



OFFICE OF THE
SECRETARY

2016 DEC -1 AM 4:47

MURIEL BOWSER
MAYOR

DEC - 1 2016

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Suite 504
Washington, D.C. 20004

**Reference: Department of General Services
Exercise of Option Year #002 via Modification No. 02 to Basic Ordering
Agreement for HVAC Capital Improvement Services with Adrian L.
Merton, Inc. (DCAM-14-NC-0133A) Authorization Emergency Act of 2016**

Dear Chairman Mendelson:

Pursuant to D.C. Official Code § 1-204.51(b), the Department of General Services (“DGS” or the “Department”) hereby submits for consideration and approval by the Council of the District of Columbia the proposed emergency legislation entitled “Exercise of Option Year #002 via Modification No. 02 to Basic Ordering Agreement for HVAC Capital Improvement Services with Adrian L. Merton, Inc. (DCAM-14-NC-0133A) Authorization Emergency Act of 2016” and the corresponding declaration resolution.

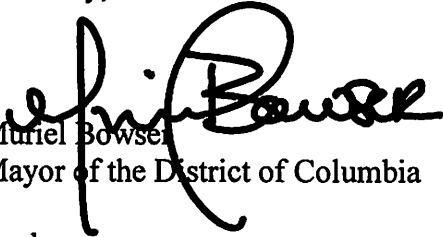
The proposed contract modification would permit the Contractor to continue providing HVAC capital improvement services at various facilities of the District of Columbia Public Schools (“DCPS”), the Department of Parks and Recreation (“DPR”), and other municipal facilities within the Department’s portfolio. All work will be awarded and released through individual project task orders, based on the competitive bidding process set forth in the Contract. Task orders will be issued against the \$8,000,000 Not-To-Exceed Value for the full Option Year #002, through September 30, 2017.

In addition to Modification No. 2, attached are: (i) the contract modification summary; (ii) a fiscal certification; (iii) a legal sufficiency review memorandum; (iv) a legal sufficiency certification; and (v) a Clean Hands certification for the Contractor.

The Honorable Phil Mendelson
Page 2

If you have any questions regarding this proposed action, please feel free to contact either Greer Johnson Gillis, the Department's Director, or Latrena Owens, the Department's Chief of Staff, at (202) 727-2800.

Sincerely,


A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is written in a cursive style with a large, looping initial "M".

Muriel Bowser
Mayor of the District of Columbia

Enclosures

Copy: Greer Johnson Gillis
Latrena Owens

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35


Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis, the full Exercise of Option Year #002 via Modification No. 02 to Basic Ordering Agreement for HVAC Capital Improvement Services between the District of Columbia government and Adrian L. Merton, Inc., Contract No. DCAM-14-NC-0133A.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Exercise of Option Year #002 via Modification No. 02 to Basic Ordering Agreement for HVAC Capital Improvement Services with Adrian L. Merton, Inc. (DCAM-14-NC-0133A) Authorization Emergency Act of 2016”.

Sec. 2. 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), and notwithstanding the requirements of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01 *et seq.*), the Council approves the full Exercise of Option Year #002 via Modification No. 02 to Basic Ordering Agreement for HVAC Capital Improvement Services with Adrian L. Merton, Inc., Contract No. DCAM-14-NC-0133A.

1 Sec. 3. The Council adopts the fiscal impact statement provided by the Office of
2 the Chief Financial Officer as the fiscal impact statement required by section 4a of the
3 General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038;
4 D.C. Official Code § 1-301.47a).

5 Sec. 4. This act shall take effect following approval by the Mayor (or in the
6 event of veto by the Mayor, action by the Council to override the veto), and shall remain
7 in effect for no longer than 90 days, as provided for emergency acts of the Council of the
8 District of Columbia in section 412(a) of the District of Columbia Home Rule Act,
9 approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of General Services



Pursuant to section 202(c-3) of the Procurement Practices Reform Act of 2010, as amended, D.C. Official Code § 2-352.02(c-3), the following contract summary is provided:

COUNCIL CONTRACT SUMMARY

Modification No. 02 for Full Exercise of Option Year #002

- (A) Contract Number:** DCAM-14-NC-0133A
Modification No. 02 for full Exercise of Option Year #002
- Proposed Contractor:** Adrian L. Merton, Inc. (“Merton” or “Contractor”)
- Contract Amount (Option Period):** Minimum: \$50; Not-To-Exceed: \$8,000,000
- Term of Contract:** January 1, 2017 through September 30, 2017
- Type of Contract:** Indefinite Delivery / Indefinite Quantity
Basic Ordering Agreement
- (B) Identifying number of the underlying contract, including the identifiers assigned to the underlying contract by the Council for the base period and any subsequent option periods:**
- Base Period:** DCAM-14-NC-0133A
Effective: November 20, 2014 through September 30, 2015
Council Approval: CA20-0496
Not-To-Exceed: \$3,000,000
- Option Year 1:** Change Order No. 005 to Basic Ordering Agreement
Effective: October 1, 2015 through September 30, 2016
Council Approval: PR21-0821 and B21-0795
Not-To-Exceed: \$5,000,000
- Option Year 2 (partial exercise):** Modification No. 01
Effective: October 1, 2016 through December 31, 2016
Not-To-Exceed: \$950,000

