

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

Purchasing Agency: Department of General Services
Capital Construction Division
User Agency: Department of Human Services
Caption: A/E Services Buildout Unity Healthcare – Ward 6
Short Term Family Housing Facility
Proposed Contractor: Studio 27 Architects
Proposed Contract No.: DCAM-20-AE-SS-0014

FINDINGS

1. AUTHORITY:

D.C. Official Code §2-354.04 and Title 27 DCMR Section 4718.1

2. MINIMUM NEED:

The Department of General Services (DGS) on behalf of the Department of Human Services (DHS) has an immediate need to complete the design of the Unity Health Care's Southwest Health Center to be located at the District's Ward 6 Short Term Family Housing facility.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The estimated fair and reasonable price to provide the required services is \$208,814.78.

4. FACTS WHICH JUSTIFY A SOLE SOURCE PROCUREMENT:

In September of 2017, the Unity Health Care Southwest Health Center was re-located from 850 Delaware Avenue to 555 L Street in northeast DC to permit the construction of the District's Ward 6 Short Term Family Housing facility at the 850 Delaware Avenue location.

Studio 27 Architects was selected through a competitive procurement to provide the A/E services for the Ward 6 short term family housing facility. As such, Studio 27 is the architect of record for the Ward 6 Short Term Family Housing facility.

The Unity Health Clinic will be located in the basement floor of the Ward 6 STFH facility. Studio 27's intimate knowledge of the facility, the systems that have been design and the process in which they have been installed provides for greater opportunity for time savings in design, facility assessment and systems integration. As a follow-on contract for the continued development of the Ward 6 STFH site and it is likely that award to any other source would result in a substantial duplication of cost to the Government that is not expected to be recovered through competition; or unacceptable delays in fulfilling the agency's requirements.

5. CERTIFICATION BY DEPUTY DIRECTOR CAPITAL CONSTRUCTION DIVISION:

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

Paul Blackman
Deputy Director
Capital Construction Division

Date

6. CERTIFICATION BY CONTRACT SPECIALIST

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that the notice of intent to award a sole source contract 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 ____ response was received. I recommend that the Chief Contracting Officer approve the use of the sole source procurement method to meet the District's minimum need.

James H. Marshall
Senior Contract Specialist

Date

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.

George G. Lewis, CPPO
Chief Contracting Officer

Date

STATEMENT OF WORK

UNITY HEALTH CLINIC
850 Delaware Avenue, SW, Washington DC

B.1 SCOPE OF WORK

In general, the A/E firm shall provide a full range of architectural and engineering services necessary for the renovation of the basement of 850 Delaware Ave. to support the Unity Health clinic. Including the engagement of the necessary geotechnical consultants and other sub-specialties as deemed necessary for the Project and as approved by the Department to assess the site conditions.

B.2 PROGRAMMING & CONCEPT DESIGN PHASE

B.2.1 SERVICES: The first phase of the project shall include program development for the preparation of Construction Documents (CDs). The CDs shall be developed in contemplation of Unity Health's program. During this phase, the A/E firm shall complete the following tasks:

- a. Conduct meetings with Unity Health, DHS and DGS representatives to develop a program that can be accommodate the existing condition and space allocated for the clinic at 850 Delaware Ave.
- b. Verify facility requirements on a space-by-space basis.
- c. Conduct life safety/building code analysis to verify compliance of design with all current applicable codes recently adopted and/or adopted by Washington, DC, including the 2013 District of Columbia Building Code, the 2013 District of Columbia Green Construction Code, the 2013 District of Columbia Energy Conservation Code, the 2013 District of Columbia Fire Code, the 2013 District of Columbia Mechanical Code, and the 2013 District of Columbia Plumbing Code.
- d. Participate in Value Engineering workshops, as required, with Unity Health, DHS and DGS representatives, and Contractor selected by the Department if necessary.
- e. Prepare and submit a preliminary master schedule and an independent construction cost estimate.
- f. Survey existing facility to confirm special relations ships
- g. Request and receive hydrant flow test.
- h. Perform a minimum of three alternative mechanical systems evaluation and recommend selection.
- i. Confirm with the Unity Health, DHS and DGS representatives/consultants to verify technological requirements for the Project.
- j. Meet with Unity Health, DHS and DGS to develop Fixture Furniture & Equipment specifications for long lead items.

B.2.2 DELIVERABLES: During this phase, the A/E firm shall prepare and submit to the Department the below-listed deliverables. All such deliverables shall be subject to review and approval by the Department, and the A/E firm's pricing shall assume that revisions may be required to these documents to address concerns raised by the Department and/or other Project' stakeholders.

