

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF GENERAL SERVICES



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

**COUNCIL CONTRACT SUMMARY**  
(Standard)

**Modification No. 5 to Construction Management At-Risk Agreement for School Within A School At Goding Elementary School**

<b>(A) Contract Number:</b>	DCAM-20-CS-RFP-0015 (the “Contract”)
<b>Proposed Contractor:</b>	Gilbane Building Company (the “Contractor”)
<b>Proposed Increased Contract Amount via Modification No. 5:</b>	\$42,710,110.91
<b>Total Contract Amount (Final GMP):</b>	\$59,891,779.81
<b>Unit and Method of Compensation:</b>	Progress payments on a monthly basis
<b>Term of Contract:</b>	September 23, 2020, the date of execution of the Letter Contract by the Department, to December 31, 2022 (with a substantial completion date of July 15, 2022).
	<u>Note: Council approval is requested on or before July 14, 2021 in order to timely complete the Project.</u>
<b>Type of Contract:</b>	Cost Plus Fixed Fee with a Guaranteed Maximum Price (“GMP”)
<b>Source Selection Method:</b>	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:**

The Department of General Services (the “Department”) engaged the Contractor to provide construction management at risk services for the modernization of School within a School at Goding Elementary School (“SWS”), which is located at 920 F Street, NE, Washington, DC 20002 (the “Project”). The school serves serving students from PK3 through 5th grade from all eight wards and is located in Ward 6 and within ANC 6A. SWS is the sole PK3-5th Reggio Emilia program in the DCPS portfolio. The SWS facility consists of the Anne Goding building, a five-story academic block, consisting of a multipurpose room and cafeteria space built in 1958. The facility shares outdoor space with the Sherwood Recreation Center on the adjacent property.

The Project includes all work and construction services required for the renovation and modernization of SWS, including selective demolition, renovation, and/or addition to accommodate the anticipated increase in school attendance. The modernization of the school shall include the latest applicable building codes, ADA accessibility, and fire life safety system with various alterations to the site, landscaping, and parking. The Project must achieve substantial completion no later than July 15, 2022. The underlying Contract was deemed approved by the Council on December 19, 2020, as (CA23-0768) with a not-to-exceed (“NTE”) amount of \$17,181,669 including the letter contract amount of \$950,000. On December 28, 2020, the Department issued Modification No. 1, which revised the Swing Space Substantial Completion Date. On April 27, 2021, the Department issued Modification No. 2, which increased the Contract’s NTE amount from \$16,906,669 by \$275,000 to \$17,181,669. On April 14, 2021, the Department issued Modification No.3, which established the Swing Space Final Completion Date. On June 3, 2021, the Department issued Modification No. 4, which extended the Swing Space Final Completion Date and revised the insurance requirements. Modification Nos. 1 through 4, individually and aggregately, did not exceed the previously approved NTE amount or increase the previously approved Contract value and therefore Council approval of Modification Nos. 1 through 4 was not required.

The Department now seeks Council approval to execute proposed Modification No. 5 to establish the Guaranteed Maximum Price (“GMP”). If approved, Modification No. 5 will establish the final GMP of \$59,891,778.91, thereby increasing the Contract’s Value by \$42,710,110.91 (from \$17,181,669 to \$59,891,778.91), with a NTE amount of \$54,871,668.78. As the proposed Modification No. 5 would increase the Contract value by more than \$1 million, Council approval is required for this contract action.

**(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 (CA23-0768) on December 19, 2020.

**(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 was 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 global, comprehensive construction and facilities-related solutions firm. Established in 1870 and has successfully completed projects for the Department including Dunbar Senior High School Modernization, Roosevelt Senior High School, Ron Brown College Preparatory High School Modernization, Marie H. Reed Community Learning Center, and the modernization of West Elementary School. The Contractor possesses the financial stability to successfully perform the Project and has provided a staffing plan for the Project which has been reviewed and approved by the Department. The Contractor has been determined responsible in accordance with 27 DCMR 4706.1.

**(G) 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:**

According to the DSLBD’s website, the Contractor is not a certified Local, and Resident Owned Business Enterprise. Pursuant to D.C. Code § 2-218.46(d), the Contractor submitted a subcontracting plan as follows:

Contract’s NTE Dollar Value	<b>\$54,871,668.79</b>
Subcontracting Requirement %	50%
Subcontracting Plan Required Dollar Value	<b>\$27,435,834.39</b>
Subcontracting Plan Actual Dollar Value	<b>\$27,802,280.55</b>

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

The Contractor is required to provide all management, personnel, design services, hazardous materials abatement, supervision, labor, materials, equipment and other services necessary to substantially complete the Project no later than July 15, 2022. In general, the Contractor must perform the requirements contained in the Contract and meet or exceed the performance standards therein. The Contractor is subject to liquidated damages of: (i) \$1,500 per day of delay for failure to timely submit deliverables; and (ii) \$5,000 per day of delay for failure to timely achieve substantial completion of the Project. The Contract also provides a disincentive fee of \$25,000 for replacement of key personnel without the Department's prior written approval. The Department may also withhold payments to the Contractor based on defects in any application for payment or performance on the Project. The Contractor's performance will be monitored by DGS staff and DGS' designated Program Manager.

**(I) 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:**

None

**(J) 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 Office of the Chief Financial Officer has certified that the proposed Contract's NTE amount is consistent the Department's budget and that adequate funds are available in the Department's budget in accordance with D.C. Official Code §§ 47-392.01 and 47-392.02. The applicable Fiscal Sufficiency certification accompanies this Council Package.

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

The proposed Modification No. 5 has been deemed legally sufficient by the Department's Office of the General Counsel, and the Contractor does not appear to have any current pending legal claims against the District.

**(L) 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 in compliance with the Government of the District of Columbia tax laws and regulations. The applicable Clean Hands certification for the Contractor accompanies this Council Package.

- (M) 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 tax laws.

- (N) 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 not a certified Local, and Resident Owned Business Enterprise.

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

None

- (P) 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.

- (Q) 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):**

None

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

Contract award, contract and modifications are available on the Department's website. Copies of proposed modification will be made available on the Department's website upon approval.

- (S) 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.