

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA**

UDC Resolution No. 2015-_____

**SUBJECT: APPROVAL OF PROPOSED CONTRACT CHANGE ORDER NO. 11-12
FOR CONSTRUCTION OF STUDENT CENTER**

WHEREAS, pursuant to D.C. Official Code § 38-1241.01, the University of the District of Columbia has the authority and responsibility to implement its capital procurement program; and

WHEREAS, all proposed contracts and contract modifications in excess of one million dollars (\$1,000,000) must be approved by the Council of the District of Columbia ; and

WHEREAS, the proposed changes are related to scope modifications for building enhancements, unforeseen field conditions, additional general conditions for on-site activities through the end of construction and contract allowances to address all know and potential change order through the end of construction; and

WHEREAS, the Board has reviewed the terms of the contract modification, as well as all necessary certifications from the administration; and

WHEREAS, the Board is satisfied that the proposed contract represents the proper culmination of the University's due diligence process and represents the best interest of the University; and

NOW THEREFORE, BE IT RESOLVED that the University of the District of Columbia is hereby authorized to forward to the Council of the District of Columbia for its approval of the proposed construction contract modification, Change Orders No. 11 and 12, for the UDC student center.

Approved by the Executive Committee

September 3, 2015

Ratified by the Board of Trustees

December 8, 2015


Elaine A. Crider
Chairperson, Board of Trustees



OFFICE OF THE GENERAL COUNSEL

MEMORANDUM

To: Ronald F. Mason, Jr., J.D.
President
University of the District of Columbia

From: Smruti Radkar 
Acting General Counsel

Re: Legal Sufficiency Certification – Proposed Contract by and between the University of the District of Columbia ("University") and Parkinson/Forrester-UDC New Student Center Joint Venture, LLC ("PFJV"), Contract Number GF-2011-C-0030 pertaining to modifications to the construction of the Student Center Change Order No. 12.

Date: August 31, 2015

Description of Proposed Contract

The proposed Contract (Change Order No. 12) is for PFJV to provide all labor, materials, and equipment in the completion of the construction of the University's Student Center. This new construction will serve as a premier facility for the University and for the District of Columbia as a whole. The Student Center has positively impacted the local economy through its contracts with District based firms, and will bolster the University as a vibrant institution in the District of Columbia.

The proposed Contract supports an additional scope of services and construction changes for the Student Center as a result of building enhancements, on-going project coordination, unforeseen field conditions, and on-going activities involving general conditions through the end of construction. The change order also provides for contract allowances to address all known and potential change orders through the end of construction.

The original contract for the construction of the Student Center was procured by the competitive sealed proposal procurement process conducted pursuant to the University's procurement regulations in 8B DCMR §§ 3000 *et seq.* Request for Proposal No. GF-2011-R-0030 was awarded to the offeror whose offer was most advantageous to the University based upon specified evaluation criteria.

The terms of the Contract are detailed in the Council Contract Summary attached. The University will make progress payments based on an Executed Schedule of Values. The Contract is a Firm Fixed Price contract.

The original contract amount of \$29,888,000 was awarded on January 13, 2012. Prior change orders to this contract, all of which were approved, are as follows: \$10,029 for Change Order No. 1; \$262,652 for Change Order No. 2; \$9,960 for Change Order No. 3; \$11,719 for Change Order No. 4; \$21,112 for Change Order No. 5; \$20,329 for Change Order No. 6; \$69,520 for Change Order No. 7; \$589,506 for Change Order No. 8; \$13,023,600 for Change Order No. 9; \$2,073,464 for Change Order No. 10; and \$988,505 for Change Order No. 11.

The University is seeking approval by the Council of the District of Columbia for proposed Change Order No. 12 in the amount of \$2,595,717, which increases the total contract amount for the construction of the Student Center to \$51,466,282. The University is not extending the contract period of performance based on this change order.

Legal Review

The University, through its Board of Trustees, has the authority pursuant to section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1427; D.C. Official Code §38-1202.01(a)) to make contracts; to make, deliver, and receive deeds, leases and other instruments and to take title to real and other property in its own name; and to adopt, prescribe, amend, repeal, and enforce such bylaws, rules, and regulations as it may deem necessary for the governance and administration of the University. In addition, pursuant to D.C. Code § 38-1202.01(b), the University is authorized to operate as an independent agency of the government of the District of Columbia.

Further, pursuant to Council legislation, the "University of the District of Columbia Board of Trustees Quorum Amendment Act of 2010," the University is authorized to conduct business through University Procurement Rules, such Act providing that the University may procure all goods and services necessary to operate the University independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985 (consistent with University procurement regulations approved by Council). Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Official Code § 2-303.20) permits the Board of Trustees of the University to operate its own procurement process, subject to the applicability of Title IX of that Act to contract protests, appeals and claims arising from procurements of the University of the District of Columbia Board of Trustees.

The University is thus authorized to enter into the Contract, subject to submission of the Contract to the Council of the District of Columbia for review and approval, all as required by §304(a) of the District Charter and the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995, (109 Stat. 151, Pub.L. 104-8; D.C. Official Code § 1-204.51(b)(2)) for contracts involving expenditures in excess of \$1,000,000 during a 12-month period.

