

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. 9 through 11 to Contract No. DCAM-16-NC-0034A with Adrian L. Merton, Inc., for HVAC technician services for several municipal facilities and District of Columbia Public Schools, and to authorize payment in the aggregate amount of \$3,775,000 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 the “Modification Nos. 9 through 11 to Contract No. DCAM-16-NC-0034A Approval and Payment Emergency Declaration Resolution of 2018”.

Sec. 2 (a) There exists an immediate need to approve Modification Nos. 9 through 11 to Contract No. DCAM-16-NC-0034A with Adrian L. Merton, Inc. for on-call heating, air conditioning and ventilation (“HVAC”) system repairs and upgrades to several municipal facilities and District of Columbia Public Schools (the “Project”) and

1 to authorize payment in the aggregate amount of \$3,775,000 for goods and services  
2 received and to be received under the modifications.

3 (b) On April 17, 2016, the underlying Contract No. DCAM-16-NC-0034A was  
4 deemed approved by the Council as CA21-0350 in the not-to-exceed (“NTE”) amount of  
5 \$5,750,000 for the base period of the Project. On December 23, 2016, the first of two  
6 option years, via Modification No. 3, was approved by Council as CA21-0576 in the  
7 NTE amount of \$6,400,000, extending the term of the Contract from January 6, 2017  
8 through January 5, 2018. On December 16, 2017, the second option year (“Option Year  
9 2”), via Modification No. 8, was deemed approved by Council as CA22-0339 in the NTE  
10 amount of \$3,550,000, extending the term of the Contract from January 6, 2018 through  
11 January 5, 2019. On March 20, 2018, the Department of General Services (the  
12 “Department”) executed Modification No. 9, which increased the NTE amount of Option  
13 Year 2 by \$175,000, from \$3,550,000 to \$3,725,000. On May 7, 2018, the Department  
14 executed Modification No. 10, which clarified and corrected the amounts stated in  
15 Modification 9, but did not alter the Contract value. The individual and collective values  
16 of Modification Nos. 9 through 10 were less than \$1 million; thus, Modification Nos. 9  
17 and 10 did not require Council approval. Proposed Modification No. 11, in the amount of  
18 \$3,600,000, would cause the aggregate value of Modification Nos. 9 through 11 to be  
19 \$3,775,000, increasing the total Option Year 2 value from \$3,725,000 to \$7,325,000.

20 (c) Proposed Modification No. 11 would cause the aggregate value of all contract  
21 modifications issued after the last Council approval to exceed \$1 million; thus, Council  
22 approval of Modification Nos. 9 through 11 is now required pursuant to section 451 of

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

3           Sec. 3. The Council of the District of Columbia determines that the  
4 circumstances enumerated in section 2 constitute emergency circumstances making it  
5 necessary that Modification Nos. 9 through 11 to Contract No. DCAM-16-NC-0034A  
6 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single  
7 reading.

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