



MURIEL BOWSER
MAYOR

FEB 26 2019

OFFICE OF THE
SECRETARY

2019 FEB 26 PM 2:19

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: District of Columbia Department of General Services
Change Order Nos. 11 and 12 to
Contract No. DCAM-14-CS-0074 with MCN Build, Inc. Approval and
Payment Authorization Emergency Act of 2019
Contract Number: DCAM-14-CS-0074
Contractor: MCN Build, Inc.**

Dear Chairman Mendelson:

Pursuant to D.C. Official Code § 1-204.51(b), the Department of General Services (the "Department") hereby submits to the Council of the District of Columbia for its review and approval the attached proposed emergency legislation, "Change Order Nos. 11 and 12 to Contract No. DCAM-14-CS-0074 with MCN Build, Inc. Approval and Payment Authorization Emergency Act of 2019", to approve revised scopes of work pursuant to the underlying Agreement for Design-Build Services, Hyde-Addison Elementary School Complex, Contract No. DCAM-14-CS-0074 (the "Contract") with MCN Build, Inc. (the "Contractor") and to authorize payment to the Contractor for the goods and services received and to be received under these change orders.

Change Order Nos. 11 and 12 allow the Contractor to continue providing design-build services to complete the modernization and expansion of the Hyde-Addison Elementary School Complex based on required changes to the scope of work and previously established but deferred add/alternate scopes of work. The substantial completion date of Phase B of the Project of July 1, 2019, shall remain unchanged. Council action is necessary to approve the revised scope of work and authorize the increase to the Phase B Guaranteed Maximum Price ("GMP") to \$37,013,792.94, via Change Order Nos. 11 and 12, in the aggregate amount of \$6,700,142.94; thereby increasing the total Contract value to \$45,817,404.94. Thus, the Department is seeking the Council's approval for this action.

The Honorable Phil Mendelson

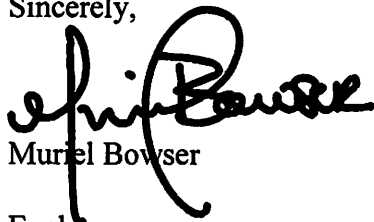
Page 2

The Chief Financial Officer has certified that the necessary funding for the above-referenced contract actions is available for FY 2019.

In addition to Change Order No. 11 and proposed Change Order 12, attached are: (i) a contract summary; (ii) a fiscal certification; (iii) memoranda and/or certifications of legal sufficiency; (iv) a Clean Hands certification for the Contractor; (v) a proposed emergency declaration; and (vi) proposed legislation.

If you have any questions regarding this matter, please feel free to contact Keith A. Anderson, the Department's Director, or George G. Lewis, the Department's Associate Director of Contracts and Procurement, 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

Enclosures



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, Change Order Nos. 11 and 12 to Contract No. DCAM-14-CS-0074 between the District of Columbia government and MCN Build, Inc. for Design-Build Services for the Hyde-Addison Elementary School Complex, and to authorize payment to MCN Build, Inc. in an aggregate amount of \$6,700,142.94, for the goods and services received and to be received under these change orders.

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

That this act may be cited as the “Change Order Nos. 11 and 12 to Contract No. DCAM-14-CS-0074 with MCN Build, Inc. Approval and Payment Authorization Emergency Act of 2019”.

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 section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Change Order Nos. 11 and 12 to Contract No. DCAM-14-CS-0074 with MCN Build, Inc. and authorized payment to MCN Build, Inc. in an

1 aggregate amount of \$6,700,142.94 for goods and services received and to be received
2 under these change orders to complete the modernization and expansion of the Hyde-
3 Addison Elementary School Complex.

4 Sec. 3. The Council adopts the fiscal statement provided by the Chief Financial
5 Officer as the fiscal impact statement required by section 4a of the General Legislative
6 Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code
7 § 1-301.47a).

8 Sec. 4. This act shall take effect following approval by the Mayor (or in the
9 event of veto by the Mayor, action by the Council to override the veto), and shall remain
10 in effect for no longer than 90 days, as provided for emergency acts of the Council of the
11 District of Columbia in section 412(a) of the District of Columbia Home Rule Act,
12 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-1) of the Procurement Practices Reform Act of 2010, as amended, D.C. Official Code § 2-352.02(c-1), the following contract summary is provided:

COUNCIL CONTRACT SUMMARY
(Retroactive or Tipping)

