

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. 1 and 2 to Contract No. DCAM-20-CS-RFQ-0002C, between the Department of General Services and W. L. Gary Company, Inc., increasing the aggregate Contract amount to \$10 million, and authorizing payment to W. L. Gary Company, Inc., for 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. 1 and 2 to Contract No. DCAM-20-CS-RFQ-0002C with W. L. Gary Company, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2021”.

Sec. 2.(a) There exists an immediate need to approve Modification Nos. 1 and 2 to the Agreement for HVAC Systems Maintenance, Replacement & Installation (“MRI”) Services (DCAM-20-CS-RFQ-0002C) (the “Contract”) between the Department of General Services (the “Department”) and W. L. Gary Company, Inc. (the “Contractor”) for HVAC MRI services, to increase the not-to-exceed (“NTE”) amount of the Contract to \$10 million, and to authorize payment to the Contractor for services received and to be received under these modifications.

1 (b) Modification No. 1 partially exercised option year 1 with a guaranteed
2 minimum amount of \$50 and NTE amount of \$990,000 through July 31, 2021. The
3 aggregate amount of Modification No. 1 was less than \$1 million, thus Council’s
4 approval was not required.

5 (c) Proposed Modification No. 2 would increase the NTE amount of the Contract
6 by \$9,010,000 from \$990,000 to \$10 million, which exceeds \$1 million during a 12-
7 month period; therefore, Council approval of this modification is required pursuant to
8 section 451 of the District of Columbia Home Rule Act, approved December 24, 1973
9 (87 Stat. 803; D.C. Official Code § 1-204.51).

10 (d) Council approval of the modifications is necessary to allow the completion of
11 HVAC Systems Maintenance, Replacement & Installation (“MRI”) Services and to
12 compensate the Contractor for services provided and to be provided pursuant to the
13 modifications.

14 Sec. 3. The Council of the District of Columbia determines that the
15 circumstances enumerated in Section 2 constitute emergency circumstances making it
16 necessary that the “Modification Nos. 1 and 2 to Contract No. DCAM-20-CS-RFQ-
17 0002C with W. L. Gary Company, Inc. Approval and Payment Authorization Emergency
18 Act of 2021” be adopted after a single reading.

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