The District Charter further provides that Council approval of such contracts shall be in accordance with criteria established by act of the Council, D.C. Code § 1-204.51(b)(1) (2001). Council further enacted special criteria governing the submission of multiyear contracts and contracts in excess of \$1 million during a twelve-month period as part of the Procurement Practices Act at D.C. Code § 2-301.05a, with such criteria specifically enumerated at D.C. Code §§ 2-301.05(c)(A)-(K), including this legal sufficiency certification.

Legal Sufficiency Certification: Student Center Change Order No. 12
August 31, 2015
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This certification also specifies that the University is not aware of any claim(s) by PFJV against the District. Subject to submission of the required materials identified in the Council's special criteria for contract approval and to Council approval as set forth herein and otherwise required by law, the proposed Contract is legally sufficient in that it complies with applicable law.

Please let me know if you have any questions. I may be reached at (202) 274-6107.



Donald L. Rickford
Chief Financial Officer

Office of the Chief Financial Officer

FISCAL IMPACT STATEMENT

TO: The Board of Trustees
FROM: Office of the Chief Financial Officer (UDC) *[Signature]*
DATE: August 28, 2015
SUBJECT: Change Order Request from Facilities Management – Change Order #'s 11 & 12

Conclusion

The OCFO has concluded that there are sufficient funds available in the Capital Construction budget in FY2015 to fund the underlying costs associated with Change Orders 11 and 12 to complete the construction of the New Student Center.

Background

The University of the District of Columbia is in the process of constructing a New Student Center utilizing capital funds to undertake this project. The Student Center is scheduled for completion in December 2015.

Under Change Order 11, \$988,505 is requested in order to facilitate the payment of Basic Change Directives 16 thru 19. Under Change Order 12, a total of \$2,595,717 is required to complete the project. With the addition of Change Orders 11 & 12, the estimated maximum construction price for the New Student Center building is \$51,466,282. The total estimated maximum project cost is 63,000,000.

Financial Impact

The OCFO has concluded that there are sufficient funds available in the Capital Construction budget in FY2015 to fund the underlying costs associated with Change Orders 11 and 12.



Office of Contracting and Procurement
Division of Capital Procurement

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:	Parkinson/Forrester UDC Student Center JV, LLC.
Contract No.:	GF-2011-C-0030
Contract Amount:	\$29,888,000.00
Change Order No. 01 03/06/12	\$ 10,029.00 Executed
Change Order No. 02 03/16/12	\$ 262,652.00 Executed
Change Order No. 03 04/09/12	\$ 9,960.00 Executed
Change Order No. 04 04/17/12	\$ 11,719.00 Executed
Change Order No. 05 09/10/12	\$ 21,112.00 Executed
Change Order No. 06 09/11/12	\$ 20,329.00 Executed
Change Order No. 07 09/14/12	\$ 69,520.00 Executed
Change Order No. 08 03/27/13	\$ 589,506.00 Executed
Change Order No. 09 01/09/14	\$13,023,600.00 Executed
Change Order No. 10 11/18/14	\$ 3,975,633.00 Executed
Change Order No. 11 08/20/15	\$ 988,505.00 Executed
Change Order No. 12 08/24/15	<u>\$ 2,595,717.00</u> Proposed
	\$51,466,282.00
Unit and Method of Compensation:	Progress payments will be made on the contract based on Executed Schedule of Values
Contract Term:	1015 Calendar Days From Receipt of Written Notice-to-Proceed (NTP)
Contract Type:	Firm Fixed Price

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

Goods and services to be provided: The University is seeking the completion of the construction of its New Student Center and qualified contractor to provide all labor, materials and equipment for the Construction of the New Student Center for the University of the District of Columbia, Van Ness Campus. The project is located at 4200 Connecticut Avenue, NW, Washington, DC 20008.

Economic Impact: The University of the District of Columbia's New Student Center to be located on the Van Ness campus and will be a premier facility for not only the institution, but for the District as a whole. The Executed \$48,870,565.00 Million project which is funded by a partnership between the University and the District's City Council will rely on many District based firms to provide services during the construction process. This is anticipated to positively impact the local economy. The completed building is planned to include program elements such as food service options and retail venues. These elements will provide increased and new University revenue streams as well as new employment opportunities for District residents. The development of a highly efficient LEED Platinum certified facility will also help the University minimize the impact a new facility could have on increased operating expenses.

Social Impact: The new Student Center, by its very nature, have a significant social impact on the entire University community. The building will be designed to serve as a physical link between the campus core and the campus' physical boundaries. The University's ability to develop new programs made possible by the new facility will provide opportunities to introduce the University to visitors that otherwise may have had limited reasons to interact with the University population. The new facility will also help bolster the unique cultural interactions made possible by the University "Experience". Upon its completion the facility will also help the campus serve as an iconic representation of the University's position as a link between the various members of the University community which includes faculty, staff, students, neighbors and the District as a whole.

- There are no significant program changes in the Executed contract.

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

The original contract for the Construction of the New Student Center was procured by the competitive sealed proposal method of procurement through Request for Proposal No.: GF-2011-R-0030 with a decision based on the responsible offeror whose offer is most advantageous to the University, based upon the evaluation criteria specified. Parkinson/Forrester Joint Venture, LLC. was responsive and responsible and its offer was most advantageous to the University. The original contract was approved by Council on

December 19, 2011 and awarded on January 13, 2012 at 80% design, and the remaining 20% was approved by Council on November 23, 2013 awarded on January 13, 2014.

