



2015 FEB 27 PM 1:28
OFFICE OF THE
SECRETARY

James E. Lyons, Sr.
Interim President

February 27, 2015

The Honorable Phil Mendelson, Chairman
Council of the District of Columbia
Committee of the Whole
1350 Pennsylvania Avenue, Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Pursuant to D.C. Code 2-301.05a, the Board of Trustees of the University of the District of Columbia respectfully request introduction and approval on an emergency basis of "Contract No. GF-2010-C-0030/Change Order No. 10, Approval and Payment Authorization Emergency Declaration Resolution and Emergency Approval Act Resolutions of 2015.

The requested emergency act would approve Change Order No. 10 of Contract No. GF-2010-C-0030 with Parkinson/Forrester JV, LLC and authorizes payment in the aggregate amount of \$3,975,633.00 for modifications to the project, required by authorities having jurisdiction, a calculation error in the previous change order and an adjustment to time in response to the contractor's requested time adjustment. This action will prevent delay in the ongoing construction project.

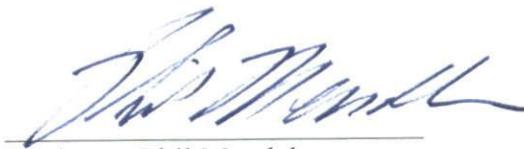
Considering the significance of this resolution to the completion of the Student Center, I respectfully request that the Council affirmatively approve the act on an emergency basis.

In addition to the proposed change order, enclosed are: (i) the contract; (ii) a contract summary; (iii) a fiscal certification; (iv) a memorandum of legal sufficiency; and (v) tax clearance certificates for Parkinson/Forrester. If you have any questions regarding this proposed contract, please contact Mary Ann Harris, Director, of Contracting and Procurement/OCP for the University of the District of Columbia at 202-274-5426.

Sincerely,

James E. Lyons

Enclosures



Chairman Phil Mendelson
at the request of the University of the District of
Columbia

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve on an emergency basis, Change Order No. 10 of Contract No. GF-2010-C-0030 with Parkinson/Forrester UDC Student Center JV, LLC in the aggregate amount of \$3,975,633.00 for work on the construction of the New Student Center, University of the District of Columbia, Van Ness Campus.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the ““Contract No. GF-2010-C-0030 and Change Order No. 10 Approval and Payment Authorization Emergency Act of 2015”

Sec. 2. 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 notwithstanding the requirements of 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, the Council approves Change Order No. 10 with Parkinson/Forrester UDC Student Center JV, LLC to authorize payment in the aggregate amount of \$3,975,633.00 for goods and services received and to be received under the contract.

Sec.3. Fiscal Impact Statement.

The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

1 Sec. 4. This act will take effect following approval by the Mayor (or in the event of veto
2 by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer
3 than 90 days, as provided for emergency acts of the Council of the District of Columbia in
4 section 412 (a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
5 Stat. 788; D.C. Official Code §1-204.12(a)).

COUNCIL CONTRACT SUMMARY

Pursuant to D.C. Official Code § 2-301.05a(c) (1), the following is provided:

(A) The name of the contractor, contract amount, unit and method of compensation, contract term, and type of contract:

Contractor: Parkinson/Forrester UDC Student Center JV, LLC.

Contract No.: GF-2010-C-0030

Contract Amount: **\$29,888,000.00**

Change Order No. 01 03/06/12	\$ 10,029.00 Executed
Change Order No. 02 03/16/12	\$ 262,652.00 Executed
Change Order No. 03 04/09/12	\$ 9,960.00 Executed
Change Order No. 04 04/17/12	\$ 11,719.00 Executed
Change Order No. 05 09/10/12	\$ 21,112.00 Executed
Change Order No. 06 09/11/12	\$ 20,329.00 Executed
Change Order No. 07 09/14/12	\$ 69,520.00 Executed
Change Order No. 08 03/27/13	\$ 589,506.00 Executed
Change Order No. 09 01/09/14	\$13,023,600.00 Executed
Change Order No. 10	<u>\$ 3,975,633.00</u> Proposed
	\$47,882,060.00

Unit and Method of Compensation: Progress payments will be made on the contract based on Executed Schedule of Values

Contract Term: 785 Calendar Days From Receipt of Written Notice-to-Proceed (NTP)

Contract Type: Firm Fixed Price

(B) The goods or services to be provided, including a description of the economic impact of the Executed contract, the social impact of the Executed contract, the method of delivering goods or services, and any significant program changes reflected in the Executed contract:

Goods and services to be provided: The University is seeking an experienced and qualified contractor to provide all labor, materials and equipment for the Construction of the New Student Center for the University of the District of Columbia, Van Ness Campus. The project is located at 4200 Connecticut Avenue, NW, Washington, DC 20008.

