

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE EXTENSION OF A COMPETITIVELY AWARDED CONTRACT
BEYOND FIVE YEARS**

Agency: Department of General Services

Contract No.: DCAM-21-NC-RFQ-0002I

Caption: Contract for DGS Services Schedule Pre-qualification of General Contractors, Skilled/Unskilled Trade Subcontractors & Related Facility Maintenance, Repair & Other Specialized Service Contractors

Contractor(s): Swann Construction, Inc. (“Swann” or the “Contractor”)

FINDINGS

1. AUTHORIZATION:

This Determination and Findings (D&F) is issued pursuant to the authority set forth in:

- **D.C. Official Code § 2-351.04(28)** – Defines “Determinations and Findings” as a formal written approval and detailed justification required as a prerequisite for certain contract actions, including the rationale for the procurement method, contract type selection, contractor selection, and basis for contract pricing.
- **D.C. Official Code § 2-354.04** – Grants authority for noncompetitive procurement, including sole-source contracts, when it is determined to be in the best interest of the District and meets the legally established criteria.
- **27 DCMR § 2000** – Governs the negotiation of contracts, including procurement modifications, accelerated negotiations, and contract extensions in cases where competition is not practicable or not in the District’s best interest.
- **27 DCMR § 2005** – Establishes the criteria for using a sole source modification in accordance with Chapter 17, outlining the conditions under which a contract may be extended beyond five years.
- **27 DCMR Chapter 13 1304.1** - A notice of intent to award a sole source contract shall be published on the Departments’ Internet for at least ten (10) days prior to contract award if the estimated price is over five thousand dollars (\$5,000).

2. MINIMUM NEED:

The Department of General Services (DGS) has an ongoing minimum need to maintain uninterrupted access to a qualified pool of pre-approved general contractors and skilled/unskilled trade subcontractors under the Basic Ordering Agreement (BOA) established through Solicitation DCAM-21-NC-RFQ-0002. Contractors under the BOA are competitively pre-qualified to perform small construction, repair, facility maintenance, and specialized services, and all projects are awarded through project-specific Request For Quotes or RFTOPs.

DGS requires an additional option year to preserve operational continuity and maintain sufficient contractor coverage under the BOA's competitive framework. Because each Task Order must be competed among at least three pre-qualified contractors, it is essential that an adequate pool of active contractors remain under contract for the Department to issue Request for Quotes or RFTOPs, conduct site walks, evaluate offers, and award Task Orders in accordance with Section 1.3 of the BOA.

Without an extension, DGS would be unable to issue Task Orders to this contractor, which would diminish the competitive pool and hinder the Department's ability to carry out critical repair, maintenance, and small construction projects across District facilities. This reduction in contractor capacity would impair the Department's ability to meet operational demands, address urgent facility needs, and deliver the FY27 project pipeline effectively.

The BOA allows extension of the total term beyond five years when determined to be in the District's best interest and supported by a sole-source justification under Title 27 of the DCMR. Section 1.6.3 authorizes such an extension when justified, and each contractor is entitled to the minimum guaranteed value of fifty dollars (\$50) during the extended option period.

Accordingly, it is the minimum need of the Department to extend this contractor's BOA for one additional option year to maintain competitive Task Order issuance, uphold adequate contractor coverage, and avoid disruptions to essential facility maintenance and repair services.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The Department of General Services (DGS) cannot determine an Estimated Fair and Reasonable Price (EF&RP) for this contract extension at the BOA level because the Basic Ordering Agreement does not establish pricing or authorize any specific work. Under the terms of DCAM-21-NC-RFQ-0002, all work must be solicited and awarded through project-specific Request for Quotes or RFTOPs, wherein contractors competitively submit price proposals in response to a defined scope of work.

In accordance with Section 1.3 of the BOA, DGS conducts a **two-step competitive bidding process** for each Task Order:

1. issuance of an Request for Quote or RFTOP to three (3) or more pre-qualified contractors,
2. evaluation of technical and price proposals, site walks, and subsequent award based primarily on price and other factors identified in the Request for Proposal or RFTOP.

Therefore, the EF&RP for any work to be performed during the extended option period **will be determined only at the Task Order level**, after contractors submit price proposals in direct response to each Request for Quote or RFTOP. Fair and reasonable pricing will be established through competitive price analysis, market evaluation, and an assessment of technical adequacy during the Request for Quote or RFTOP process. The Contracting Officer will document final EF&RP findings in a **Task Order-specific Determination and Findings (D&F)** executed at the time of Task Order award.

The BOA's extension does not establish any pricing, guarantee any work, or authorize any expenditure. It merely preserves the contractor's eligibility to compete for Task Orders in accordance with the competitive procedures required by the BOA and Title 27 of the DCMR. Accordingly, the fair and reasonable price determination is **deferred** until each Task Order is solicited, evaluated, negotiated (if applicable), and awarded.