**Change Order Nos. 11 and 12 to Agreement for Design-Build Services
at Hyde-Addison Elementary School Complex**

(A) Contract Number:	DCAM-14-CS-0074
Proposed Contractor:	MCN Build, Inc. (as converted from MCN Build, LLC pursuant to D.C. Code § 29-204.05)
Amount for Proposed Change Order No. 12:	\$5,733,000.44
Aggregate Amount of Change Order Nos. 11 and 12:	\$6,700,142.94
Total Contract Not-to-Exceed Amount:	\$45,817,404.94
Unit and Method of Compensation:	Progress payments on a monthly basis
Term of Contract:	From February 3, 2014, date of execution of the Letter Contract, through December 31, 2019 with a Phase B Substantial Completion Date of July 1, 2019.
	<u>Please note: Council approval is requested no later than the Council legislative session scheduled for March 5, 2019 in order to timely complete the Project.</u>
Type of Contract:	Cost Plus Fixed Fee with a Guaranteed Minimum Price (“GMP”)
Source Selection Method:	Competitive Request for Proposals

- (B) For a contract containing option periods, the contract amount for the base period and for each option period. If the contract amount for one or more of the option periods differs from the amount for the base period, provide an explanation of the reason for the difference:**

N/A

- (C) The goods or services to be provided, the methods of delivering goods or services, and any significant program changes reflected in the proposed contract:**

On July 3, 2014, the underlying Agreement for Design-Build Services, Hyde-Addison Elementary School Complex, DCAM-14-CS-0074 (the "Contract") between the Department of General Services ("DGS" or the "Department") and MCN Build, LLC (converted to MCN Build, Inc. pursuant to D.C. Code § 29-204.05, the "Contractor") was deemed approved by the Council as CA20-0388. The Contract authorized the Contractor to provide design-build services for the modernization of the Hyde-Addison Elementary School Complex ("Hyde-Addison") located at 3219 O St NW, Washington, DC (the "Project"), in two phases, Phase A and Phase B, and the establishment of a separate Guaranteed Maximum Price ("GMP") for each phase of the Project. The Contract initially established a Target GMP for Phase A of the Project in the amount of \$7,050,357. The Contract did not initially establish a GMP for Phase B of the Project as the design for Phase B was still under way. Thereafter, The Department submitted and the Council subsequently approved, on July 31, 2015, Change Order Nos. 001 through 005 as A21-0129, which increased the Phase A GMP by \$1,038,564 from \$7,050,357 to \$8,088,921 based on revised scopes of work. Thereafter, the Department submitted and the Council subsequently approved, on July 15, 2016, Change Order Nos. 006 and 007 as A21-0452, which further increased the total Contract amount by \$1,675,000 from \$8,088,921 to \$9,763,921 based on revised scopes of work and included a portion of early release work for Phase B of the Project. On June 28, 2017, Council approved Change Order Nos. 008 and 009 as A22-0078, which increased the total Contract value by \$18,947,821 from \$9,763,921 to \$28,711,742 based on additional scopes of work for Phase B of the Project. Change Order Nos. 008 and 009 authorized early release work for Phase B design services, permit fees and long lead items which were necessary to commence Phase B work in order to timely complete the Project as well as establishing a target Phase B GMP. On July 12, 2018, Council approved Change Order No. 010 as CA22-0571, which established a Phase B GMP in the amount of \$30,313,650.00 and thus increased the total Contract value by \$10,405,520.00 from \$28,711,742 for a total Contract value of \$39,117,262.00. Change Order No. 010 established add/alternate scopes of work to be deferred to a later stage in the Project, and as such, such scopes of work and payments therefor were not included in the Phase B GMP. In order to timely complete the Project, the Department executed Change Order No. 11 on January 17, 2019, which increased the Phase B GMP by \$967,142.50 from \$30,313,650.00 to \$31,280,792.50 based on a portion of changes that were required to the scope of work to meet programmatic needs and a portion of the add/alternate scopes of work established in Change Order No. 010. The Department now seeks Council approval to execute proposed Change Order No. 12 to increase the Phase B GMP amount by \$5,733,000.44, which includes the add/alternate scopes of work established in Change Order No. 010 as well as a revised scope of work necessary to meet programmatic needs.

If approved, the aggregate increase to the total Contract value, via Change Order Nos. 11 and 12, would be \$6,700,142.94, for a total Contract value of \$45,817,404.94; thus, Council approval is required.

(D) The selection process, including the number of offerors, the evaluation criteria, and the evaluation results, including price, technical or quality, and past performance components:

The underlying Contract was competitively bid and previously submitted to and approved by the Council on July 3, 2014 as CA20-0388. The Council subsequently approved Change Order Nos. 001 through 005 on July 31, 2015 as A21-0129; Change Order Nos. 006 and 007 on July 15, 2016 as A21-0452; Change Order Nos. 008 and 009 on June 28, 2017 as A22-0078; and Change Order No. 010 on July 12, 2018 as CA22-0571.

(E) A description of any bid protest related to the award of the contract, including whether the protest was resolved through litigation, withdrawal of the protest by the protestor, or voluntary corrective action by the District. Include the identity of the protestor, the grounds alleged in the protest, and any deficiencies identified by the District as a result of the protest:

The award of the Contract and the proposed change orders were not protested.

