase the aggregate Contract amount by \$8,147,295.89, from \$5,500,000 to \$13,647,295.89, and to authorize payment to the Contractor for design-build services received and to be received under the Contract to complete the construction of the new Eastern Market Metro Market Park.

(b) On January 17, 2019, the Department executed Modification No. 1 in the amount of \$0, and on March 12, 2019, the Department executed Modification No. 2 in the amount of \$0. On April 15, 2020, the Department executed Modification No. 3 in the amount of \$900,559.67, increasing the previously approved Contract not-to-exceed amount (“NTE”) and establishing the Guaranteed Maximum Price (“GMP”) for Phase I in the amount of \$6,400,559.67. The amount of Modification No. 3 was less than \$1 million; thus, the Council’s approval was not required. Proposed Modification No. 4, in the amount of \$7,246,736.22, would establish the GMP for Phase II. The aggregate amount of Modification No. 3 and proposed Modification No. 4 would increase the Contract’s GMP and NTE by \$8,147,295.89, from \$6,400,559.67 to \$13,647,295.89.

(c) Proposed Modification No. 4 would cause the aggregate value of the Contract and all modifications issued after Council’s last approval to exceed \$1 million; thus, Council approval 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), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02),

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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. 3 and 4 to Contract No. DCAM-18-CS-0059 with Keystone Plus Construction Corporation Approval and Payment Authorization Emergency Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.