

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES



**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

Purchasing Agency: Department of General Services
User Agency: The Office of Cable Television, Film, Music and Entertainment (“OCTFME”)

Caption: Design/Build Services Upgrade to the Existing HVAC and Emergency Power Systems at the Office of Cable Television, Film, Music and Entertainment (OCTFME)

Proposed Contractor: Broughton Construction Company, Inc. (“Broughton”)

FINDINGS

1. AUTHORIZATION:

D.C. Code Section 2-354.04 and DCMR 47, Section 4718

2. MINIMUM NEED:

The Department of General Services (DGS) has an immediate need to upgrade the existing emergency power system to ensure uninterrupted power to the OCTFME broadcast Facility. This project includes two phases. Phase 1 is the modification and upgrade of the HVAC, which was successfully completed in 2018. The required work under this sole source procurement represents Phase 2 of the project.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The estimated fair and reasonable price for the construction services for Phase 2 of the project is approximately \$950,000.00.

4. FACTS WHICH JUSTIFY A SOLE SOURCE PROCUREMENT:

In October, 2017, Broughton was competitively awarded Design-Build Contract No. DCAM-17-CS-0059 to upgrade the existing HVAC and Emergency Power Systems at

OCTFME, located at 1899 9th NE. Broughton completed over 65% of the Design Services as required by the contract documents. The contract's scope of work was reduced to eliminate the Power Infrastructure component in line with the available budget. The HVAC Infrastructure component of the 65% Design Set was developed to 100%, permitted and constructed with the reduced and available fund as Phase 1 of the Project. OCTFME agreed to fund the balance of the work and specifically the Power Infrastructure work as Phase 2.

In FY19, OCTFME transferred an additional \$1 Million to the Project Budget and identified the need to complete the outstanding work. Specifically, during Phase 2 of the project, Broughton shall:

- Update and develop the construction documents and specifications for the Modification and Upgrade of the existing Power Infrastructure;
- Ensure the construction documents and specifications reflect OCTFME's current operating and control systems including the recently completed HVAC work in Phase 1.

It is requested that Broughton, the Design-Builder of record for the Phase 1 work, provide the additional required design-build services for Phase 2 of the Project due to the following reasons:

- Broughton possesses the most recent knowledge of the facility building components, as-built conditions, drawings and specifications;
- Broughton possesses an intimate knowledge of the OCTFME Facility infrastructure, layout and the relationship the Phased Modification and Upgrades;
- Broughton has the most current comprehensive knowledge of the building's utility system including where valves and other devices are located that require access for this new work, tie-ins to utility services and particularly the HVAC and Power Infrastructure.

It is also anticipated that Broughton's unique knowledge of the OCTFME building will also translate to an accurate pricing and scheduling of the work to minimize disruptions to the Facility and Agency operations.

Based on the above facts, it is in the best interest of the District to maintain Broughton, the Design-Build Contractor for Phase 1, to perform the required design-build services in Phase 2. This continuity in the phased work ensures compliance with the OCTFME Facility systems, standards and applicable safety codes, and seamless Agency operational workflow.

5. CERTIFICATION BY THE DEPUTY DIRECTOR OF CAPITAL CONSTRUCTION SERVICES:

I hereby certify that the above findings are correct and complete.

Date

Paul Blackman Jnr.
Deputy Director
DGS - Capital Construction Services

6. CERTIFICATION BY THE CONTRACTING OFFICER OF CONSTRUCTION SERVICES:

I have reviewed the above findings and certify that they are sufficient to justify the use of the single available source method of procurement under the cited authority. I certify that the notice of intent to award a sole source procurement action was published in accordance with 27 DCMR 4718 and that no response was received. I recommend that the Department of General Services, Chief Procurement Officer approve the use of the sole source procurement method for this proposed procurement action.

Date

Franklin Austin
Contracting Officer, DGS

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive solicitation process under either Section 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-354.02 or 2-354.03). Accordingly, I determine that the District is justified in using the sole source method of procurement.

Date

George G. Lewis, CPPO
DGS Chief Procurement Officer