(F) The background and qualifications of the proposed contractor, including its organization, financial stability, personnel, and performance on past or current government or private sector contracts with requirements similar to those of the proposed contract:

The Contractor is a District-based general contractor that offers preconstruction, construction management, general contracting, and consulting services. The Contractor has experience in historic preservation, rehabilitation and new construction. The Contractor was formed over seven years ago and has successfully completed multiple modernizations for the Department including, most recently, Hendley Elementary School and Reno-Rose School, the renovation and expansion of the MacFarland Dual Language Middle School, Palisades Recreation Center and Marvin Gaye Center. The Department reviewed the Contractor's staffing plan for the work contemplated by the Contract and the proposed change orders and found it sufficient. The Contractor has been determined responsible in accordance with 27 DCMR 4706.1.

(G) The period of performance associated with the proposed change, including date as of which the proposed change is to be made effective:

Change Order No. 11 was executed by the Department on January 17, 2019. Change Order No. 12 shall be effective upon the Council's approval thereof and execution by the Department. Change Order Nos. 11 and 12 do not contemplate altering the Project Substantial Completion Dates or the Contract's Administrative Term.

(H) The value of any work or services performed pursuant to a proposed change for which the Council has not provided approval, disaggregated by each proposed change if more than one proposed change has been aggregated for Council review:

On January 17, 2019, the Department executed Change Order No. 11, which increased the Phase B GMP by \$967,142.50 from \$30,313,650.00 to \$31,280,792.50, and increased the total Contract value from \$39,117,262.00 to \$40,084,404.50, based on a portion of changes required to the scope of work and a portion of previously established but deferred add/alternate scopes of work. Proposed Change Order No. 12 would authorize an additional increase in the amount of \$5,733,000.44 to the Phase B GMP, and would increase the total Contract value from \$40,084,404.50 to \$45,817,404.94 based on additional previously established but deferred add/alternate scopes of work. If approved, the aggregate increase to the total Contract value, via Change Order Nos. 11 and 12 would be \$6,700,142.94.

(I) The aggregate dollar value of the proposed changes as compared with the amount of the contract as awarded:

Change Order No. 11 and proposed Change Order No. 12, if approved, would increase the Phase B GMP as well as the total Contract value by an aggregate dollar amount of \$6,700,142.94. The underlying Contract, as awarded, authorized the Contractor to complete the Project in two phases, Phase A and Phase B, and provided for the establishment of a separate GMP for each phase. The underlying Contract initially established a Target GMP for Phase A in the amount of \$7,050,357 but did not establish a GMP for Phase B. Change Order Nos. 001 through 009, authorized additional increases to the Phase A GMP and certain early release work for Phase B. Subsequently, Change Order No. 010 established a Phase B GMP in the amount of \$30,313,650.00.

(J) Date on which the contracting officer was notified of the proposed change:

December 26, 2018

(K) The reason why the proposed change was sent to Council for approval after it is intended to take effect:

Change Order No. 010, which established the Phase B GMP, provided for add/alternate scopes of work which were deferred to a later stage in the Project and thus were specifically excluded from the Phase B GMP at the time of execution of Change Order No. 010 (“Deferred Scopes”). Moreover, additional changes to the originally contemplated Phase B design and scope of work were necessary to meet current DCPS Educational Specifications based on required reviews and approvals by the Commission of Fine Arts - Old Georgetown Board and the School Improvement Team (“Program-Required Changes”). In order to timely complete the Project by July 1, 2019, it was necessary to selectively authorize, via Change Order No. 11, certain long-lead line items and work that would impact the Project Schedule’s critical path that were previously identified in the Deferred Scopes and Program-Required Changes. Notably, the value of Change Order No. 11 did not exceed \$1 million, thus the Department did not submit Change Order No. 11 for Council approval. However, proposed Change Order No. 12 would cause the aggregate value of Change Order Nos. 11 and 12 to exceed \$1 million; thus, Council approval is required.

(L) The reason for the proposed change:

Proposed Change Order No. 12 is necessary to ensure authorization of payments of amounts that are adequate to meet the revised scopes of work to complete the modernization of Hyde-Addison. The scope of work of proposed Change Order No. 12 includes design-build services for the Deferred Scopes and Program Required Changes.

(M) The legal, regulatory, or contractual authority for the proposed change:

Articles 3 and 4 of the Department's Standard Contract Provisions (Construction Contracts) provide authority for the issuance of change orders. Additionally, as Change Order Nos. 11 and 12 would increase the total Contract value in an aggregate amount in excess of \$1 million, this contract action is subject to the requirements of the District of Columbia Home Rule Act, codified at D.C. Official Code §1-204.51(b). Thus, Council review and approval of the proposed contract action are required under the District of Columbia Home Rule Act, and the proposed contract action would be authorized by Council's enactment of Change Order Nos. 11 and 12 to Contract No. DCAM-14-CS-0074 with MCN Build, Inc. Corporation Approval and Payment Authorization Emergency Act of 2019, under D.C. Official Code § 2-352.02.

