

**DETERMINATION & FINDINGS  
FOR  
SOLE SOURCE PROCUREMENT**

**Agency:** Department of General Services  
**Contract No.:** DCAM-20-CS-RFQ-00010  
**Caption:** Kelly Miller Pool House ADA Upgrades  
**Contractor:** Capital Construction Group

**FINDINGS**

**1. AUTHORIZATION:**

D.C. Code Section 2-354.04 and DCMR 27, Section 4718.

**2. MINIMUM NEED:**

The Department of General Services (the “Department” or “DGS”) on behalf of Department of Parks and Recreation (“DPR”), executed task order agreement (“Task order Agreement”) No. 3 under IDIQ Contract No. DCAM-20-CS-00010 (the “Contract”) with Capital Construction Group (the “Contractor”) on September 23, 2021 for Kelly Miller Pool House ADA Upgrades, located at 4900 Brooks Street, NE, Washington, DC 20019 (the “Project”).

The Task order Agreement included December 13, 2021 as the Substantial completion Date and January 4, 2022 as the Final Completion Date which have both expired. The Administrative Date will expire on February 28, 2023. In order to complete the punch list portion of the Project timely, a sole sourced Task Order Agreement shall be awarded to Capital Construction Group to allow them to complete the final installation of the drinking fountain, exterior wall lights and survey the exterior roadway to facilitate future ADA upgrades.

The Department would like to issue a sole source contract to Capital Construction Group to complete the remaining work located at 4900 Brooks Street, NE, Washington, DC 20019 (the “Project”). The lump sum price of the Contract amount will be \$28,125.00.

### **3. ESTIMATED FAIR AND REASONABLE PRICE:**

The estimated fair and reasonable price is \$28,125.00. This is the balance of the work to be completed under the sole sourced Contract or Task Order Agreement.

### **4. BACKGROUND AND AWARD PROCESS:**

The Department competitively awarded Task Order Agreement No. 3 under IDIQ Contract No. DCAM-20-CS-0001O (the “Contract”) to Capital Construction Group on September 23, 2021 for Kelly Miller Pool House ADA Upgrades, located at 4900 Brooks Street, NE, Washington, DC 20019 (the “Project”).

In accordance with the process that was conducted in strict adherence to the DC Code, the Contracting Officer determined that the bid submitted by Capital Construction Group was the lowest responsive and the most advantageous to the District. It was further determined that the contractor was responsible and that the proposed pricing was fair and reasonable and awarded the Contract.

### **5. FACTS WHICH JUSTIFY A SOLE SOURCE PROCUREMENT:**

The underlying Task order Agreement No. 3 under IDIQ Contract No. DCAM-20-CS-0001O (the “Contract”) included December 13, 2021 as the Substantial completion Date and January 4, 2022 as the Final Completion Date which have both expired. The Administrative Date will expire on February 28, 2023. In order to complete the Project timely, a sole sourced Task Order Agreement to be awarded to Capital Construction Group to allow compete the final installation of the drinking fountain, exterior wall lights and survey the exterior roadway to facilitate future ADA upgrades.

Given the importance of this Project, the Contractor’s effort on the remaining Project work, their experience and knowledge capable of providing the Department with the level of confidence required to successfully deliver the Project on time with accurate pricing, it is in the best interest of the District to award this Contract on a sole source basis to Capital Construction Group due to contract expiration, to reengage Capital Construction Group, avoid further delays and complete the Project correctly, expeditiously, and in a cost-effective manner.

The scope of the Kelly Miller Pool House ADA project included the construction of new ADA compliant shower stalls, re-configuring the bathrooms to be ADA compliant, replacing doors and hardware and lowering the check in countertops for DPR, the client agency. Those required changes were accomplished within the original scope of the Kelly Miller Pool House ADA Upgrades Project. The new work consists of a site survey, which is a necessary step in getting pertinent topography information about the driveway in front of the pool house in order to add ADA parking spots and make the site accessible for wheelchair users. The driveway needs to be widened to a distance that complies with ADA codes and a site survey allows us to determine how much space we can actually use onsite. A new ADA water fountain and upgrades to the existing wiring for it is necessary for the water fountain to work properly. The condition of the existing wiring and the need for a new ADA fountain compatible with the upgraded wiring was not known at the time the original contract was awarded. We’re also upgrading the exterior lighting to be ADA compliant by relocating them up above 7’ per code since they are currently below 7’ and protruding into the walking space. This requires wiring and conduit to be moved. They also need to be 4” in depth from the wall so new fixtures are required per 2010 ADA code 307.2.

Since Capital Construction Group (CCG) had constructed the rest of the upgrades and are aware of the requirements needed to make a quick and successful installation, Capital Construction Services Division (“CCD”) requests that a sole source be awarded to Capital Construction Group to complete the project correctly, expeditiously, and in a cost-effective manner. The recommendation is based on the following points:

- Capital Construction Group completed the initial work for the Kelly Miller Pool House ADA Upgrades Project via Task Order No. 3 to DCAM-20-CS-0001O, but the Final Completion date expired on January 4, 2022.
- Capital Construction Group is the only responsible source qualified to produce and satisfy the requirements for the installation of the required drinking fountain.
- There is a substantial cost and schedule risk in the procurement of any other Contractor, as the additional scope, cost and schedule for the work have already been negotiated with Capital Construction Group. Consequently, an open competition bid constitutes an unacceptable course of action.
- There is substantial technical risk to the project in contracting with another contractor, given the depth of CCG’s current involvement, as well as their extensive understanding of the project scope. Consequently, procuring another contractor constitutes an unacceptable course of action.

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- Assigning CCG this work via a sole source procurement is overall the most cost-effective course of action, given their ability to produce work in line with the original baseline scope.
- The current permit to install the remaining work is scheduled to expire on March 31, 2023.

Based on the above findings and given the importance of this Project, the Contractor’s effort on the remaining Project work, their experience and knowledge capable of providing the Department with the level of confidence required to successfully deliver the Project on time with accurate pricing, it is in the best interest of the District to award this Contract on a sole source basis to Capital Construction Group due to Final Completion date expiration, to reengage Capital Construction Group, avoid further delays and complete the Project correctly, expeditiously, and in a cost-effective manner.

**6. CERTIFICATION BY THE DEPUTY DIRECTOR OF CAPITAL CONSTRUCTION SERVICES:**

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

  
\_\_\_\_\_  
**Tiffany Barthwell Moore**  
Deputy Director  
Capital Construction Services

\_\_\_\_\_  
Date

**7. CERTIFICATION BY CONTRACTING OFFICER:**

I have reviewed the above findings and certify the findings are true, correct and complete to the best of my knowledge.

\_\_\_\_\_  
**Obaidullah (Obi) Ranjbar**  
Contracting Officer  
Contract & Procurement

\_\_\_\_\_  
Date

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### 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.

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**George G. Lewis, CPPO**  
Chief Procurement Officer  
Chief of Contracts & Procurement

\_\_\_\_\_  
Date