Parkinson/Forrester UDC Student Center JV, LLC is currently working on the site.

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

Parkinson/Forrester UDC New Student Center Joint Venture, LLC, hereafter referred to as the Contractor, has the financial resources adequate to perform the contract in accordance with Title 8, DCMR Section 3057.2 (a).

Dun & Bradstreet (D&B) report for Parkinson/Forrester UDC New Student Center Joint Venture, LLC, August 25, 2015, indicates Forrester has a D&B rating of DS. Although the company's D&B profile did not provide enough information to permit D&B to classify the company with a rating, public records were searched by D&B. Parkinson Construction has no collections, liens judgments or lawsuits.

The Contractor provided, at the time of contract award, a 100% performance bond and 50% payment bond in the total amount payable under the terms of the contract.

The Surety for this project is Fidelity and Deposit Company of Maryland located in Schaumburg, IL. The surety is licensed to conduct business in the District of Columbia, as well as in Maryland and Virginia. Fidelity and Deposit Company of Maryland is listed on the US Treasury's Listing of Certified Surety Companies.

- (E) Performance standards and expected outcomes of the Executed contract:**

Performance standards under this Executed contract consist of strict adherence to the terms and conditions of the Request for Proposal set forth in Section C, Scope, Standard Contract Provisions for use with District of Columbia Government Construction Projects, Revised January 2007.

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

A certification of funding memorandum from the Office of the Chief Financial Officer dated is attached under Tab E.

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

The Executed contract was reviewed by the Office of the General Counsel and deemed legally sufficient. There is no knowledge of any claim(s) by Parkinson/Forrester UDC New Student Center JV, LLC. against the District.

- (H) **A certification that the Executed contractor is current with its District and Federal Taxes or has worked out and is current with a payment schedule Executed 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 Executed contractor as a certified local, small, or disadvantaged business enterprise:**

Parkinson/Forrester (UDC New Student Center) JV, LLC is a certified JV.

- (J) **Other aspects of the Executed contract that the Contracting Officer deems significant:**

A number of construction delays occurred on this contract which resulted in a total of 397 days of delay. The delays are listed below:

- Additional WMATA permit requirements for support of excavation;
- Area B - 1st Obstruction – Concrete Block;
- Non-Compliant Auger Pile Correction;
- Area B - 2nd Obstruction WMATA over pour;
- Surveys;
- Asbestos Contaminated Material Pipe Removal;
- Weather Delays;
- University Strategy for termination of convenience of the contract;
- Drawings submitted to procurement to be issued to the Joint Venture for final 20% negotiation did not have the official seal and was not stamped by the Architectural firm of record;

An initial request for proposal for the remaining 20% design was issued on July 6, 2012, to the joint venture. The University is aware that issues have been raised regarding procurement activities with other District agencies. We are unaware of any such issues concerning the University.

Procurement Chronology

- (a) Following approval by the D.C. City Council on December 19, 2011, the University of the District of Columbia (UDC) awarded Contract No. GF-2011-C-0030 to

Parkinson/Forrester UDC Joint Venture, LLC (hereinafter referred to as the Contractor) for the construction of the New Student Center for the UDC Van Ness Campus on January 13, 2012, in the amount of \$29,888,0000.00. Subsequently UDC received six proposals from the Contractor in response to changes requested by the Contract Administrator, through the Contracting Officer, during the course of the work.

- (b) On February 23, 2012, UDC issued a Basic Change Directive (BCD) inclusive of a request for proposal to the Contractor to provide mobilization and support services. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 1** in the amount of \$10,029.00 was issued on March 6, 2012. This change increased the contract amount to \$29,898,029.00.
- (c) On February 29, 2012, UDC issued BCD No. 002 inclusive of a request for proposal to the Contractor for a construction fence and signage. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 2** was issued on March 16, 2012, in the amount of \$262,652.00. This change increased the contract amount to \$30,160,681.00.
- (d) On February 28, 2012, UDC issued BCD No. 001 inclusive of a request for proposal to the Contractor to provide Existing Condition Assessment – medium voltage testing. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 3** was issued to the Contractor on April 17, 2012 in the amount of \$9,960.00 which increased the contract amount to \$30,170,641.00.
- (e) On March 26, 2012, UDC issued BCD No. 004 inclusive of a request for proposal to the Contractor to provide industrial hygiene services – asbestos, lead, PCB and hazmat inspection. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 4** was issued on April 24, 2012 in the amount of \$11,719.00. The Change Orders increased the contract amount to \$30,182,360.00.
- (f) On June 5, 2012, UDC issued BCD No. 005 inclusive of a request for proposal to the Contractor to provide electrical metering services. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 5** was issued on September 27, 2012 in the amount of \$21,112.00. The Change Order increased the contract amount to \$30,203,472.00.
- (g) On June 13, 2012, UDC issued BCD No. 006 inclusive of a request for proposal to the Contractor to provide handicap stripping, tree maintenance, and sidewalk repairs. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 6** was issued on October 26, 2012 in the amount of \$20,329.00. The Change Order increased the contract amount to \$30,223,801.00.
- (h) On August 21, 2012, UDC issued BCD No. 008 inclusive of a request for proposal to the Contractor to provide dewatering containment. In response the Contractor

submitted a proposal that was negotiated and subsequently **Change Order No. 7** was issued on October 18, 2012 in the amount of \$69,520.00. The Change Order increased the contract amount to \$30,293,321.00.