Economic Impact: The University of the District of Columbia's New Student Center to be located on the Van Ness campus and will be a premier facility for not only the institution, but for the District as a whole. The Executed \$40,000,000.00 Million project which is funded by a partnership between the University and the District's City Council will rely on many District based firms to provide services during the construction process. This is anticipated to positively impact the local economy. The completed building is planned to include program elements such as food service options and retail venues. These elements will provide increased and new University revenue streams as well as new employment opportunities for District residents. The development of a highly efficient LEED Platinum certified facility will also help the University minimize the impact a new facility could have on increased operating expenses.

Social Impact: The new Student Center, by its very nature, have a significant social impact on the entire University community. The building will be designed to serve as a physical link between the campus core and the campus' physical boundaries. The University's ability to develop new programs made possible by the new facility will provide opportunities to introduce the University to visitors that otherwise may have had limited reasons to interact with the University population. The new facility will also help bolster the unique cultural interactions made possible by the University "Experience". Upon its completion the facility will also help the campus serve as an iconic representation of the University's position as a link between the various members of the University community which includes faculty, staff, students, neighbors and the District as a whole.

- There are no significant program changes in the Executed contract.

(C) The selection process, including the number of offerors, the evaluation criteria, and the evaluation results, including price and technical components:

The original contract for the Construction of the New Student Center was procured by the competitive sealed proposal method of procurement through Request for Proposal No.: GF-2011-R-0030 with a decision based on the responsible offeror whose offer is most advantageous to the University, based upon the evaluation criteria specified. Parkinson/Forrester Joint Venture, LLC. was responsive and responsible and its offer was most advantageous to the University. The original contract was approved by Council on December 19, 2011 and awarded on January 13, 2012 at 80% design, and the remaining 20% was approved by Council on November 23, 2013 awarded on January 13, 2014.

Parkinson/Forrester UDC Student Center JV, LLC us currently working on the site.

(D) The background and qualifications of the Executed contractor, including its organization, financial stability, personnel, and prior performance on contracts with the District of Columbia government:

Parkinson/Forrester UDC New Student Center Joint Venture, LLC, hereafter referred to as the Contractor, has the financial resources adequate to perform the contract in accordance with Title 8, DCMR Section 3057.2 (a).

Parkinson Construction; has the financial resources adequate to perform the contract in accordance with Title 8, DCMR Section 3057.2 (a). This conclusion is based on an independent auditors report presented by Grandizo, Wilkins, Little & Matthews, LLP, Certified Public Accountants. It is noteworthy that Parkinson's financial statements indicates total assets in the amount of \$8,909,622.00 as of December 31, 2013, gross profits in the amount of \$2,386,586.00 as of December 31, 2013, a total net income of \$277,574.00 as of December 31, 2013 and a total of stock holder's and members 'equity of \$2,834,287.00 as of December 31, 2013.

Although the company's D&B profile did not provide enough information to permit D&B to classify the company with a rating, public records were searched by D&B. Parkinson Construction has no collections, liens judgments or lawsuits.

Forrester Construction Company; has the financial resources adequate to perform the contract in accordance with Title 8, DCMR Section 3057.2 (a). This conclusion is based on an independent auditors report presented by Baker Tilly Virchow Krause, LLP, Certified Public Accountants. It is noteworthy that Forrester's financial statement indicates total assets in the amount of \$103,446,785.00 as of December 31, 2013, gross profits in the amount of \$13,392,056.00 as of December 31, 2013 a total net income of \$1,775,642.00 as of December 31, 2013 and a total of stock holder's equity of \$13,000,291.00 as of December 31, 2013.

Dun & Bradstreet (D&B) report for Forrester, November 20, 2014, indicates Forrester has a D&B rating of 1R3. 1R indicates a company with more than 10 employees.