(N) A summary of the subcontracting plan required under section 2346 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, as amended, D.C. Official Code § 2-218.01 *et seq.* ("Act"), including a certification that the subcontracting plan meets the minimum requirements of the Act and the dollar volume of the portion of the contract to be subcontracted, expressed both in total dollars and as a percentage of the total contract amount:

The Contractor is a certified business enterprise in accordance with the Act (CBE No. LZR59331082019). Notwithstanding the forgoing, the Contractor submitted a subcontracting plan that was approved by the Department.

(O) Performance standards and the expected outcome of the proposed contract:

In general, the Contractor is/will be required to perform or exceed the requirements and performance standards contained in the Contract and in the proposed change orders. The Contractor is/will be required to continue to provide design-build services for the modernization of the Hyde-Addison Elementary School Complex, and provide the additional goods and services required under the revised scopes of work identified in Change Order Nos. 11 and 12. The Department expects the aforementioned services to be completed by the Contractor on or before the Substantial Completion Date of July 1, 2019. Pursuant to the Contract, the Department may withhold payment from the Contractor, in whole or in part as appropriate, for defective work, work that has fallen behind schedule, etc. The Contractor's performance is/will be monitored by DGS staff and DGS' designated Program Manager.

(P) The amount and date of any expenditure of funds by the District pursuant to the contract prior to its submission to the Council for approval:

Since Council's last approval, the Department executed Change Order No. 11 on January 17, 2019, which increased the total Contract value by \$967,142.50 from \$39,117,252.00 to \$40,084,404.50.

- (Q) A certification 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 total aggregate value of Change Order Nos. 11 and 12 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.

- (R) A certification that the contract is legally sufficient, including whether the proposed contractor has any pending legal claims against the District:**

Change Order Nos. 11 and 12 have been deemed legally sufficient by the Office of the General Counsel, and the Contractor does not appear to have any currently pending legal claims against the District.

- (S) A certification 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 current with its District taxes. The relevant certification is attached.

- (T) A certification from the proposed contractor that it is current with its federal taxes, or has worked out and is current with a payment schedule approved by the federal government:**

The Contractor has certified that it is current with its federal taxes.

- (U) The status of the proposed contractor as a certified local, small, or disadvantaged business enterprise as defined in the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, as amended; D.C. Official Code § 2-218.01 *et seq.*:**

According to the DSLBD's website, the Contractor is a certified Local, Small, or Disadvantaged Business Enterprise. The Contractor's CBE Number is CBE No. LZR59331082019, with an expiration date of August 18, 2019.

- (V) Other aspects of the proposed contract that the Chief Procurement Officer considers significant:**

N/A

(W) A statement indicating whether the proposed contractor is currently debarred from providing services or goods to the District or federal government, the dates of the debarment, and the reasons for debarment:

The Contractor is not debarred from providing services to the Government of the District of Columbia or the Federal Government according to the Office of Contracts & Procurement's Excluded Parties List and the Federal Government's Excluded Parties List.

(X) Any determination and findings issues relating to the contract's formation, including any determination and findings made under D.C. Official Code § 2-352.05 (privatization contracts):

On January 30, 2019, the Department's Chief Contracting Officer issued a Determination and Findings relating to the scope of work and the aggregate dollar amount of Change Order Nos. 11 and 12.

(Y) Where the contract, and any amendments or modifications, if executed, will be made available online:

Contract award information is posted on the Department's website. The Contract, Change Order Nos. 001 through 11 as well as proposed Change Order No. 12, if approved, will be made available upon request.

(Z) Where the original solicitation, and any amendments or modifications, will be made available online:

The original solicitation and any amendments were posted on the Department's website.



Government of the District of Columbia

CERTIFICATE OF CLEAN HANDS

MCN BUILD INC
1214 28TH ST NW
WASHINGTON, DC 20007-3315

EIN : *****3429

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 blue ink, appearing to read "Marc Aronin".

Authorized By Marc Aronin
Chief, Collection Division

Date: Tuesday this 15th day of January 2019 11:25 AM

Tracking#: 929627

This document is a certified, complete and true copy.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES



Memorandum

To: Keith A. Anderson
Director

From: Massimo Marchiori
Agency Fiscal Officer

Reference: Change Order Nos. 11 and 12 to the Agreement for Design-Build Services at Hyde-Addison Elementary School Complex (DCAM-14-CS-0074)

Date: January 28, 2019

Subject: Fiscal Sufficiency Certification

In my capacity as the Agency Fiscal Officer of the Department of General Services (the “Department”), I hereby certify that Change Order Nos. 11 and 12 to the Contract for Design Build Services at the Hyde-Addison Elementary School Complex (DCAM-14-CS-0074) (the “Contract”) with MCN Build, Inc. (as converted from MCN Build, LLC pursuant to D.C. Code § 29-204.05) in the aggregate amount of Six Million Seven Hundred Thousand One Hundred Forty Two Dollars and Ninety Four Cents (\$6,700,142.94) is consistent with the Department’s current budget and that adequate funds are available in the budget for the expenditure.

