

A RESOLUTION

**Proposed
Resolution
20-889**

**See Emergency
D.C. Act 20-403
20 DCStat 3883**

To declare the existence of an emergency with respect to the need to approve the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B, including Task Orders Nos. 001 and 002, between the District of Columbia government and Broughton Construction, LLC, and to authorize payment to Broughton Construction, LLC, in the amount of \$860,873.85 with a not-to-exceed amount of \$10 million, for the goods and services received and to be received under this contract and task orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B, including Task Orders Nos. 001 and 002, Approval and Payment Authorization Emergency Declaration Resolution of 2014”.

**Amended and
Restated Basic
Ordering
Agreement for
Fiscal Year
2014 DCPS
and DPR
Small
Construction
Projects
Contract No.
DCAM-14-
CS-0001B,
including
Task Orders
Nos. 001 and
002, Approval
and Payment
Authorization
Emergency
Declaration
Resolution of
2014**

Sec. 2.(a) There exists an immediate need to approve the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B, including Task Orders Nos. 001 and 002, in the amount of \$860,873.85 with a not-to-exceed amount of \$10 million, and to authorize payment for the goods and services received and to be received under this contract and task orders.

(b) Task Orders Nos. 001 and 002 were issued pursuant to the Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B (“Initial Contract”), which was competitively bid and issued with a minimum value of \$50. As the Initial Contract did not authorize any specific work or constitute a guarantee that any work would be assigned to Broughton Construction, LLC, no Council approval was required. Thereafter, Task Order No. 001 was issued for \$117,061.31 and Task Order No. 002 was issued for \$743,812.54. Since the aggregate value of the Initial Contract and Task Orders Nos. 001 and 002 was less than \$1 million, no Council approval was required.

(c) Subsequently, the Initial Contract’s terms and conditions were amended and restated, resulting in the issuance of the Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B (“Contract”) with an established not-to-exceed value of \$10 million. All future work, if any, under the Contract will be awarded and released through individual project task orders, based on a competitive bidding process, as set forth in Section 1.2 of the Contract. Task orders may be issued up to the maximum not-to-exceed amount of \$10 million, which will cause the aggregate value of the Contract and task orders to exceed the \$1 million threshold under section 451 of the

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

(d) Approval of the Contract, including Task Orders Nos. 001 and 002, in the amount of \$860,873.85 with a not-to-exceed amount of \$10 million is necessary to compensate Broughton Construction, LLC, for work completed and to be completed pursuant to the Contract, including Task Orders Nos. 001 and 002.

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 Amended and Restated Basic Ordering Agreement for Fiscal Year 2014 DCPS and DPR Small Construction Projects Contract No. DCAM-14-CS-0001B, including Task Orders Nos. 001 and 002, Approval and Payment Authorization Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.