Forrester's D&B report listed a filing of Case No. 02C10149076, filed February 3, 2010, in Anne Arundel County Circuit Court, Annapolis, MD. The Plaintiff was Denver Elek, Inc. The nature of the suit was a contract disput. Forrester was requested to explain the particulars of the contract dispute. Mr. Forrester responded stating that the Denver Elek is a subcontractor claim for payment for work performed. Mr. forrester explained that the dispute surrounds a design build project whereby there were problems with the mechanical work on a design build project. The ownere requested repairs to the mechanical system. Forrester instructed the subcontractor to repair the mechanical system. The subcontractor later filed a claim for additional payment. Mr. Forrester stated that the lawsuit has been stayed and this matter is being resolved throught arbitration.

The Contractor provided, at the time of contract award, a 100% performance bond and 50% payment bond in the total amount payable under the terms of the contract.

The Surety for this project is Fidelity and Deposit Company of Maryland located in Schaumburg, IL. The surety is licensed to conduct business in the District of Columbia, as well as in Maryland and Virginia. Fidelity and Deposit Company of Maryland is listed on the US Treasury's Listing of Certified Surety Companies.

(E) Performance standards and expected outcomes of the Executed contract:

Performance standards under this Executed contract consist of strict adherence to the terms and conditions of the Request for Proposal set forth in Section C, Scope, Standard Contract Provisions for use with District of Columbia Government Construction Projects, Revised January 2007.

(F) A certification that the Executed contract is within the appropriated budget authority for the agency for the fiscal year and is consistent with the financial plan and budget adopted in accordance §§ 47-392.01 and 47-392.02:

A certification of funding memorandum from the Office of the Chief Financial Officer dated is attached under Tab E. (pending)

(G) A certification that the Executed contract is legally sufficient and has been reviewed by the Office of the General Counsel, including whether the Executed contractor has any currently pending legal claims against the District:

The Executed contract was reviewed by the Office of the General Counsel and deemed legally sufficient. (pending). There is no knowledge of any claim(s) by Parkinson/Forrester UDC New Student Center JV, LLC. against the District. (pending)

(H) A certification that the Executed contractor is current with its District and Federal Taxes or has worked out and is current with a payment schedule Executed by the District or Federal government:

Verification statements were obtained from DC Office of Tax and Revenue and the Department of Employment Services indicating the contractor's compliance with District tax laws.

(I) The status of the Executed contractor as a certified local, small, or disadvantaged business enterprise:

Parkinson Construction is a Local Business Enterprise (LBE), Small Business Enterprise (SBE) and Resident-owned Business (ROB). Forrester Construction Company is not certified in the District separately from the Joint Venture.

(J) Other aspects of the Executed contract that the Contracting Officer deems significant:

A number of construction delays occurred on this contract which resulted in a total of 397 days of delay. The delays are listed below:

- Additional WMATA permit requirements for support of excavation;
- Area B - 1st Obstruction – Concrete Block;
- Non-Compliant Auger Pile Correction;
- Area B - 2nd Obstruction WMATA over pour;
- Surveys;
- Asbestos Contaminated Material Pipe Removal;
- Weather Delays;
- University Strategy for termination of convenience of the contract;
- Drawings submitted to procurement to be issued to the Joint Venture for final 20% negotiation did not have the official seal and was not stamped by the Architectural firm of record;

An initial request for proposal for the remaining 20% design was issued on July 6, 2012, to the joint venture. The University is aware that issues have been raised regarding procurement activities with other District agencies. We are unaware of any such issues concerning the University.

The University is aware that issues have been raised regarding procurement activities with other District agencies. We are unaware of any such issues concerning the University.

Procurement Chronology

- (a) Following approval by the D.C. City Council on December 19, 2011, the University of the District of Columbia (UDC) awarded Contract No. GF-2011-C-0030 to Parkinson/Forrester UDC Joint Venture, LLC (hereinafter referred to as the Contractor) for the construction of the New Student Center for the UDC Van Ness Campus on January 13, 2012, in the amount of \$29,888,0000.00. Subsequently UDC received six proposals from the Contractor in response to changes requested by the Contract Administrator, through the Contracting Officer, during the course of the work.
- (b) On February 23, 2012, UDC issued a Basic Change Directive (BCD) inclusive of a request for proposal to the Contractor to provide mobilization and support services. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 1** in the amount of \$10,029.00 was issued on March 6, 2012. This change increased the contract amount to \$29,898,029.00.
- (c) On February 29, 2012, UDC issued BCD No. 002 inclusive of a request for proposal to the Contractor for a construction fence and signage. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 2** was issued on March 16, 2012, in the amount of \$262,652.00. This change increased the contract amount to \$30,160,681.00.