The underlying Contract authorizes the Contractor to provide design-build services at the Hyde-Addison Elementary School Complex (the “Project”) in two phases, Phase A and Phase B, and the establishment of a separate Guaranteed Maximum Price (“GMP”) for each phase of the Project. The Department previously certified, and the Council previously approved, availability of funds in the aggregate amount of \$28,711,742 for the underlying Contract and Change Order Nos. 001 through 009, which amount included the Phase A GMP and a portion of the Phase B GMP. Subsequently, the Department certified, and the Council approved, the availability of funds for Change Order No. 010 in an additional amount of \$10,405,520.00, which established a total Phase B GMP in the amount of \$30,313,650.00, for a total Contract value of \$39,117,262.00. Change Order No. 11, executed on January 17, 2019, authorized an increase in the Phase B GMP in the amount of \$967,142.50 for previously established but deferred add/alternate scopes of work. Proposed Change Order No. 012, in the amount of \$5,733,000.44, would authorize additional previously established but deferred add/alternate scopes of work.

If approved, the aggregate increase to the Contract’s value, via Change Order Nos. 011 and 012 would be Six Million Seven Hundred Thousand One Hundred Forty Two Dollars and Ninety Four Cents (\$6,700,142.94), for a total Contract value of Forty Five Million Eight Hundred Seventeen Thousand Four Hundred Four Dollars and Ninety Four Cents (\$45,817,404.94).

The Department of General Services (DGS- Implementing AGY) has \$6,700,142.94 in the District of Columbia Public Schools (DCPS – Owner AGY) cumulative capital budget allotment balance. The accounting attributes and SOAR/PASS screen shots are listed below/attached.

Project Name	Project #	AY	Owner AGY	Impl AGY	Current Fiscal Year	REQ/PO	Amount	Comments
Hyde ES Modernization	YY164C	08	GA0	AM0	FY 2019	PO598829	967,142.50	See below
Hyde ES Modernization	YY164C	08	GA0	AM0	FY 2019	RK110962	\$5,733,000.44	See below
TOTAL							6,700,142.94	

Opina Hatchel Thomas for MM

 Massimo Marchiori
 Agency Fiscal Officer
 Department of General Services

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES



OFFICE OF THE GENERAL COUNSEL

MEMORANDUM

TO: Alana Intrieri
Director, Office of Policy and Legislative Affairs

FROM: Beth-Sherri Akyereko, Esq.
Interim General Counsel

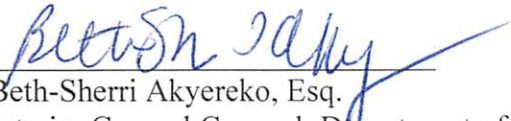
SUBJECT: Legal Sufficiency Certification
Change Order Nos. 11 and 12 to Contract No. DCAM-14-CS-0074 with
MCN Build, Inc. Approval and Payment Authorization Emergency Act of 2019

Contract Number: DCAM-14-CS-0074
Contractor: MCN Build, Inc.

DATE: February 8, 2019

This is to certify that this Office has reviewed the above-referenced Contract Change Orders and has found them to be legally sufficient, subject to submission of any required materials and Council approval and a Fiscal Certification issued by the Department of General Services' Agency Fiscal Officer.

Please feel free to contact me at (202) 727-2800 with any questions.


Beth-Sherri Akyereko, Esq.
Interim General Counsel, Department of General Services

