

A RESOLUTION

**Proposed
Resolution
20-244**

**See
Emergency
D.C. Act 20-78
20 DCStat 1433**

To declare the existence of an emergency with respect to the need to approve Change Orders Nos. 1 and2 and Change Directive No. 2 to the Contract for Design-Build Services for the Phase 1 Modernization of Simon Elementary School between the District of Columbia government and Forney Enterprises, Inc., Contract No. DCAM-12-M-1031J-FM, and to authorize payment to Forney Enterprises, Inc. in the aggregate amount of \$2,737,274.22 for the goods and services received under these change orders and change directive.

**Change
Orders Nos. 1
and2 and
Change
Directive No.
2 to Contract
No. DCAM-
12-M-1031J-
FM Approval
and Payment
Authorization
Emergency
Declaration
Resolution of
2013**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Orders Nos. 1 and2 and Change Directive No. 2 to Contract No. DCAM-12-M-1031J-FM Approval and Payment Authorization Emergency Declaration Resolution of 2013”.

Sec. 2.(a) There exists an immediate need to approve Change Orders Nos. 1 and2 and Change Directive No. 2 to Contract No. DCAM-12-M-1031J-FM for design-build services, additional project scope, outstanding change requests, and the close-out of the Phase 1 project at Simon Elementary School and to authorize payment in the aggregate amount of \$2,737,274.22 for the goods and services received under these change orders and change directive.

(b) The Council of the District of Columbia Council previously approved Contract No. DCAM-12-M-1031J-FM (CA 19-0361). A zero dollar administrative Change Directive No. 1 was then issued. Change Order No. 1 in the amount of \$949,506.93 and Change Directive No. 002 in the amount of \$10,000 were subsequently issued with an aggregate value of less than \$1 million; thus, Council approval was not required at that time. Change Order No. 2, in the amount of \$1,777,767.29, increases the aggregate value of the Contract, since Council’s last approval, over the \$1 million threshold 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); thus, Council approval is required.

(c) Approval of Change Orders Nos. 1 and2 and Change Directive No. 2 to Contract No. DCAM-12-M-1031J-FM in the aggregate amount of \$2,737,274.22 is necessary to compensate Forney Enterprises, Inc., for work completed at Simon Elementary School.

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 Change Orders Nos. 1 and2 and Change Directive No. 2 to Contract No. DCAM-12-M-1031J-FM Approval and Payment Authorization Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.