

A RESOLUTION

25-177

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2023

To declare the existence of an emergency with respect to the need to approve Modification Nos. 3 through 5 and 7 through 11 to Contract No. GAGA-2022-T-0067 with Gordon Food Service, Inc., for grocery items and other food-service-related products for the District of Columbia Public Schools, and to authorize payment for the 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 the “Modification Nos. 3 through 5 and 7 through 11 to Contract No. GAGA-2022-T-0067 with Gordon Food Service, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2023”.

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 3 through 5 and 7 through 11 of Contract No. GAGA-2022-T-0067 with Gordon Food Service, Inc., for grocery items and other food-service-related products for the District of Columbia Public Schools (“DCPS”) and to authorize payment for the goods and services received and to be received under the modifications.

(b) There is no Modification No. 1 to Contract No. GAGA-2022-T-0067.

(c) By Modification No. 2, DCPS corrected certain dates in the contract.

(d) By Modification No. 3, DCPS exercised a part of option year one of the contract, for the period October 1, 2022 through November 30, 2022, in the not-to-exceed amount of \$288,578.88.

(e) By Modification No. 4, DCPS exercised an additional part of option year one, for the period December 1, 2022 through December 15, 2022, and increased the not-to-exceed amount of option year one by \$73,144.72, to a total not-to-exceed amount of \$360,723.60.

(e) By Modification No. 5, DCPS exercised an additional part of option year one, for the period December 16, 2022 through December 23, 2022, and increased the not-to-exceed amount of option year one by \$37,950.10, to a total not-to-exceed amount of \$398,673.70.

(f) There is no Modification No. 6 to the contract.

(g) By Modification No. 7, DCPS exercised an additional part of option year one, for the period December 24, 2022 through February 10, 2023, and increased the not-to-exceed amount of option year one by \$232,444.36, to a stated total not-to-exceed amount of \$630,920.39. (This

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not-to-exceed amount was incorrect and was carried forward into Modification Nos. 8 and 9. Modifications Nos. 7, 8, and 9 are corrected by Modification No. 10.)

(h) By Modification No. 8, DCPS exercised an additional part of option year one, for the period February 11, 2023 through March 31, 2023, with no change to the total not-to-exceed amount of option year one.

(i) By Modification No. 9, DCPS exercised an additional part of option year one, for the period April 1, 2023 through May 31, 2023, with no change to the total not-to-exceed amount of option year one.

(j) By Modification No. 10, DCPS exercised an additional part of option year one, for the period June 1, 2023 through July 31, 2023, with no change in the total not-to-exceed amount of option year one. By Modification No. 10, DCPS also corrected the misstated not-to-exceed amount appearing in Modifications Nos. 7, 8, and 9.

(k) By Modification No. 11, DCPS will exercise the remainder of option year one, through September 30, 2023, and increase the not-to-exceed amount of option year one to \$1,731,473.26.

(l) Council approval is required by section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)), because Modification No. 11 will increase the value of option year one of the contract to an amount over \$1 million during a 12-month period.

(m) Approval is necessary to allow the continuation of these vital services. Without this approval, Gordon Food Service, Inc. cannot be paid for goods and serviced provided in excess of \$1 million for option period one of the contract.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 3 through 5 and 7 through 10 to Contract No. GAGA-2022-T-0067 with Gordon Food Service, Inc. Approval and Payment Authorization Emergency Act of 2023 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.