MODIFICATION OF CONTRACT		1 Contract Number DCAM-14-CS-0074	Page of Pages 1
2 Modification Number Change Order 11	3 Effective Date See Block 16C	4 Requisition/Purchase Request No.	5 Caption Hyde-Addison Elementary School Design-Build Bid/Doc
6 Issued By: Department of General Services Contracting and Procurement Division 1250 U Street, 3rd Floor Washington, DC 20009		7 Administered By (if other than the 6) Department of General Services Capital Construction Division 1250 U Street 3rd Floor Washington, DC 20009	
8. Name and Address of Contractor (No. Street, city, country, state and ZIP Code) MCN Build, Inc. 1214 28th Street, NW Washington DC 20007 josph@mcnbuild.com		9A Amendment of Solicitation No.	9B Dated (See Item 11)
		10A Modification of Contract/Order No. DCAM-14-CS-0074	10B Dated (See Item 13) February 3, 2019
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS			
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended, <input type="checkbox"/> is not extended. Offers must acknowledge receipt of the amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or fax which includes a reference to the solicitation and amendment number. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by letter or fax, provided each letter or telegram makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.			
12. Accounting and Appropriation Data (If Required)			
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.			
A. This change order is issued pursuant to: (Specify Authority) The changes set forth in Item 14 are made in the contract/order no. in Item 12A.			
B. The above numbered contract/order is modified to reflect the administrative changes (such as changes in paying office, appropriation data, etc.) set forth in Item 14.			
C. This supplemental agreement is entered into pursuant to authority of:			
<input checked="" type="checkbox"/> D. Other (Specify type of modification and authority) <u>27 DCMR Sections 4728 and Contract DCAM-14-CS-0074</u>			
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copy to the issuing office.			
14. Description of amendment/modification (Phase B Early Release and Preconstruction)			
Contract No. DCAM-14-CS-0074— Hyde Addison Elementary School Complex is hereby modified, as follows:			
1) Scope of Work. The Contractor is required to provide the labor, materials, tools, supervision, and any other necessary services to complete the work as further described in (Attachment A)			
2) Phase B GMP is hereby increased from \$30,313,650.00 by \$987,142.50 to \$31,280,792.50 as set forth in (Attachment A). Therefore, the total Contract Value (Phase A and Phase B) is hereby increased from \$39,117,262.00 by \$987,142.50 to \$40,084,404.50.			
3) Release. It is mutually agreed that in exchange for this Change Order and other consideration, the Contractor hereby releases, waives, settles and hold the Department harmless from any and all actual or potential claims or demands for delays, disruptions, additional work, additional time, additional cost, contract extensions, compensations or liability under any theory, whether known or unknown, that the Contractor may have now or in the future against the Department arising from or out of, as a consequence or result of, relating to or in any manner connected with this Change Order, the above referenced project, and the Contract work.			
4) Prior to purchasing, expending or committing any portion of funds for the scopes of work covered by the line items listed below, the Contractor must first seek and obtain from the Department's Office of the Chief Financial Officer a determination as to whether the work will qualify as a "capital" expense under the District's General Guidelines for Capital Financing Eligibility (Attachment B).			
5) All other terms and conditions remain unchanged.			
15A. Name and Title of Signer (Type or print) Joseph Khoury, EVP		16A. Name of Contracting Officer Franklin Austin	
15B. Name of Contractor MCN Build, Inc.		15C. Date Signed 1/17/2019	15D. District of Columbia <i>Franklin Austin</i>
<i>[Signature]</i> <small>(Signature of person authorized to sign)</small>		<i>[Signature]</i> <small>(Signature of Contracting Officer)</small>	
		15E. Date Signed 1/17/19	

MODIFICATION OF CONTRACT			1. Contract Number DCAM-14-CS-0074	Page of Pages 1 1
2. Modification Number Change Order 12	3. Effective Date See Block 16C	4. Requisition/Purchase Request No.	5. Caption Hyde-Addison Elementary School Design-Build Services	
8. Issued By: Department of General Services Contracting and Procurement Division 1250 U Street, 3rd Floor Washington, DC 20009		7. Administered By (If other than line 8) Department of General Services Capital Construction Division 1250 U Street 3rd Floor Washington, DC 20009		
8. Name and Address of Contractor (No. Street, city, country, state and ZIP Code) MCN Build, Inc. 1214 28th Street, NW Washington DC 20007 joseph@mcnbuild.com		9A. Amendment of Solicitation No.		
		9B. Dated (See item 11)		
		10A. Modification of Contract/Order No. DCAM-14-CS-0074 X		
		10B. Dated (See item 13) February 3, 2014		
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS				
<input type="checkbox"/> The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of offers <input type="checkbox"/> is extended. <input type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or fax which includes a reference to the solicitation and amendment number. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by letter or fax, provided each letter or telegram makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12 Accounting and Appropriation Data (If Required)				
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14				
A. This change order is issued pursuant to: (Specify Authority) The changes set forth in item 14 are made in the contract/order no. in item 10A.				
B. The above numbered contract/order is modified to reflect the administrative changes (such as changes in paying office, appropriation date, etc.) set forth in item 14.				
C. This supplemental agreement is entered into pursuant to authority of:				
X D. Other (Specify type of modification and authority) 27 DCMR Sections 4728 and Contract DCAM-14-CS-0074				
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copy to the issuing office.				
14. Description of amendment/modification Phase B Early Release and Preconstruction				
Contract No. DCAM-14-CS-0074 is modified as follows:				
1) Scope of Work: The Contractor is authorized to provide all labor, materials, tools, supervision, and other services necessary to complete the work described in Attachment A.				
2) The Phase B Guaranteed Maximum Price is hereby increased by \$5,733,000.44, as set forth in Attachment A, from \$31,280,792.50 to \$37,013,792.94, for a total Contract value (for Phase A and Phase B) of \$45,817,404.94.				
3) Release. It is mutually agreed that in exchange for this Change Order and other consideration, the Contractor hereby releases, waives, settles and hold the Department harmless from any and all actual or potential claims or demands for delays, disruptions, additional work, additional time, additional cost, contract extensions, compensations or liability under any theory, whether known or unknown, that the Contractor may have now or in the future against the Department arising from or out of, as a consequence or result of, relating to or in any manner connected with this Change Order, the above referenced project, and the Contract work.				
4) Prior to purchasing, expending or committing any portion of funds for the scopes of work covered by the line items listed below, the Contractor must first seek and obtain from the Department's Office of the Chief Financial Officer a determination as to whether the work will qualify as a "capital" expense under the Districts General Guidelines for Capital Financing Eligibility (Attachment B).				
5) All other terms and conditions of the Contract remain unchanged.				
15A. Name and Title of Signer (Type or print) BASEEM BOUSTANY EXEC VP		16A. Name of Contracting Officer Franklin Austin		16C. Date Signed
15B. Name of Contractor MCN BUILD INC. <i>(Signature of person authorized to sign)</i>		16B. District of Columbia		16C. Date Signed
		01/30/2013		<i>(Signature of Contracting Officer)</i>