- (i) On January 28, 2013, UDC issued BCD No. 009 inclusive of a request for proposal to the Contractor to provide Interim Work Safety/WMATA Permit. In response to the Contractor submitted a proposal that was negotiated and subsequently, **Change Order No. 8** was issued on October 26, 2013 in the negotiated amount of \$589,506.00. The Change Order increased the contract amount to \$30,882,827.00. In consideration of the change creating cumulative changes that exceed \$1,000,000.00 within a 12 month period the DC City Council approved the Change Order on November 5, 2013 through Resolution 20-319 to facilitate payment to the Contractor.
- (j) On July 6, 2013, UDC issued a request for proposal to the Contractor to provide construction of the remaining 20% of the Student Activity Center. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 9** was issued on September 3, 2013 in the negotiated amount of \$13,023,600.00. The Change Order increased the contract amount to \$43,981,427.00. In consideration of the change creating cumulative changes that exceed \$1,000,000.00 within a 12 month period the DC City Council approved Change Order No. 9 on November 5, 2013 through Resolution 20-319 to facilitate payment to the Contractor.
- (k) On August 2, 2013, UDC issued BCD No. 10 inclusive of a request for proposal to the Contractor to provide Modifications to Foundation-to-Grade Construction. In response to UDC's request, the Contractor submitted a proposal in the amount of \$2,312,223.91. On December 2, 2014 UDC and the Contractor agreed on the negotiated amount of \$2,073,464.00. This action did not require the approval of the UDC Board of Trustees, because it is less than \$4,000,000.00. However, the Board reviewed it, along with all other BCD's in proposed Change Order No. 10, and the University President approved the Change Order on January 26, 2015.

On March 5, 2014, UDC issued BCD No. 11 inclusive of a request for proposal to the Contractor to provide modifications to the contract: Free-Standing Mock-Up, Unforeseen Site Conditions, Cellar Level and Level 1 Foundation to Grade Revisions, Revised Gas Meter Location and Pipe Route. In response to UDC's request, the Contractor submitted a proposal in the amount of \$130,324.00. UDC and the Contractor agreed on the negotiated amount of \$116,938.00.

On April 15, 2014, UDC issued BCD No. 12 inclusive of a request for proposal to the Contractor to for modifications to construction: Geothermal Well Location; Responses to RFIs 257, 260 and 262; and Concrete Haunch G Line. In response to UDC's request, the Contractor submitted a proposal in the amount of \$237,024.00. UDC and the Contractor agreed on the negotiated amount of \$202,460.00.

On August 19, 2014, UDC issued BCD No. 14 inclusive of a request for proposal to the Contractor to provide mechanical and plumbing modifications. In response to UDC's request, the Contractor submitted a proposal in the amount of \$177,635.00. UDC and the Contractor agreed on the negotiated amount of \$173,448.00.

On September 2, 2014, UDC issued BCD No. 15 inclusive of a request for proposal to the Contractor to provide modifications to the contract for Tele-Data, A/V, Security Systems, and Kitchen Equipment Rough-In, Access Control, Signage, Exterior Furnishing and Window Treatment. In response to UDC's request, the Contractor submitted a proposal in the amount of \$1,931,937. UDC and the Contractor agreed on the negotiated amount of \$1,168,939.00.

In addition to the changes required by the BCD's above, Change Order No. 10 provided the following price adjustments that equate to an additional cost of \$240,384.00. **Change Order No. 10** which increased the contract amount to \$47,882,060.00 was approved by Council.

- PCO 25080 Millwork Deletion: Subtract \$82,300.00 from the Contractor's Subcontractor Direct Costs and \$4,064.80 from the Contractor's commission for a deletion of \$86,365.00.
 - Change Order No. 9: Deletion of 80% site furnishings credit, i.e. \$78,025.00 for Contractor's Subcontractor Direct Costs and \$3,853.65 from the Contractor's commission for a deletion of \$81,879.00.
 - Change Order No. 9: Adjust miscalculation of Contractor's General Conditions by adding \$78,143.00.
 - General Conditions: Add payment for 56 days delay at rate of \$5,365.00 for 56 days for an amount of \$300,440.00.
 - General Conditions: Add Contractor's fee @ 10% of \$300,440.00 for an amount of \$30,044.00.
 - The amount of the deletions (\$168,244.00) from the additions (\$408,627.44) equals the increase of \$240,384.00.
- (l) The proposed Change Order No. 11 facilitated payment due for additional work performed by the Contractor in response to Basic Change Directives (BCD), also known as Constructive Change Directives, No.'s 16-19 issued by the Contracting Officer pursuant to Article 3B, at "Other Change Orders" in the Government of the District of Columbia Standard Contract Provisions for use with Specifications for District Government Construction Projects (Revised January 2007), which are incorporated in the contract as Attachment J.1.4. The total cost for the Change Order is \$988,505.00 and it will increase the contract amount to \$48,870,565.00.
- (m) UDC proposes to award Change Order No. 12 in the amount of \$2,595,717.00 which will increase the contract amount to \$51,466,282.00.

