

A RESOLUTION

24-694

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2022

To declare the existence of an emergency with respect to the need to approve Modification Nos. M02, M03 and M04 to Contract No. DCAM-20-NC-RFP-0013-A1, between the Department of General Services and A&E Heating and Air Conditioning, LLC to provide on-call facility maintenance and repair services, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as “Modification Nos. M02, M03, and M04 to Contract No. DCAM-20-NC-RFP-0013-A1 with A&E Heating and Air Conditioning, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2022”.

Sec. 2 (a) There exists an immediate need to approve Modification Nos. M02, M03, and M04 to Contract No. DCAM-20-NC-RFP-0013-A1, (“Contract”) for on-call facility maintenance and repair services between the Department of General Services (“Department”) and A&E Heating and Air Conditioning, LLC (“Contractor”) to increase the aggregate not-to-exceed (“NTE”) amount of Option Year Two to \$14 million and to authorize payment to the Contractor for services received and to be received under the modifications.

(b) On June 24, 2022, via Modification No. M02, the Department partially exercised Option Year Two of the Contract, extending the term of the Contract from June 26, 2022, through October 31, 2022, and established an NTE amount of \$950,000. On October 13, 2022, the Department executed Modification No. M03 and partially exercised another fraction of Option Year Two extending the term of the Contract for Option Year Two through December 31, 2022; and did not alter the NTE amount for Option Year Two. The aggregate NTE amount of Modification Nos. M02 and M03 was less than \$1 million; thus, Council’s approval was not required.

(c) Proposed Modification No. M04 would exercise the remainder of Option Year Two, extending the term of the Contract through June 25, 2023, and increase the aggregate NTE amount of Option Year Two by \$13,050,000, from \$950,000 to \$14,000,000. Modification Nos. M02, M03 and proposed Modification No. M04 will fully exercise Option Year Two and increase the total NTE amount of Option Year Two of the Contract by an amount in excess of \$1 million; thus, Council approval of the proposed contract action is required pursuant to section

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451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51.

(d) Council approval of the Modification Nos. M02, M03, and Proposed Modification No. M04 is necessary to authorize the continuation of the on-call facility maintenance and repair services provided and to be provided under 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. M02, M03, and M04 to Contract No. DCAM-20-NC-RFP-0013-A1 with A&E Heating and Air Conditioning, LLC Approval and Payment Authorization Emergency Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.