- (d) On February 28, 2012, UDC issued BCD No. 001 inclusive of a request for proposal to the Contractor to provide Existing Condition Assessment – medium voltage testing. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 3** was issued to the Contractor on April 17, 2012 in the amount of \$9,960.00 which increased the contract amount to \$30,170,641.00.
- (e) On March 26, 2012, UDC issued BCD No. 004 inclusive of a request for proposal to the Contractor to provide industrial hygiene services – asbestos, lead, PCB and hazmat inspection. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 4** was issued on April 24, 2012 in the amount of \$11,719.00. The Change Orders increased the contract amount to \$30,182,360.00.
- (f) On June 5, 2012, UDC issued BCD No. 005 inclusive of a request for proposal to the Contractor to provide electrical metering services. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 5** was issued on September 27, 2012 in the amount of \$21,112.00. The Change Order increased the contract amount to \$30,203,472.00.
- (g) On June 13, 2012, UDC issued BCD No. 006 inclusive of a request for proposal to the Contractor to provide handicap stripping, tree maintenance, and sidewalk repairs. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 6** was issued on October 26, 2012 in the amount of \$20,329.00. The Change Order increased the contract amount to \$30,223,801.00.
- (h) On August 21, 2012, UDC issued BCD No. 008 inclusive of a request for proposal to the Contractor to provide dewatering containment. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 7** was issued on October 18, 2012 in the amount of \$69,520.00. The Change Order increased the contract amount to \$30,293,321.00.
- (i) On January 28, 2013, UDC issued BCD No. 009 inclusive of a request for proposal to the Contractor to provide Interim Work Safety/WMATATA Permit. In response to the Contractor submitted a proposal that was negotiated and subsequently, **Change Order No. 8** was issued on October 26, 2013 in the negotiated amount of \$589,506.00. The Change Order increased the contract amount to \$30,882,827.00. In consideration of the change creating cumulative changes that exceed \$1,000,000.00 within a 12 month period the DC City Council approved the Change Order on November 5, 2013 through Resolution 20-319 to facilitate payment to the Contractor.
- (j) On July 6, 2013, UDC issued a request for proposal to the Contractor to provide construction of the remaining 20% of the Student Activity Center. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 9** was issued on September 3, 2013 in the negotiated amount of \$13,023,600.00.

The Change Order increased the contract amount to \$43,981,427.00. In consideration of the change creating cumulative changes that exceed \$1,000,000.00 within a 12 month period the DC City Council approved Change Order No. 9 on November 5, 2013 through Resolution 20-319 to facilitate payment to the Contractor.

- (k) On August 2, 2013, UDC issued BCD No. 10 inclusive of a request for proposal to the Contractor to provide Modifications to Foundation-to-Grade Construction. In response to UDC's request, the Contractor submitted a proposal in the amount of \$2,312,223.91. On December 2, 2014 UDC and the Contractor agreed on the negotiated amount of \$2,073,464.00. This action did not require the approval of the UDC Board of Trustees, because it is less than \$4,000,000.00. However, the Board reviewed it, along with all other BCD's in proposed Change Order No. 10, and the University President approved the Change Order on January 26, 2015.

On March 5, 2014, UDC issued BCD No. 11 inclusive of a request for proposal to the Contractor to provide modifications to the contract: Free-Standing Mock-Up, Unforeseen Site Conditions, Cellar Level and Level 1 Foundation to Grade Revisions, Revised Gas Meter Location and Pipe Route. In response to UDC's request, the Contractor submitted a proposal in the amount of \$130,324.00. UDC and the Contractor agreed on the negotiated amount of \$116,938.00.

On April 15, 2014, UDC issued BCD No. 12 inclusive of a request for proposal to the Contractor to for modifications to construction: Geothermal Well Location; Responses to RFIs 257, 260 and 262; and Concrete Haunch G Line. In response to UDC's request, the Contractor submitted a proposal in the amount of \$237,024.00. UDC and the Contractor agreed on the negotiated amount of \$202,460.00.

On August 19, 2014, UDC issued BCD No. 14 inclusive of a request for proposal to the Contractor to provide mechanical and plumbing modifications. In response to UDC's request, the Contractor submitted a proposal in the amount of \$177,635.00. UDC and the Contractor agreed on the negotiated amount of \$173,448.00.

