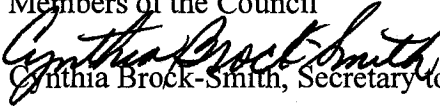


COUNCIL OF THE DISTRICT OF COLUMBIA  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

⚠ URGENT

Memorandum

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To: Members of the Council  
From:   
Cynthia Brock-Smith, Secretary to the Council  
Date: March 12, 2009  
Subject: Proposed contract with The John Akridge Development Company  
(CA 18-42)

The attached proposed contract with The John Akridge Development Company in the amount of \$19,842,794.00 for the Phase II of the MPD Evidence Control and Property Facility was filed in the Office of the Secretary on March 11, 2009.

The Council's ten day review begins Thursday, March 12, 2009, including Saturdays, Sundays, Council recess and legal holidays. The proposed contract will be deemed approved on Sunday, March 22, 2009 unless a resolution of approval or disapproval is introduced within the ten day review period, extending the review to 45 days. The contract will be deemed approved on the 46th day if no resolution of approval or disapproval is adopted by the Council.

INTRODUCED BY: Chairman Gray at the request of the Mayor

Retained by the Council with comments from the Committee on Public Safety and the Judiciary.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services



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OFFICE OF THE  
SECRETARY

ADRIAN M. FENTY  
MAYOR

MAR 11 2009

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

Dear Chairman Gray:

Enclosed for consideration by the Council of the District of Columbia is proposed Modification M01 to Design/Build Contract No. DCFA-2008-C-0124 for Phase II of the MPD Evidence Control and Property Facility. Under Phase II, in the guaranteed maximum amount of nineteen million eight hundred forty-two thousand seven hundred ninety four dollars and no cents (\$19,842,794.00), The John Akridge Development Company will complete the 35% design that it delivered under Phase I and will construct and equip the Facility.

As always, I am available to discuss any questions you may have regarding the proposed Phase II contract modification. In order to facilitate a response to any questions you may have regarding this proposed contract option, please have your staff contact Ms. Diane Wooden, Contracting Officer at (202) 724-2163. I look forward to a favorable consideration of this contract modification.

Sincerely,

A handwritten signature in black ink, appearing to read "Adrian M. Fenty".

Adrian M. Fenty

Enclosure

AMF/lrt

## COUNCIL CONTRACT SUMMARY

Pursuant to D.C. Official Code § 2-301.05a(c) (1), the following is provided:

**(A) The name of the contractor, contract amount, unit and method of compensation, contract term, and type of contract:**

Contractor:	The John Akridge Development Company
Contract No.:	DCFA-2008-C-0124 Modification M01 (Phase II)
Contract Amount:	\$19,842,794.00
Unit and Method of Compensation:	Progress Payments will be made on monthly basis
Contract Term:	640 Calendar days from receipt of written Notice to Proceed
Contract Type:	Guaranteed Maximum Price Design Build Contract Phase II, with Savings Sharing and Early Completion Bonus Provisions

**(B) The goods or services to be provided, including a description of the economic impact of the proposed contract, the social impact of the proposed contract, the method of delivering goods or services, and any significant program changes reflected in the proposed contract:**

Goods and services to be provided: The John Akridge Development Company (Akridge) was awarded Phase I of the contract on July 18, 2008, for the Evidence Control and Property Facility. Akridge successfully delivered 35% Schematic Design, drawings, specifications and a construction estimate on September 28, 2008. Phase II will include the remaining design, turn-key construction and equipping of the facility with an automated evidence storage system.

- **Economic Impact:** The economic impact of this project is its significance to house the Metropolitan Police Department's Evidence. The current facility is outdated and possibly unsafe. The new facility will have a significant impact on continued economic growth of the District of Columbia. This project is the final phase of a two part project.
- **Social Impact:** The successful completion of the Evidence Control and Property Facility will allow the District to store the cities evidence in a state of the art facility. This will allow easier access to the evidence with needed in court cases for the citizens of the District of Columbia.

- Method of delivering goods or services: Request for Proposal (RFP) resulting in a Design/Build with a Guaranteed Maximum contract.
- There are no significant program changes in the proposed contract.

**(C) The selection process, including the number of offerors, the evaluation criteria, and the evaluation results, including price and technical components:**

- Akridge successfully delivered 35% Schematic Design, drawings, specifications and a construction estimate on September 28, 2008.
- Request for Proposal (RFP) No. DCFA-2008-C-0124 was issued in the Open Market on February 22, 2008, for Evidence Control and Property Facility. The RFP opened on March 31, 2008. The proposals opened on March 31, 2008, with the receipt of three (3) proposals. The John Akridge Development Company was awarded the Contract (Phase I). Pursuant to the terms of the Contract (Phase I), OCP and OPM negotiated the Design Build Modification M01 as Phase II to the contract, under which the Contractor will complete the design, and construct, equip and deliver the Evidence Control and Property Facility for the use by the Metropolitan Police Department (MPD).
- The selection process was based the responsible offeror whose offer is most advantageous to District.

**(D) The background and qualifications of the proposed contractor, including its organization, financial stability, personnel, and prior performance on contracts with the District of Columbia government:**

The John Akridge Company has the financial resources adequate to perform the contract in accordance with 27 DCMR Section 2200.4(a). This conclusion is based on a recent Financial Statement which indicates total assets in the amount of \$11,078,395.00 as of November 2007, Operating Revenues in the amount of \$21,041,923.00 in 2007 and a total Net Income of \$628,001.00 in 2007. Although the company's D&B profile did not have enough information available to permit D&B to classify the company with a rating, public records were searched by D&B. The Contractor has the ability to comply with the required performance of this contract, taking into consideration all other existing commitments, as demonstrated by its previous experience on medium to large scale projects for private, Federal and DC Government agencies. The Contractor also has the ability to meet the special standard of "Architect and Engineering Services" as specified in the solicitation of having experience in Design/Build Services.

**(E) Performance standards and expected outcomes of the proposed contract:**  
Performance standards under this proposed modification contract consist of strict adherence to the terms and conditions of RFP and Amendments set forth in Section C, Scope of Work, Specifications and Drawings and the Standard Contract Provisions for Construction Contract dated January, 2007 and the Phase I contract.

**(F) A certification that 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 §§ 47-392.01 and 47-392.02:**

A certification of funding memorandum from the Office of the Chief Financial Officer dated February 12, 2009, has been requested.

**(G) A certification that the proposed contract is legally sufficient and has been reviewed by the Office of the Attorney General, including whether the proposed contractor has any currently pending legal claims against the District:**

The proposed contract was reviewed by the Office of the Attorney General and deemed legally sufficient. The Contractor has no pending claims against the District.

**(H) A certification that the proposed contractor is current with its District and Federal Taxes or has worked out and is current with a payment schedule approved by the District or Federal government:**

Verification statements were obtained from DC Office of Tax and Revenue and the Department of Employment Services indicating the contractor's compliance with District tax laws.

**(I) The status of the proposed contractor as a certified local, small, or disadvantaged business enterprise:**

Active

**(J) Other aspects of the proposed contract that the Chief Procurement Officer deems significant:**

None

- (K) A statement indicating whether the proposed contractor is currently debarred from providing services to any governmental entity (federal, state or municipal), the dates of the debarment, and the reason for debarment.**  
as of January 28, 2009, The John Akridge Development Company's name does not appear on the federal or District Excluded Parties List Systems.