

**AN ORDINANCE TO AUTHORIZE AND APPROVE AN EXTENSION OF CONTRACT 20011PW (SEWER MAINTENANCE) BETWEEN THE CITY OF WILMINGTON AND BRANDYWINE CONSTRUCTION COMPANY, INC.**

#0167

Sponsor:

Council  
Member  
Oliver

**WHEREAS**, pursuant to Section 2-308 and Section 8-200 of the City Charter, the City of Wilmington is authorized to enter into contracts for the supply of personal property or the rendering of services for a period of more than one year if approved by City Council by ordinance; and

**WHEREAS**, in 2019, the City publicly advertised the specifications for Contract 20011PW (Sewer Maintenance) (the "Contract") in accordance with the requirements of Section 8-200 of the City Charter, and subsequently awarded the Contract to Brandywine Construction Company, Inc. (the "Contractor"), the lowest responsible bidder; and

**WHEREAS**, the Contract's term is from July 1, 2019 to June 30, 2020 with the possibility of two (2) one-year extensions thereafter; and

**WHEREAS**, the City, with City Council approval, exercised both extension options, the second of which will end on June 30, 2022; and

**WHEREAS**, the Contractor is willing to extend the Contract on the same terms and conditions for two (2) additional one-year periods of July 1, 2022 through June 30, 2023 and July 1, 2023 through June 30, 2024; and

**WHEREAS**, locking in the same pricing for two (2) additional one-year periods is favorable to the City; and

**WHEREAS**, it is the recommendation of the Department of Public Works that the City enter into an extension, a copy of which, in substantial form, is attached hereto and incorporated by reference herein as Exhibit "A", which allows the City to extend the Contract for two (2) additional one-year periods.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** The Extension of Contract 20011PW (Sewer Maintenance) between the City of Wilmington and Brandywine Construction Company, Inc., a copy of which, in substantial form, is attached hereto as Exhibit "A," for the periods of July 1, 2022 through June 30, 2023 and July 1, 2023 through June 30, 2024, at the estimated prices of One Million Three Hundred Thirty-Seven Thousand Eight Hundred Twenty-Nine Dollars and Fifty-Five Cents (\$1,337,829.55) for the first year and One Million Three Hundred Sixty-Four Thousand Five Hundred Eighty-Six Dollars and Fourteen Cents (\$1,364,586.14) for the second year, is hereby approved, and the Mayor, or his designee, is hereby authorized to execute as many copies of the Extension, as well to take all additional undertakings related thereto, as may be necessary.

**SECTION 2.** This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading..... May 5, 2022  
Second Reading..... May 5, 2022  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Mayor

**SYNOPSIS:** This Ordinance authorizes the City to enter into an extension of Contract 20011PW (Sewer Maintenance) between the City of Wilmington and Brandywine Construction Company, Inc. that provides for two (2) one-year extensions of the contract for the periods of July 1, 2022 through June 30, 2023 and July 1, 2023 through June 30, 2024.

**FISCAL IMPACT STATEMENT:** The fiscal impact of this Ordinance is two (2) one-year contract extensions for the periods of July 1, 2022 through June 30, 2023 and July 1, 2023 through June 30, 2024, at the estimated prices of One Million Three Hundred Thirty-Seven Thousand Eight Hundred Twenty-Nine Dollars and Fifty-Five Cents (\$1,337,829.55) for the first extension and One Million Three Hundred Sixty-Four Thousand Five Hundred Eighty-Six Dollars and Fourteen Cents (\$1,364,586.14) for the second extension.

W0117250

# EXHIBIT A

**EXTENSION OF CONTRACT 20011PW (SEWER MAINTENANCE)  
BETWEEN THE CITY OF WILMINGTON  
AND BRANDYWINE CONSTRUCTION COMPANY, INC.**

This Extension of Contract 20011PW (Sewer Maintenance) (this "Extension") is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2022 by and between the City of Wilmington (the "City") and Brandywine Construction Company, Inc. (the "Contractor").

RECITALS:

WHEREAS, in 2019, the City publicly advertised the specifications for Contract 20011PW (Sewer Maintenance) (the "Contract") in accordance with the requirements of Section 8-200 of the City Charter, and subsequently awarded the Contract to the Contractor, the lowest responsible bidder;

WHEREAS, the Contract's term is from July 1, 2019 to June 30, 2020, with the possibility of two (2) one-year extensions thereafter;

WHEREAS, the City, with the approval of City Council, exercised both extension options, the second of which will end on June 30, 2022; and

WHEREAS, the City and the Contractor would like to extend the Contract for two (2) additional one-year periods to allow the Contractor to continue to provide sewer maintenance services to the City upon the same terms and conditions.

NOW, THEREFORE, WITNESSETH that the City and the Contractor hereby agree, with the intent to be legally bound, as follows:

1. Recitals. The above recitals are incorporated herein and made a part hereof.
2. Term. The City, in its sole discretion, shall have the option to extend the Contract for two (2) additional one-year periods of July 1, 2022 through June 30, 2023 ("Year One") and July 1, 2023 through June 30, 2024 ("Year Two").
3. Compensation. The total compensation payable by the City to the Contractor for Year One shall not exceed One Million Three Hundred Thirty-Seven Thousand Eight Hundred Twenty-Nine Dollars and Fifty-Five Cents (\$1,337,829.55) and the total compensation payable by the City to the Contractor for Year Two shall not exceed One Million Three Hundred Sixty-Four Thousand Five Hundred Eighty-Six Dollars and Fourteen Cents (\$1,364,586.14).
4. Other Contract Provisions. All other terms and conditions of the Contract shall remain in full force and effect.

[signature page follows]

IN WITNESS WHEREOF, the parties, through their duly authorized representatives, have executed this Extension on the date first written above.

**THE CITY OF WILMINGTON**

WITNESS: \_\_\_\_\_

By: \_\_\_\_\_  
Vincent R. Carroccia  
Deputy Commissioner of Public Works

**BRANDYWINE CONSTRUCTION  
COMPANY, INC.**

WITNESS: \_\_\_\_\_

By: \_\_\_\_\_  
Name:  
Title:

W0117214