On September 2, 2014, UDC issued BCD No. 15 inclusive of a request for proposal to the Contractor to provide modifications to the contract for Tele-Data, A/V, Security Systems, and Kitchen Equipment Rough-In, Access Control, Signage, Exterior Furnishing and Window Treatment. In response to UDC's request, the Contractor submitted a proposal in the amount of \$1,931,937. UDC and the Contractor agreed on the negotiated amount of \$1,168,939.00.

In addition to the changes required by the BCD's above, Change Order No. 10 will provide for the following price adjustments that equate to an additional cost of \$240,384.00 based on the following:

- PCO 25080 Millwork Deletion: Subtract \$82,300.00 from the Contractor's Subcontractor Direct Costs and \$4,064.80 from the Contractor's commission for a deletion of \$86,365.00.

- Change Order No. 9: Deletion of 80% site furnishings credit, i.e. \$78,025.00 for Contractor's Subcontractor Direct Costs and \$3,853.65 from the Contractor's commission for a deletion of \$81,879.00.
- Change Order No. 9: Adjust miscalculation of Contractor's General Conditions by adding \$78,143.00.
- General Conditions: Add payment for 56 days delay at rate of \$5,365.00 for 56 days for an amount of \$300,440.00.
- General Conditions: Add Contractor's fee @ 10% of \$300,440.00 for an amount of \$30,044.00.
- The amount of the deletions (\$168,244.00) from the additions (\$408,627.44) equals the increase of \$240,384.00.

UDC proposes to award the total of BCD's 10, 11, 12 14, 15, and the adjustments above, in the amount of \$3,975,633.00 through **Change Order No. 10** which will increase the contract amount to \$47,882,060.00.

A statement indicating whether the Executed contractor is currently debarred from providing services to any governmental entity (federal, state or municipal), the dates of the debarment, and the reason for debarment.

As of November 20, 2014, neither Parkinson Construction nor Forrester Construction Company's name appears on the federal or District Excluded Parties List Systems.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF EMPLOYMENT SERVICES
Office of Unemployment Compensation/Tax Division



REVISED

TAX VERIFICATION RESPONSE - DOES

CONTRACT SPECIALIST: MICHIKO GADSON

AGENCY: UDC

VENDOR NAME: PARKINSON/FORRESTER - UDC NEW STUDENT CTR JV

D.C.DOES SUI ACCOUNT #:

FEDERAL ID #: 453678252

TO BE COMPLETED BY THE DEPARTMENT OF EMPLOYMENT SERVICES TAX DIVISION

THE DEPARTMENT OF EMPLOYMENT SERVICES CERTIFIES THAT:

The prospective Contractor is "IN COMPLIANCE" with the tax filing and payment requirements of the District of Columbia Unemployment Tax Laws or is in compliance with an established payment plan.

The prospective Contractor is "NOT IN COMPLIANCE" with the tax filing and payment requirements of the District of Columbia Unemployment Tax Laws. The Contractor may obtain details of the tax deficiency and make arrangements to correct this deficiency by contacting the tax enforcement officer whose name and telephone number follow:

Tax Enforcement Officer: Doris Artis

Phone #: (202) 741-8693

Comments

SIGNATURE

Associate Director, Office of Unemployment Compensation

TITLE

2/4/2015

DATE

(202)-698-3702

TELEPHONE/FAX NUMBER

This response/certification is valid for 90 days from the date specified above.

ATT: Compliance Officer
Office of Unemployment Compensation - Tax Division - 4058 Minnesota Avenue, NE, Washington, DC 20019

For more information, please go to the DOES Web Site at <http://www.does.dc.gov/>

DISTRICT OF COLUMBIA



Office of Tax and Revenue
1101 4th Street SW steW600
Collection Division
Washington, DC 20024