A statement indicating whether the Executed 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 August 25, 2015, neither Parkinson Construction nor Forrester Construction Company's name appears on the federal or District Excluded Parties List Systems.

BUSINESS CLEARANCE MEMORANDUM		Clearance No: GF-2015-068	
		Date: August 26, 2015	
<i>(Original to be returned to initiating commodity buying group)</i>			
COMMODITY BUYING GROUP: Capital Procurement Division			
Type of Procurement (Check one):			
<input type="checkbox"/> Sealed Bidding	<input type="checkbox"/> Human Care Agreements		
<input type="checkbox"/> Order against an existing contract	<input type="checkbox"/> Sealed Bids		
<input type="checkbox"/> GSA FSS Contract	<input type="checkbox"/> Emergency Procurement		
<input type="checkbox"/> D.C. Supply Schedule Contract	<input checked="" type="checkbox"/> Change Order		
<input type="checkbox"/> Metropolitan Washington C.O.G Contract	<input type="checkbox"/> Options No:		
<input type="checkbox"/> Architect-Engineering Services	<input type="checkbox"/> Partial		
	<input type="checkbox"/> Full		
Contract Type(s): In accordance with 8 DCMR, 3022		Total: \$51,466,282.00	
FIRM FIXED PRICE			
Clearance:			
<input type="checkbox"/> Pre-negotiation	<input type="checkbox"/> Definitized Letter contract award		
<input checked="" type="checkbox"/> Post-negotiation	<input type="checkbox"/> Authority to enter into a contract without negotiations		
Offeror:	Address:	Contract No.	
Parkinson/Forrester UDC JV, LLC	2414 Douglas Street N.E.	GF-2011-C-0030	
	Washington, DC 20011		
Description of Contract Line Items:		Quantity & Unit of Issue	
Construction of the New Student Center for the University of the District of Columbia Van Ness Campus, Proposed Change Order No. 12		1 Job	
Pricing Structure		Post-negotiation/Pre-award	
<i>(If CPAF indicate base and award fee)</i>			
Original Contract		\$48,870,565.00 (Includes CO's 1-11)	
Proposed Change Order 12		\$2,595,717.00	
Total Cost		\$51,466,282.00	
Delivery or Period of Performance	To Commence: January 13, 2012	To Finish: December 31, 2015	
Contact Points for this Document			
Contract Specialist	Michiko Gadson	Phone #:	202-274-5191
		Email	mgadson@udc.edu
Contracting Officer	Mary Ann Harris	Phone	202-274-5426
		Email	mharris@udc.edu
Program Manager	Alex Garrett	Phone #:	202-274-5353
		Email	ajgarrett@udc.edu

BUSINESS CLEARANCE MEMORANDUM (Signature page – additional pages set forth facts)		Clearance No.:	GF-2015-068
<p>Commodity Manager's Executive Summary and Recommendation:</p> <p>The University of the District of Columbia (UDC) Office of Contracts and Procurement, on behalf of the Capital Construction Division, recommends the University President's approval to award Change Order number 12 to contract number GF-2011-C-0030 which was awarded to Parkinson/Forrester Joint Venture, LLC (hereinafter referred to as the Contractor) on January 13, 2012, in the amount of \$29,888,000.00 for the construction of the New Student Center within 292 days from the starting date specified in the Notice to Proceed, i.e. February 2, 2012. The contract specifies 80% design for pricing with 20% design to be negotiated upon completion of design. This proposed Change Order number 12 is the result of University required changes to overcome latent site conditions.</p> <p>Following is a summary of prior changes:</p> <p>Change Order No. 1: Mobilization and support services for an additional \$10,029.00 Change Order No. 2: Construction fence and signage for an additional \$262,652.00 Change Order No. 3: Existing conditions assessment - Medium voltage testing contractor to verify information in the existing electronic manhole for an additional \$9,960.00 Change Order No. 4: Asbestos, lead, PCB and hazmat inspection services for an additional \$11,719.00 Change Order No. 5: Electrical Metering service for an additional \$21,112.00 Change Order No. 6: Handicap stripping, tree maintenance, and sidewalk repairs for an additional \$20,329.00 Change Order No. 7: Dewatering containment for an additional \$69,520.00 Change Order No. 8: Worksite Safety/WMATA Permit for an additional \$589,506.00 Change Order No. 9: Construction of the remaining 20% of the Student Activity Center and extension of the period of performance by 785 days, effective September 3, 2013, until January 15, 2015, for an additional \$13,023,600.00 Change Order 10: The DC City Council approved this CO to "Contract No. GF-2010-C-0030 and Change Order Approval and Payment Authorization Emergency Declaration Resolution of 2015" in the amount of \$3,975,633.00 thereby increasing the contract amount to \$47,882,060.00. Change Order No. 11 The total cost for the Change Order is \$988,505.00 and it will increase the contract amount to \$48,870,565.00. Proposed Change Order (PCO) 12 to facilitate payment due for additional work performed by the Contractor to "Contract No. GF-2010-C-0030 and Change Order Approval and Payment Authorization Emergency Declaration Resolution of 2015" in the amount of \$2,595,717.00 thereby increasing the contract amount to \$51,466,282.00.</p>			
Clearance Prepared by:	Michiko Gadson Contract Specialist	Signature	Date
Reviewed by:	Mary Ann Harris Contracting Officer	Signature	Date
<input type="checkbox"/> Unconditional Approval <input type="checkbox"/> Conditional Approval <input type="checkbox"/> Not Approved			
Signature:		Title:	Date:
Conditions (if applicable):			

