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

AGENCY: Department of General Services

DIVISION: Contracts and Procurement Division – Goods and Services

CONTRACT NO.: DCAM-21-NC-RFQuals-0001E

CAPTION: ID/IQ Basic Ordering Agreement ("BOA") for the Development of Solar Power Generation System Projects

CONTRACTOR: NEO, LLC

FINDINGS

1. AUTHORIZATION:

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

- **D.C. Official Code § 2-354.04** – Defines "Determinations and Findings" as a formal written approval and detailed justification required as a prerequisite for certain contract actions, including the method of procurement, contract type selection, contractor selection, and the 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 Chapter 13 1304.1** - A notice of intent to award a sole source contract shall be published on the Departments' web site for at least ten (10) days prior to contract award if the estimated price is over five thousand dollars ($5,000).

- **27 DCMR § 4700+ and specifically § 4715** – Establishes BOA rules and authorizes extensions beyond five years when the Chief Procurement Officer provides written justification.

2. MINIMUM NEED:

The Government of the District of Columbia, acting by and through its Department of General Services (the "Department" or "DGS"), requires continued authority to issue Power Purchase Agreements ("PPAs") competitively among existing Solar Basic Ordering Agreement ("BOA") holders while the Department completes the development of the new Solar Request for Qualifications ("RFQuals").

This extension is necessary to allow DGS to release 2–3 ready-to-issue solar PPA project bundles for competitive RFPPAP evaluation, to avoid a lapse in BOA authority that would halt solar development, delay site assessments, and prevent issuance of PPAs, and to ensure continued progress toward District-mandated on-site renewable energy and energy-reduction goals.

The BOA is the District's sole mechanism for competing PPA-based solar development. If the BOA expires before the new RFQuals is complete, DGS would be unable to solicit, evaluate, or award any solar PPAs. Therefore, extending the BOA beyond five years is required to maintain uninterrupted operational capability.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The BOA does not establish fixed pricing; instead, pricing is set competitively at the project level through the Request for Power Purchase Agreement Proposal ("RFPPAP") process. Each project is competed among BOA holders, who submit per-kWh PPA pricing and detailed cost proposals that must comply with applicable wage requirements. Proposed prices are evaluated for cost realism, technical merit, site-specific conditions, and projected energy-savings performance. Because pricing is determined entirely through this competitive process, extending the BOA does not affect pricing. Pricing remains fully competitive, and the District retains complete price control through ongoing project-level solicitation and evaluation.

4. FACTS WHICH JUSTIFY SOLE SOURCE EXTENSION BEYOND FIVE YEARS:

a) Delays Due to Legal and Statutory Requirements

Throughout the current BOA term, several projects were delayed because of statutory and regulatory issues that affected project readiness and slowed procurement actions. These delays were outside the Department's control and prevented the timely issuance of multiple planned solicitations. As a result, only two projects were able to be awarded over the five-year period, limiting the intended competitive opportunities for currently qualified BOA holders.

b) Need to Provide Fair Competitive Opportunity to Existing BOA Holders
Because these delays substantially reduced the number of projects released under the existing BOA, extending the term will allow the current BOA holders to receive the competitive opportunities originally contemplated under the RFQuals. A sole-source extension is the most appropriate means to restore fair and open competition among the prequalified pool of contractors for upcoming projects.

c) Operational Continuity and Immediate Project Requirements
Several new projects are ready for issuance and require competitive RFPPAP release to existing BOA contractors. Without an extension, DGS would lose authority to solicit, evaluate, and award PPAs, causing immediate delays, loss of interconnection queue positions, and jeopardizing federal incentive timelines and agency energy-reduction goals.

d) Preservation of Competition
The extension does not eliminate competition. All projects will continue to be openly competed among BOA holders through the RFPPAP process. The sole-source modification extends only the BOA eligibility vehicle necessary to maintain ongoing competition.

e) Need for Time to Complete the New RFQuals
The updated RFQuals is under development and must incorporate revised technical standards, updated interconnection requirements, and policy changes. It cannot be completed before the current BOA expires. Without an extension, the District would face a gap in procurement authority, halting solar project development and delaying program objectives.

f) Avoidance of Financial, Operational, and Strategic Harm
A lapse in the BOA would disrupt current project timelines, reduce competitive leverage, introduce multi-month delays, and risk the loss of viable project sites, scheduled roof access windows, and incentive opportunities.

g) Contractor Familiarity and Program Efficiency
The existing BOA contractors possess essential program knowledge, including familiarity with DGS standards, solar data system requirements, permitting and interconnection processes, and site-specific planning. Introducing new contractors

temporarily would require onboarding time, create inefficiencies, and further delay project deployment.

h) Explicit BOA Authority for Extension Beyond Five Years
The BOA expressly permits extension beyond five years when justified in writing by the Chief Procurement Officer. Given the legal-driven delays, limited award opportunities to date, ongoing project readiness, and the need to preserve competition and operational continuity, the conditions fully meet the threshold for a justified sole-source extension.

5. CERTIFICATION BY ASSOCIATE DIRECTOR, SUSTAINABILITY AND ENERGY DIVISION:

I hereby certify to the best of my knowledge and belief that all of my statements regarding service needs and operational urgency are true, correct, and complete. 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.

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Jen Croft Date
Associate Director

6. CERTIFICATION BY THE CONTRACT SPECIALIST:

I have reviewed the above findings and certify they justify the use of the sole-source method to extend the contract term beyond five years. The Department's Notice of Intent will be posted for at least ten days as required. 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.

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Karen J. Araujo Date
Senior Contract Specialist
Goods and Services Acquisition Unit

7. CERTIFICATION BY THE CONTRACTING OFFICER:

I have reviewed the findings supporting the proposed sole-source extension of the contract term beyond the five-year statutory and contractual limit. The justification presented is clear, well-supported, and consistent with the requirements of Title 27, Chapter 47 of the DCMR and D.C. Official Code § 2-354.04 governing noncompetitive procurement actions.

The Department's Notice of Intent to execute this extension was properly published for the required period, and no objections or protests were received. Based on the evidence provided, extending the contract term is the only practicable method to ensure continuity of services, prevent operational disruption, and protect the District's best interests.

I certify that the legal and regulatory conditions for approving a sole-source extension beyond five years have been fully satisfied and recommend the action for approval by the Chief Procurement Officer.

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Kianna Shepherd Date
Contracting Officer, Supervisory Contract Specialist
Goods and Services Acquisition Unit

DETERMINATION

In my official capacity as the Chief Procurement Officer for DGS, I have reviewed the findings and Contracting Officer's certification supporting the sole-source extension beyond five years. The justification meets all requirements of D.C. Official Code § 2-354.04 and Title 27 of the DCMR, and the Notice of Intent was properly published with no objections received.

I hereby authorize the sole-source extension of the contract term beyond the five-year limit as the necessary and appropriate method to ensure continued development of solar power generation system projects.

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Dr. Jacque McDonald, NIGP-CPP, CPPO, CPPB Date
Associate Director, Contracts and Procurement
Chief Procurement Officer