OFFICE OF TAX AND REVENUE TAX VERIFICATION RESPONSE

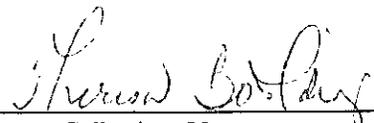
REQUESTOR: MICHIKO GADSON

AGENCY: UDC

VENDOR NAME: PARKINSON / FORRESTER - UDC NEW STUDENT CENTER JOINT VENTURE FEIN: 45-3678252

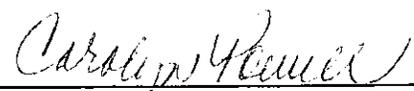
TO BE COMPLETED BY THE OFFICE OF TAX & REVENUE

- The prospective contractor **is in compliance** with the filing and payment requirements of the District of Columbia tax laws. GF-2011-C-0030
- The prospective contractor/individual **is not liable** for the tax filing requirements of the District of Columbia.
- The prospective contractor **is not in compliance** with the tax filing and payment requirements of the District of Columbia Tax Law. The contractor may obtain details of the tax deficiency and make arrangements to correct this by Contacting the Revenue Officer whose signature appears below.
- The prospective contractor has **recently been registered** with the District of Columbia and has not incurred any liabilities so far.
- Our records indicate that the prospective contractor **is not registered** to do business in the District of Columbia. Please contact the Office of Tax and Revenue, Customer Service Office at (202) 727-4829 to request a form FR-500 (Combined Registration Application) which must be fully completed and submitted to the address indicated on the form **Office of Tax and Revenue, PO Box 470 Washington, DC 20044-0470** or register online at: https://www.taxpayerservicecenter.com/FR500_Instructions.jsp.



Collections Manager

12/2/14
Date



Carolyn Powell
Senior Revenue Officer

(202) 442-6588
Telephone Number



Office of the Chief Financial Officer

Donald L. Rickford
Chief Financial Officer

TO: Mary Ann Harris
Director, Contracting & Procurement
University of the District of Columbia

FROM: Donald L. Rickford *Donald L. Rickford*
Chief Financial Officer
University of the District of Columbia

DATE: December 11, 2014

RE: Funding Certification for Construction of the New Student Center

This is to certify that funds are available in the amount of \$3,975,633.00 of the FY15 Capital Budget for the Office of the VP of Real Estate, Facilities Management and Public Safety for Solicitation No.:GF-2011-C-0030. The funds are available under Index CP16D and Account Code 713165.

Parkinson/Forrester UDC Student Center JV, LLC

If you have any questions please contact David Franklin at 202-274-5706.



Office of Contracting and Procurement
Division of Capital Procurement

TO: Donald Rickford
Chief Financial Officer
University of the District of Columbia

FROM: Eddie Whitaker on behalf of Mary Ann Harris
Senior Contracts Manager/Director of Contracting and Procurement/Chief
Contracting Officer University of the District of Columbia Office of Contracting
and Procurement

SUBJECT: Funding Certification for Construction of the New Student Center

DATE: Novemeber 25, 2014

The Capital Procurement Division on behalf of the Office of Contracting and Procurment is requesting a Funding Certification Memorandum for the subject project in the amount of \$3,975,633.00 for Solicitation No.: GF-2011-C-0030 for the following Contractor:

Parkinson/Forrester UDC Student Center JV, LLC.

Please be advised that this is an expedited procurement and we are requesting a response no later than Friday, December 5, 2014. If you need further information, please contact Eddie Whitaker at (202) 274-6913 or me at (202) 274-5426.



Welcome to UDC

View Document

Requisition Header

Requisition	Order Date	Trans Date	Delivery Date	Print Date	Total
Upload Documents					
R0007205	Nov 07, 2014	Nov 07, 2014	Nov 07, 2014		3,992,964.00
Origin:	SELF SERVICE				
Complete:	Y	Approved:	N	Type:	Procurement
Cancel Reason:					
Requestor:	Garrett, Alex J.		CP00	Date:	Capital Projects
Phone Number:	202-274--5353				
E-mail:	ajgarrett@udc.edu				
Accounting:	Document Level				
Ship to:	UDC - Facilities Mgmt.				
	Washington, DC 20008 United States				
Attention:	Erik Thompson				
Contact:	Staff Assistant				
Phone Number:	202-274-6150				
Vendor:	N00229237	Parkinson/Forrester-UDC New Student Center Joint Venture LLC			
	1007 Rhode Island Avenue				
	Washington, DC 20018				
Phone Number:	202-636--4005				
Fax Number:	202-636--8130				
Document Text:	This requisition is for the revised Change Order				
	No. 10 for Contract GF-2011-C-0030, New Student				
	Center Building, UDC, Van Ness Campus. The				
	description of work and independent government				
	estimate is attached. All terms and conditions				
	of the contract apply.				