SECTION 2. COMPLIANCES

	Yes	No	N/A	Reference:
2.1 This procurement is in accordance with OCP Service Level Agreement _____, dated _____, which has been approved by the CPO and the agency head.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2 Determinations and Findings				
2.2.1 D & F for Cooperative Purchase Agreement (COG) Number: Approved by: Approval Date:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.2 D & F for Human Care Agreement Number: Approved by: Approval Date	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.3 D & F to enter into a multi-year contract Approved by: Approval Date	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.4 D & F to use a cost-reimbursement type contract Number: Approved by: Approval Date:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.5 D & F for a GSA schedule procurement Number: Approved by: Date:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.6 D & F for an emergency procurement Number: Approved by: Date:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.2.7 D & F for shortened advertising period Number: Approved by: Date:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.3 Public Notice Requirements				
This procurement was publicly advertised in newspaper of general circulation at least 14 days prior to the solicitation due date. Newspaper: Washington Examiner, February 6, 2012.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.3.1 Notice of this procurement opportunity was posted to the OCP and UDC Web-site February 3, 2012	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

		Yes	No	N/A	Reference:
2.4	Internal compliances				
2.4.1	The Contracting Officer reviewed the proposed procurement for Local, Small and Disadvantaged Business Enterprise consideration. If "No" or "N/A", provide an explanation in the body of the Business Clearance Memorandum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.4.2	This procurement has been approved by the Chief Technology Officer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.5	Cost or Pricing Requirements				
2.5.1	Certified cost or pricing data was required	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.5.2	Program personnel have performed a technical evaluation of the lowest contractor's proposal/bid	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.5.3	An outside audit of the contractor's proposal has been requested Date requested: Date received:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.5.4	OCP Price Analysis has been received and considered Date received:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.5.5	The offeror has requested progress payments or advanced payments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

SECTION 2A: PRE-AWARD COMPLIANCES

	Pre-Award Compliances	Yes	No	N/A	Reference:
2.A.1	The Agency Chief Financial Officer has encumbered the required funding or certified that it is available Date of certification: Pending	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.A.2	Contractor has submitted a Certificate of Current Cost and Pricing Data Cut-off date: Date received:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.A.3	Notice of DOES tax compliance has been requested and received (<i>Applicable to contract awards greater than \$100,000</i>) Date requested: 08/06/2015 Date received: 08/??/2015	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.A.4	Notice of OTR tax compliance has been requested and received (<i>Applicable to contract awards greater than \$100,000</i>) Date Requested: 08/06/2015 Date Received: 08/11/2015	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.A.5	The contractor's apprenticeship program has been approved by the Office of Human Rights (<i>Construction contracts only</i>)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.A.6	DOES has approved the contractor's "First Source" Employment Agreement Approval date: Approved with base award	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.A.7	The Office of Human Rights has approved the Contractor's Affirmative Action Plan Approval date: Approved with base award	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.A.8	The contractor has submitted evidence of DSLBD certification:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.A.9	Master Business License (DCRA)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

SECTION 3 Summary of Key Documents, Exhibits and Attachments

3.1 Key Documents

Listed below as Exhibits/Attachments

3.2 Exhibits/Attachments

- Exhibit 1 Requisition No. R0008366
- Exhibit 2 Proposed Change Order No. 12
- Exhibit 3 Contractor Proposal for Delegated Design, August 6, 2015
- Exhibit 4 Contractor Proposal for Mechanical, March 25, 2014
- Exhibit 5 Contractor Proposal for Electrical, August 04, 2015
- Exhibit 6 Contractor Proposal for Ceiling, Bulkheads, Partitions and Blocking, July 20, 2015
- Exhibit 7 Contractor Proposal for Geothermal Wellfield, Vault and Controls, August 07, 2015
- Exhibit 8 DC City Council Approval for Change Order No. 10
- Exhibit 9 Council Approval Letter for Contract No. GF-2012-C-0030
- Exhibit 10 Original Contract

SECTION 4 Summary of the Requirement and the Business Arrangement

4.1 Requirement

The requirement is to make payment to the contractor for performing unforeseen additional work within the general scope of the contract No. GF-2011-C-0030 to facilitate completion of construction of a New Student Center at the UDC Van Ness Campus by executing proposed Change Order No. 12. The total cost for the Change Order is \$2,575,717.00 and it will increase the contract amount to \$51,466,282.00.

