

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. 4 and 5 to Contract No. DCAM-17-CS-0033A between the Department of General Services and Broughton Construction Company, LLC increasing the Contract's Option Year 004 aggregate not-to-exceed amount to \$15,000,000 and authorizing payment to Broughton Construction Company, LLC for ID/IQ small construction 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. 4 and 5 to Contract No. DCAM-17-CS-0033A with Broughton Construction Company, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2021."

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 4 and 5 to Contract No, DCAM-17-CS-0033A (the "Contract") between the District's Department of General Services (the "Department") and Broughton Construction Company, LLC ("Contractor") to increase the Contract's Option Year 004 aggregate Not-to-Exceed ("NTE") amount to \$15,000,000, and to authorize payment to the Contractor for small construction services received and to be received under these modifications.

1 (b) On April 26, 2021, the Department issued Modification No. 4 in the Option
2 Year 004 NTE amount of \$950,000. Proposed Modification No. 5 would increase the
3 Option Year 004 NTE amount by \$14,050,000, from \$950,000 to \$15,000,000.

4 (c) Proposed Modification No. 5 would increase the NTE amount to an amount in
5 excess of \$1 million during a 12-month period; thus, Council approval of Modification
6 Nos. 4 and 5 is required pursuant to section 451 of the District of Columbia Home Rule
7 Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and the
8 requirements of section 202 of the Procurement Practices Reform Act of 2010, effective
9 April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02).

10 (d) Council approval of Modification Nos. 4 and 5 is necessary to allow the
11 continuation of essential small general construction services, as awarded via
12 competitively-awarded task order agreements at lump sum prices, at various District
13 owned or operated public schools, parks and recreation facilities, and other municipal
14 facilities, and to compensate the Contractor for services provided and to be provided
15 under these Modifications for Option Year 004.

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. 4 and 5 to Contract No. DCAM-17-CS-0033A with
19 Broughton Construction Company, LLC Approval and Payment Authorization
20 Emergency Act of 2021” be adopted after a single reading.

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