Requisition Commodities

Item	Commodity	Description	U/M	Qty	Unit Price	Ext Amount	
					Disc	Addl	Tax
							Cost
1	9092400	Contractual Services - GC	EA	1	3992964	3,992,964.00	
				0.00	0.00	0.00	3,992,964.00
						Total:	3,992,964.00

Requisition Accounting

Seq#	COA	FY	Index	Fund	Orgn	Acct	Prog	Actv	Locn	Proj	NSFSusp	NSFOvr	Susp	Amount
1	1	15		A9044	CP00	713165	UG706C				N	N	N	3,992,964.00
Total of displayed sequences:														3,992,964.00

✓ No Related Documents Available

RELEASE 8.2

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MEMORANDUM

To: Dr. James E. Lyons, Sr.
Interim President
University of the District of Columbia

From: D. Scott Barash 
General Counsel

Re: Legal Sufficiency Certification – Proposed Change Order No. 10 between the University of the District of Columbia and Parkinson/Forrester Joint Venture, Contract Number GF-2011-C-0030

Date: January 15, 2015

Description of Proposed Contract

The proposed Change Order is for the University of the District of Columbia's new Student Center and is necessary to address unforeseen field conditions; modifications to the project required by authorities having jurisdiction; a calculation error in previous Change Order No. 9; and an adjustment to time in response to Contractor's requested time adjustment. The Student Center is the centerpiece of a ten-year, campus-wide renovation on the Van Ness campus. At 96,000 sq. ft., this targeted Leadership in Energy and Environmental Design (LEED) Platinum building is a historic and comprehensive combination of 78,000 sq. ft of new construction and 18,000 sq. ft extended renovation of the District's only public university. This blend of student-focused spaces and community support areas will result in the building serving as an iconic representation of how the campus is a link between its students, faculty, staff and its District neighbors.

The original Contract in the amount of \$29,888,000.00 was issued by the University of the District of Columbia and received Council approval on December 19, 2011. There were nine subsequent Change Orders issued in the total amount of \$14,028,427.00. The value of proposed Change Order No. 10 is \$3,975,633.00; thus Council approval is needed.

Legal Review

The University, through its Board of Trustees, has the authority pursuant to section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1427; D.C. Official Code §38-1202.01(a)) to make contracts; to make, deliver, and receive deeds, leases and other instruments and to take title to real and other property in its own name; and to adopt, prescribe, amend, repeal, and enforce such bylaws, rules, and regulations as it may deem necessary for the governance and administration of the University. In addition, pursuant

to D.C. Code § 38-1202.01(b), the University is authorized to operate as an independent agency of the government of the District of Columbia.

Further, pursuant to District of Columbia Council legislation, the "University of the District of Columbia Board of Trustees Quorum Amendment Act of 2010," the University is authorized to conduct business through University procurement rules, such Act providing that the University may procure all goods and services necessary to operate the University independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985 (consistent with University procurement regulations approved by Council). Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Official Code § 2-303.20) permits the Board of Trustees of the University to operate its own procurement process, subject to the applicability of Title IX of that Act to contract protests, appeals and claims arising from procurements of the University of the District of Columbia Board of Trustees.

The University is thus authorized to enter into the Contract, and subsequent change orders, subject to submission of the Contract or change orders to the Council of the District of Columbia for review and approval, all as required by §304(a) of the District Charter and the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995, (109 State. 151, Pub.L. 104-8; D.C. Official Code 1-204.51(b)(2)) for contracts or change orders involving expenditures in excess of \$1,000,000 during a 12-month period.

The District Charter further provides that Council approval of such contracts shall be in accordance with criteria established by act of the Council, D.C. Code § 1-204.51(b)(1). Council further enacted special criteria governing the submission of multiyear contracts and contracts in excess of \$1 million during a twelve-month period as part of the Procurement Practices Act at D.C. Code § 2-301.05a, with such criteria specifically enumerated at D.C. Code §§ 2-301.05(c)(A)-(K), including this legal sufficiency certification.

This certification specifies that the University is not aware of any claim(s) by Parkinson/Forrester Joint Venture against the University.

Subject to submission of the required materials identified in the Council's special criteria for contract approval and to Council approval as set forth herein and otherwise required by law, the Office of General Counsel certifies that the proposed Change Order No. 10 is legally sufficient.

Please let me know if you have any questions at (202) 274-5400.