Option Year 2 (full exercise): Proposed Modification No. 02
Proposed Effective: January 1, 2017 through September 30, 2017
Proposed Not-To-Exceed: \$8,000,000

- (C) A statement that Citywide Clean Hands database indicates that the proposed contractor is current with its District taxes. If the Citywide Clean Hands Database indicates that the proposed contractor is not current with its District taxes, either: (1) a certification that the contractor has worked out and is current with a payment schedule approved by the District; or (2) a certification that the contractor will be current with its District taxes after the District recovers any outstanding debt as provided under D.C. Official Code § 2-353.01(b):**

The Citywide Clean Hands database indicates that the Contractor is in compliance with the Government of the District of Columbia tax laws and regulations and is current with its District taxes (see attached Certificate of Clean Hands).

- (D) A statement that the proposed contract is within the appropriated budget authority for the agency for the fiscal year and is consistent with the financial plan and budget adopted in accordance with D.C. Official Code §§ 47-392.01 and 47-392.02:**

The proposed contract Modification is within the appropriated budget authority for the agency for the fiscal year and is consistent with the financial plan and budget adopted in accordance with D.C. Official Code §§ 47-392.01 and 47-392.02. A Fiscal Sufficiency certification is attached.



Government of the District of Columbia

CERTIFICATE OF CLEAN HANDS

ADRIAN L MERTON INC
PO BOX 3570
CAPITOL HEIGHTS, MD 20791-3570

EIN : *****9036

As reported in the Citywide Clean Hands system, the above referenced individual or entity has no outstanding liability with the District of Columbia. As of the date herein, you have complied with the following official DC code and therefore are issued this Certificate of Clean Hands.

TITLE 47. TAXATION, LICENSING, PERMITS, ASSESSMENTS AND FEES
CHAPTER 28. GENERAL LICENSE LAW
SUBCHAPTER II. CLEAN HANDS BEFORE RECEIVING A LICENSE OR PERMIT
D.C. Code § 47-2862 (2006)
§ 47-2862. Prohibition against issuance of license or permit.

A handwritten signature in red ink, appearing to read "Bobby Tucker", written over a horizontal line.

Authorized By Bobby Tucker
Chief Collection Division

Date: Wednesday this 19th day of October 2016 02:09 PM

Tracking#: 578363

This document is a certified, complete and true copy.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES**



Memorandum

To: Greer Johnson Gillis, PE
Acting Director

From: Massimo Marchiori
Agency Fiscal Officer

Reference: Exercise of Option Year 2 via Modification No. 2 to Basic Ordering Agreement for HVAC Capital Improvement Services (Contract Number: DCAM-14-NC-0133A)

Date: October 19, 2016

Subject: Fiscal Sufficiency Certification

In my capacity as the Agency Fiscal Officer of the Department of General Services (the “Department”), I hereby certify that Modification No. 2 to the Basic Ordering Agreement for HVAC Capital Improvement Services for DC Public Schools, between the Department of General Services and Adrian L. Merton, Inc. (“Merton”) (the “Modification”) with a minimum value of \$50 for Option Year 2, is consistent with the Department’s current budget and that adequate funds are available in the budget for the expenditure. The \$50 minimum value is hereby certified.

Funds supporting individual task orders to be issued against the Option Year 2 aggregate Not-To-Exceed Amount will be certified at the time of issuance of any such task orders and are subject to the availability of appropriated funds.

The Department of General Services (DGS) has \$50 in its current FY 17 capital budget allotment balance. The SOAR/PASS information is listed below/attached.

Project Name/Index Title	Project Number/Index Number	Fund Detail	AY	Implementing AGY	Owner AGY	Funding Year	RQ/PO	Amount	Comments
BOILER REPAIRS - DCPS	GM102C	0300	2008	AM0	GA0	FY2016	RQ936494	50.00	See Attached
								50.00	

James Hatchel - Thomas

for MM

Massimo Marchiori
Agency Fiscal Officer

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: November 18, 2016

SUBJECT: Legal Sufficiency Review of Resolution, the “Exercise of Option Year #002 via Modification No. 02 to Basic Ordering Agreement for HVAC Capital Improvement Services with Adrian L. Merton, Inc. (DCAM-14-NC-0133A) Authorization Emergency Act of 2016” and Resolution (AE-16-670)

This is to Certify that this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

Janet M. Robins