4.2 Procurement Chronology

- (a) Following approval by the D.C. City Council on December 19, 2011, the University of the District of Columbia (UDC) awarded Contract No. GF-2011-C-0030 to Parkinson/Forrester UDC Joint Venture, LLC (hereinafter referred to as the Contractor) for the construction of the New Student Center for the UDC Van Ness Campus on January 13, 2012, in the amount of \$29,888,000.00. Subsequently UDC received six proposals from the Contractor in response to changes requested by the Contract Administrator, through the Contracting Officer, during the course of the work.
- (b) On February 23, 2012, UDC issued a Basic Change Directive (BCD) inclusive of a request for proposal to the Contractor to provide mobilization and support services. In response the Contractor submitted a proposal that was negotiated and subsequently Change Order No. 1 in the amount of \$10,029.00 was issued on March 6, 2012. This change increased the contract amount to \$29,898,029.00.
- (c) On February 29, 2012, UDC issued BCD No. 002 inclusive of a request for proposal to the Contractor for a construction fence and signage. In response the Contractor submitted a proposal that was negotiated and subsequently Change Order No. 2 was issued on March

16, 2012, in the amount of \$262,652.00. This change increased the contract amount to \$30,160,681.00.

- (d) On February 28, 2012, UDC issued BCD No. 001 inclusive of a request for proposal to the Contractor to provide Existing Condition Assessment – medium voltage testing. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 3** was issued to the Contractor on April 17, 2012 in the amount of \$9,960.00 which increased the contract amount to \$30,170,641.00.
- (e) On March 26, 2012, UDC issued BCD No. 004 inclusive of a request for proposal to the Contractor to provide industrial hygiene services – asbestos, lead, PCB and hazmat inspection. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 4** was issued on April 24, 2012 in the amount of \$11,719.00. The Change Orders increased the contract amount to \$30,182,360.00.
- (f) On June 5, 2012, UDC issued BCD No. 005 inclusive of a request for proposal to the Contractor to provide electrical metering services. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 5** was issued on September 27, 2012 in the amount of \$21,112.00. The Change Order increased the contract amount to \$30,203,472.00.
- (g) On June 13, 2012, UDC issued BCD No. 006 inclusive of a request for proposal to the Contractor to provide handicap stripping, tree maintenance, and sidewalk repairs. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 6** was issued on October 26, 2012 in the amount of \$20,329.00. The Change Order increased the contract amount to \$30,223,801.00.
- (h) On August 21, 2012, UDC issued BCD No. 008 inclusive of a request for proposal to the Contractor to provide dewatering containment. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 7** was issued on October 18, 2012 in the amount of \$69,520.00. The Change Order increased the contract amount to \$30,293,321.00.
- (i) On January 28, 2013, UDC issued BCD No. 009 inclusive of a request for proposal to the Contractor to provide Interim Work Safety/WMATA Permit. In response to the Contractor submitted a proposal that was negotiated and subsequently, **Change Order No. 8** was issued on October 26, 2013 in the negotiated amount of \$589,506.00. The Change Order increased the contract amount to \$30,882,827.00. In consideration of the change creating cumulative changes that exceed \$1,000,000.00 within a 12 month period the DC City Council approved the Change Order on November 5, 2013 through Resolution 20-319 to facilitate payment to the Contractor.
- (j) On July 6, 2013, UDC issued a request for proposal to the Contractor to provide construction of the remaining 20% of the Student Activity Center. In response the Contractor submitted a proposal that was negotiated and subsequently **Change Order No. 9** was issued on September 3, 2013 in the negotiated amount of \$13,023,600.00. The Change Order increased the contract amount to \$43,981,427.00. In consideration of the change creating cumulative changes that exceed \$1,000,000.00 within a 12 month period the DC City Council approved Change Order No. 9 on November 5, 2013 through Resolution 20-319 to facilitate payment to the Contractor.

- (k) On August 2, 2013, UDC issued BCD No. 10 inclusive of a request for proposal to the Contractor to provide Modifications to Foundation-to-Grade Construction. In response to UDC's request, the Contractor submitted a proposal in the amount of \$2,312,223.91. UDC and the Contractor agreed on the negotiated amount of \$2,073,464.00.

On March 5, 2014, UDC issued BCD No. 11 inclusive of a request for proposal to the Contractor to provide modifications to the contract: Free-Standing Mock-Up, Unforeseen Site Conditions, Cellar Level and Level 1 Foundation to Grade Revisions, Revised Gas Meter Location and Pipe Route. In response to UDC's request, the Contractor submitted a proposal in the amount of \$130,324.00. UDC and the Contractor agreed on the negotiated amount of \$116,938.00.

On April 15, 2014, UDC issued BCD No. 12 inclusive of a request for proposal to the Contractor to for modifications to construction: Geothermal Well Location; Responses to RFIs 257, 260 and 262; and Concrete Haunch G Line. In response to UDC's request, the Contractor submitted a proposal in the amount of \$237,024.00. UDC and the Contractor agreed on the negotiated amount of \$202,460.00.

On August 19, 2014, UDC issued BCD No. 14 inclusive of a request for proposal to the Contractor to provide mechanical and plumbing modifications. In response to UDC's request, the Contractor submitted a proposal in the amount of \$177,635.00. UDC and the Contractor agreed on the negotiated amount of \$173,448.00.

On September 2, 2014, UDC issued BCD No. 15 inclusive of a request for proposal to the Contractor to provide modifications to the contract for Tele-Data, A/V, Security Systems, and Kitchen Equipment Rough-In, Access Control, Signage, Exterior Furnishing and Window Treatment. In response to UDC's request, the Contractor submitted a proposal in the amount of \$1,931,937. UDC and the Contractor agreed on the negotiated amount of \$1,168,939.00.