4. **FACTS WHICH JUSTIFY A SOLE SOURCE EXTENSION OF CONTRACT:**

This determination is based on several key factors that justify awarding a sole-source extension for the contract's fifth year:

The Department of General Services (DGS) awarded this Basic Ordering Agreement (BOA) under Solicitation DCAM-21-NC-RFQ-0002F to establish a pool of pre-qualified general contractors and skilled trade subcontractors eligible to compete for small construction, repair, and facility maintenance projects. The BOA expressly provides that no pricing is established at the contract level and that all work must be competed through project-specific Request for Quote or Request for Task Order Proposals (RFTOPs), which require issuance to three or more pre-qualified contractors and award based primarily on price and other criteria stated in 2nd step bid process.

Section 1.6.3 of the BOA limits the total contract duration to five years unless the Department determines, in writing, that a sole source extension beyond the five-year period is in the best interest of the District and justifies such action in accordance with Title 27 of the DCMR.

DGS requires the extension to maintain a sufficient pool of pre-qualified contractors necessary for continued competitive issuance of Task Orders under the BOA. If this BOA is not extended, the contractor would no longer be eligible to compete for Task Orders, thereby reducing the competitive pool and impairing the Department's ability to issue, compete, and award essential repair, maintenance, and small construction projects across District facilities.

The BOA authorizes no work and guarantees only a minimum annual value of \$50 per option year, ensuring that extending the BOA presents no financial obligation absent competitive Task Order awards.

Therefore, to sustain the required competitive environment, preserve continuity of critical facility support services, and allow DGS sufficient time to complete the forthcoming full re-procurement, it is necessary to extend the BOA beyond its fifth year through a sole source modification as authorized by the contract's terms and applicable procurement regulations.

5. CERTIFICATION BY THE CHIEF OPERATING OFFICER:

I hereby certify to the best of my knowledge and belief that all of my statements regarding the conditions, service needs and urgency, are true, correct, and complete and that the information given herein is true and accurate. Moreover, I understand that making a false statement is punishable by criminal penalties pursuant to D.C. Official Code § 22-2405 et sq. (2001). I understand that any information I give may be investigated as allowed by law or regulation.

Danielle Meadors
Chief Operating Officer (COO)

Date

6. CERTIFICATION BY THE CONTRACT SPECIALIS:

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source procurement method to award the captioned contract. In addition, the Department's notice of intent to enter into a sole source contract shall be posted on the Internet at least 10 days prior to award. Given the foregoing, I recommend that the Department of General Services' Contracting Officer approve the use of the sole source procurement method for this proposed procurement action.

Brian Carter
Contract Specialist
Goods and Services Acquisition Unit

Date



7. CERTIFICATION BY CONTRACTING OFFICER/SUPERVISORY CONTRACT SPECIALIST:

Pursuant to my duty as the Contracting Officer for the Goods and Services Acquisition Unit within the Department of General Services (DGS), I have conducted a thorough and diligent review of the findings supporting the sole source extension of the competitively awarded contract beyond five years. Based on this evaluation, I hereby certify that the justification presented is sound, well-founded, and fully consistent with the statutory and regulatory framework governing procurement within the District of Columbia.

In accordance with Section 404(c) of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Official Code § 2-354.04), the Department's intent to proceed with the sole source extension was duly published, and no responses challenging the determination were received. The findings unequivocally establish that the selected vendor possesses exclusive authorization and technical expertise necessary to fulfill the Department's minimum requirements, thereby warranting approval of the sole source selection methodology.

Accordingly, I respectfully submit this justification for formal approval and determination by the Deputy Chief Procurement Officer, affirming that this procurement action aligns with best practices, fiscal responsibility, and the operational imperatives of the Department.

Domonique L. Banks
Contracting Officer, Supervisory Contract Specialist
Goods and Services Acquisition Unit

Date



DETERMINATION

Having thoroughly reviewed the findings and the Contracting Officer's certification supporting the use of a sole source modification to extend this competitively awarded Basic Ordering Agreement (BOA) beyond the five-year term, and pursuant to my authority as the Associate Director and Chief Procurement Officer for the Department of General Services (DGS), I affirm that the justification presented satisfies the requirements for invoking the sole source modification method as authorized under Section 1.6.3 of the BOA. I further certify that the sole source notice of intent to extend the contract term beyond five years was published in accordance with Section 404(c) of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Official Code § 2-354.04), and that no objections or responses were received.

In conclusion, in my capacity as the Associate Director and Chief Procurement Officer, I formally approve the use of a sole source modification to extend the term of this BOA beyond its originally specified duration. Given the BOA's role in enabling DGS to competitively issue RFTOPs for time-sensitive repair, maintenance, and small construction projects, and the necessity of maintaining an adequate pool of pre-qualified contractors during the District's ongoing re-procurement process, this extension is essential to ensuring continuity of critical operational support functions across District facilities. Accordingly, I determine that extending the contract term under a sole source modification is both justified and in the best interest of the District.

Dr. Jacque McDonald, NIGP-CPP, CPPO, CPPB
Associate Director, Chief of Contracts and Procurement
Chief Procurement Officer (CPO)

Date