CHANGE ORDER SUMMARY - HYDE ADDISON MODERNIZATION

Item	Page(s)
001 INCREASE PUBLIC ART ALLOWANCE	
Artwork	\$ 100,000.00 N/A
Artwork (Ineligible)	\$ (100,000.00) N/A
Total 001	\$ -
002 GMP DEFERRED SCOPE (For Capital Eligibility Items)	
See the Attached List	\$ 5,134,561.07
BD Contract/Accounting Balance to Complete PHASE B GMP	\$ (260,309.00)
14 Division 10 Items	
<i>Allowance only includes Design, and Construction of Visual Display Surfaces, Permanently Affixed Signage, Toilet Compartments/Partitions/Accessories, Permanently Affixed Glass Partitions, Permanently Affixed Operatable Partitions, Permanently Affixed Metal Lockers, and Flag Poles.</i>	
17 Gymnasium Equipment	
<i>Allowance only includes Design, and Construction of Permanently Affixed Protective Wall Padding, Permanently Affixed Basketball Backstop, and Basketball Hoops, and Bleachers.</i>	
18 Residential Appliances	
<i>Allowance only includes Procurement/Installation of a Residential Kitchen Sized Refrigerator</i>	
19 Playground Surfacing and Equipment	
<i>Allowance only includes Design, and Construction of Permanently Affixed Synthetic Turfs, Caste-In-Place Safety Surfaces, Acrylic Sports Courts, Swings, Slides, Bridges, Climbers and Spinners.</i>	
30 Site Furnishings	
<i>Allowance only includes Design, and Construction of Permanently Affixed Hollow Tube Bollards, Benches and Bike Racks.</i>	
37 Trash Compactors	
<i>Trash Compactors to be Permanently Affixed (Not Rented) with no Added Software.</i>	
50 Burden based on above numbers at 8.4% Insurance, Bond, Construction Contingency, OH &P	
<i>The Construction Contingency Portion of this is for Construction Costs due to Design Omissions that Otherwise Should have been Previously Captured. The Construction Contingency is for the Sole use for Capital Eligible Items</i>	
53 Additional Deferred Items	
<i>1) Allowance only includes Design and Construction of AHUs, Fan Coil Units (FCUs), Variable Air Volume Units (VAVs), All Condenser Types, Dedicated Outside Air Systems, Unit Heaters, Boilers, Chillers, Heat Recovery Units, Exhaust Fans, All Piping Types, All Duct Types and Associated Fittings, Return/Supply Grilles, Refrigerant Lines, and Insulation/Lining for all Water/Air Side Systems, Pumps, Valves, Backflow Preventer(s), Meters, Pump Controllers, Switches, Gauges</i>	
<i>2) Allowance only includes Design and Construction of Sprinklers, Sprinkler Branches/Mains, Pumps, Valves, Backflow Preventer(s), Meters, Pump Controllers, Switches, Gauges</i>	
<i>3) Allowance only includes Design and Construction of Electrical Wiring, Permanently Wall and Ceiling Mounted Light Emitting Electrical Fixtures, Panels, Breakers etc. and Fire Alarm Components</i>	
Public Art Allowance (Ineligible)	\$ (100,000.00)
Window Shades (Ineligible)	\$ (47,500.00)
Trash Receptacles (Ineligible)	\$ (22,000.00)
Health Suite FFE (Ineligible)	\$ (5,567.00)
→ CO 11 Early Release Request (ESA No. 01)	\$ (636,219.50)
Total 002	\$ 4,062,965.57
003 PCO 01	
IFC Set Changes / additions to GMP	
001 - Concrete	\$ 3,175.00
ASI 4 - Emergency Power	\$ 55,810.00
ASI 15 - Under slab Waterproofing	\$ 115,000.00
Deletion of 001 - Concrete, ASI 4 - Emergency Power, and ASI 15 - Under Slab Waterproofing	\$ (173,985.00)
Design Contingency	\$ 250,000.00
<i>The Design Contingency is for Unforeseen Design Omissions, Permit Comments, Design Development Refinement, and Unanticipated Existing Site Conditions etc. that in some cases would of been previously included within the GMP. The Design Contingency is for the Sole use of Capital Eligible Items</i>	
Owner Requested Changes (full column)	\$ 107,353.00
Sub-total	\$ 357,353.00
General Conditions (3.4%)	\$ 3,650.00
Insurance (1.1%)	\$ 1,180.88
Bond (1.3%)	\$ 1,395.59
Overhead & Profit (15%)	\$ 16,102.95
Total 003	\$ 379,682.42
004 ALLOWANCES (For Capital Eligibility Items)	
DCPS Scope Revisions	
Glass floor at Vestibule	\$ 275,000.00 N/A
<i>Allowance only includes Design and Construction of Structural Steel, Paint, Structural Glass, and Sealant</i>	
Hyde Mechanical Replacement	\$ 125,000.00 N/A