In addition to the changes required by the BCD's above, **Change Order No. 10** provided for the following price adjustments that equate to an additional cost of \$240,384.00 based on the following:

- PCO 25080 Millwork Deletion: Subtract \$82,300.00 from the Contractor's Subcontractor Direct Costs and \$4,064.80 from the Contractor's commission for a deletion of \$86,365.00.
- Change Order No. 9: Deletion of 80% site furnishings credit, i.e. \$78,025.00 for Contractor's Subcontractor Direct Costs and \$3,853.65 from the Contractor's commission for a deletion of \$81,879.00.
- Change Order No. 9: Adjust miscalculation of Contractor's General Conditions by adding \$78,143.00.
- General Conditions: Add payment to Contractor for delays caused by the owner at the rate of \$5,365.00 for 56 days for an amount of \$300,440.00.
- General Conditions: Add Contractor's fee @ 10% of \$300,440.00 for an amount of \$30,044.00.
- The amount of the deletions (\$168,244.00) from the additions (\$408,627.44) equals the increase of \$240,384.00.

UDC awarded the total of BCD's 10, 11, 12 14, 15, and the adjustments above, in the amount of \$3,975,633.00 through **Change Order No. 10** which increased the contract amount to \$47,882,060.00 and approved by Council.

- (l) **UDC Change Order No. 11** to facilitate payment for BCD's 16- 19 which are summarized below:

BCD No.	Date Issued	Summary of Requirement	Contractors Price	Negotiated Price
16	10-07-14	Modifications to Structural Steel, Concrete Curbs and Topping Slab, Precast Concrete and Mechanical Controls 02	\$198,585.00	\$147,413.00
17	12-15-14	Modifications to Mechanical Equipment and Controls #2, roof drain locations, and CMU finish at Stair #2; New Curb at Generator	\$1,234,054.00	\$256,670.00
18	2-9-15	Level 3 Floor Plan Renovations (CPR-10), Level 3 Ball Room Floor Boxes, De-scope Interior Renovations (Bldgs. 38/39 A Level, Exterior Enclosure Insulation Renovations (CPR-11)	\$404,723.00	\$161,312.00
19	2-25-15	Additional Utility Cost, Unforeseen Conditions and Misc. Revisions to Concrete, Steel, Masonry and MPE	\$631,638.00	\$423,111.00
TOTALS			\$2,469,000.00	\$988,505.00

- (m) **Proposed Change Order No. 12** to facilitate payment for work summarized below:

Contractors Proposal Date	Summary of Requirement	Contractors Price
	Miscellaneous Work	\$257,973.00
08/06/2015	Delegated Design	\$300,000.00
03/25/2014	Mechanical	\$115,000.00
08/04/2015	Electrical	\$115,000.00
07/15/2015	Ceiling, Bulkheads, Partitions and Blocking	\$ 87,500.00
08/07/2015	Geothermal Wellfield, Vault and Controls	\$125,000.00
Extended General Condition (=116 days @\$5,331/day)		\$680,244.00
Owners Contingency Allowance		\$915,000.00
TOTALS		\$2,595,717.00

4.3 Basis of the Source Selection

Source selection for the initial contract was done by using the Competitive Sealed Proposals method of procurement pursuant to Title 8 DCMR Section 3017 to issue and administer Request for Proposals number GF-2011-R-0030 on September 30, 2011. The firms below offered proposals for the services required on or before 2:00 p.m. on the closing date of October 24, 2011. Their proposals were evaluated based on criteria specified in the solicitation, i.e. relevant experience, past performance, management plan, key personnel,

price, and Department of Small Local Business Development preference points. They received the following evaluation scores from the UDC Technical Evaluation Panel (TEP):

OFFEROR	TECHNICAL SCORE	PRICE	EVALUATED PRICE SCORE	CBE POINTS	TOTAL SCORE
Parkinson/Forrester	67.67	\$29,888,000.00	19	10	96.67
Forney/Manhattan	48.33	\$27,689,000.00	20	12	79.00
Turner/Rand	63.00	\$31,400,000.00	18	0	71.67
Winmar/Dustin	47.33	\$34,259,000.00	16	9	70.67
Costello	41.67	\$31,958,850.00	17	0	58.33
Prince/Schlosser	25.67	\$33,488,000.00	17	12	50.33

As shown in the table above, the proposal from Parkinson/Forrester Joint Venture received the highest evaluated score, was subsequently determined responsible by the Contracting Officer and awarded the subject contract.

4.4 Price Reasonableness

The original contract price, and that of subsequent Change Orders, was determined reasonable by price analysis prior to award. The price of proposed Change Order No. 12 is reasonable based on price analysis, i.e. comparison of the price with the independent government cost estimate, pursuant to Title 8 DCMR §3009.

4.5 Determination of Contractor Responsibility

All factors contributing to the Contracting Officer's initial determination of responsibility remain unchanged. Moreover, in follow-up to the Contracting Officer's initial determination that the Contractor is responsible the Office of Tax & Revenue and the Department of Employment Services' Unemployment Insurance Tax Division have recently verified that the contractor is in compliance with the District's tax laws and regulations.

The Contractor is a certified small business enterprise Joint Venture. Its certification number is LSR5714102013. Its certification expiration date is 10/1/2015. The Contractor has 10 Preference Points as follows: 2 for LBE; 3 for SBE; and 5 for ROB.