	<i>Allowance only includes Design and Construction of AHUs, Fan Coil Units (FCUs), Variable Air Volume Units (VAVs), All Condenser Types, Dedicated Outside Air Systems, Unit Heaters, Boilers, Chillers, Heat Recovery Units, Exhaust Fans, All Piping Types, All Duct Types and Associated Fittings, Return/Supply Grilles, Refrigerant Lines, and Insulation/Lining for all Water/Air Side Systems, Pumps, Valves, Backflow Preventer(s), Meters, Pump Controllers, Switches, Gauges</i>		
	Acoustical Panels for Music Room	\$	15,000.00 N/A
	<i>Allowance only includes Design and Construction of Permanently Affixed Wall and Ceiling Mounted Acoustical Panels</i>		
	Unforeseen Soil Conditions	\$	463,275.52 30
	<i>See attached Invoices starting on page 29</i>		
	Gym & Mezzanine Dimmable Lighting	\$	25,000.00 N/A
	<i>Allowance only includes Design and Construction of Synchronized Lighting Control System for Gym and Mezzanine spaces</i>		
	Stage ramp flip (entry at north, PE office & storage at south)	\$	15,000.00 N/A
	<i>Allowance only includes Design and Construction of Relocation of Permanently Affixed Stage/Ramp Location in Gymnasium</i>		
	Expand glass & provide blackout curtain at Mezzanine	\$	35,000.00 N/A
	<i>Allowance only includes Design and Construction of Expansion of Glass at Mezzanine</i>		
	Outdoor water fountain	\$	35,000.00 N/A
	<i>Allowance only includes Design and Construction of Permanently Affixed Water Fountains</i>		
	Electrical outlet(s) in landscape plan	\$	15,000.00 N/A
	<i>Allowance only includes Design and Construction of Electrical Outlets for the Purposes of servicing Landscape and Overall Site</i>		
	Rubber flooring product change to LVT	\$	8,000.00 N/A
	<i>Allowance only includes the Design and Construction of the Flooring Change to LVT</i>		
	Restroom wall tile to extend up to 6'-0" AFF	\$	20,000.00 N/A
	<i>Allowance only includes the Design and Construction of the Wall Tile Extension to 6'-0" high Off Finish Floor</i>		
	Corridor floor tile to turn up walls (wainscot) to just beneath tack board	\$	150,000.00 N/A
	<i>Allowance only includes the Design and Construction of the Wainscot Beneath Tack Boards</i>		
	Provide shades in the Media Center (Ineligible)	\$	15,000.00 N/A
	<i>Allowance only includes Design, and Construction of Permanently Affixed Window Shades</i>		
	Provide shades in the Media Center (Ineligible)	\$	(15,000.00) N/A
	<i>Allowance only includes Design, and Construction of Permanently Affixed Window Shades</i>		
	Provide sleeves in the concrete retaining wall	\$	15,000.00 N/A
	<i>Allowance only includes Design, and Construction of Permanently Affixed Hollow Metal Sleeves Inserted in Cast-In-Place Concrete, Located on the Playground for Future use of a Fence</i>		
	Classroom door changes	\$	10,000.00 N/A
	<i>Allowance only includes Design, and Construction of Permanently Affixed Hollow Metal Door Frames which shall Include Door Lights(in frame windows) to see from the Corridor into the Classrooms</i>		
	Addison Finishes (Wall tile, flooring)	\$	410,000.00 N/A
	<i>Allowance only includes Design and Construction of Standardized Walls and Flooring Materials</i>		
	Hyde Mechanical Replacement	\$	5,000.00 N/A
	<i>Allowance only includes Hyde Building HVAC Systems Start-Up and Testing in Order to Diagnose HVAC Issues (If Any)</i>		
→	CO 11 Early Release Request (ESA No. 01)	\$	(330,923.00) N/A
	Total 004	\$	1,290,352.52
	Grand Total for Change Order	\$	5,733,000.51