- a. Survey of existing conditions

- b. Flow Test Results
- c. Plan-to-Program Comparison (Plan-to-Program Test Fit)
- d. Record of Accepted Value Engineering Strategies
- e. Architectural Concept Development
 - i. floor plans and massing diagrams
 - ii. Preliminary cost estimates
 - iii. Project schedule (design and Construction)
- f. Meeting minutes of standing project meetings and Design Review Meetings
- g. Construction Cost Estimate
- h. Division 1 Specifications
- i. Fixture Furniture & Equipment list of long lead items

B.3 SCHEMATIC DESIGN PHASE

During this phase, the A/E firm shall develop SDs that meet Unity Health Specifications as determined during the programming and concept phase and the Department's schedules and budget requirements for the Project, (*i.e.* designed to budget). The SDs shall contain such detail as is typically required for schematic design under the standard AIA contract.

B.3.1 SERVICES: In general, the A/E shall complete the following tasks during this phase:

- a. Further develop conceptual plans and incorporate design changes. Interior elevations shall be produced and materials shall be explored and presented to Unity Health, DHS and DGS for initial feedback.
- b. Prepare necessary presentation materials (renderings) to communicate design intent and obtain approval of design direction.
- c. Submit an early estimate for the renovation with a magnitude of error of Not to exceed +/- 10% of the Project hard cost budget.
- d. Conduct DOEE, DCRA, DDOT and DC Water Preliminary Design Review meetings.
- e. If it is necessary for the Project early inquiry with Public Utility Companies PEPCO and Washington Gas as well as Verizon should be conducted.
- f. Completed Division 1 Specification

B.3.2 DELIVERABLES: During this phase, the A/E firm shall prepare and submit to the following deliverables for Department's review approval. The A/E firm shall provide revisions as necessary to these documents to address concerns raised by the Department and/or other Project stakeholders.

- a. Digital floor plans including FF&E
- b. Preliminary interior elevations, sections, and preliminary material selections
- c. Plan-to-Program Comparison (Plan-to-Program Test Fit)
- d. Design Narrative
- e. Updated schedule and construction cost estimate
- f. If Value Engineering is necessary (in particular for the HVAC System selection) it should be executed at this stage of the design submission with all the stake holders.
- g. Meeting minutes of standing project meetings and Design Review Meetings

B.4 DESIGN DEVELOPMENT PHASE:

During this phase, the A/E firm shall progress the SDs into DDs. The DDs shall represent the logical development of the approved SDs any oral or written feedback provided by the Department, and shall be advanced in a manner consistent with the Department's budget for the Project. It is anticipated that such DDs will serve as the basis of a GMPs which is to be provided by the Contractors, selected by the Department, for the Project. As such, the DDs will require a greater level of detail than is typically required in DDs, and in particular, the Department will expect a greater level of detail with regard to Architectural, Structural, MEP, and Fire Suppression System designs. Throughout the design development phase, the A/E shall work with the CMAR Contractors, and at a minimum, shall meet with the CMAR Contractors twice a month to discuss the status of the design, any key issues, and the level of detail required in the DDs in order to allow for accurate pricing by trade subcontractors. A complete set of coordinated drawings between each discipline is expected to be submitted at this stage of the Design Phase.

B.4.1 SERVICES: The specific services required during this phase are:

- a. Select and draft specifications for materials, systems, and equipment.
- b. Develop detailed and dimensioned plans, wall sections, interior sections and elevations, and construction schedules. In addition to floor plans, reflected ceiling plans, and furniture/millwork plans shall also be included. Interior materials shall be finalized.
- c. Complete code compliance analysis and drawing.
- d. Confirm space-by-space equipment layouts with Unity Health, DHS and DGS representatives.
- e. Coordinate furniture, fixtures, and equipment requirements.
- f. Conduct follow up meetings with review agencies as required.
- g. Conduct a final presentation and feedback session with Unity Health, DHS and DGS for final sign-off.
- h. Provide a progress set of drawings and a design presentation to Unity Health, DHS and DGS at 50% DDs
- i. Prepare, and submit applications, and load calculations for the utility connections (Including Gas, Water, Electric, Storm Water, Sewer, and Fire Sprinkler lines).

B.4.2 DELIVERABLES: During this phase, the A/E firm shall prepare and submit the following deliverables for Department's review and approval. The A/E firm shall provide revisions as necessary to these documents to address concerns raised by the Department and/or other project stakeholders.

- a. 35% (minimum progress) documents for all technical disciplines, drawings, specs, and MEP calculations
- b. 50% design development progress printing
- c. A reconciliation report that addresses issues raised by the Contractor as a result of the 50% progress printing.
- d. Submit the A/E's second estimate for the Hard Cost of the Project with a Maximum +/- 5% of the applicable Project' budgets
- e. Plan-to-Program Comparison (Plan-to-Program Test Fit)
- f. Meeting minutes of standing project meetings and Design Review Meetings
- g. Updated schedule and construction cost estimate

Following the Department's review and approval of the DDs, the CMAR Contractors will solicit bids from trade subcontractors based on these documents. The A/E firm shall respond to RFIs and provide ASIs

during such bidding process without additional cost to the Department or the CMAR Contractors. Based upon the trade pricing received by the CMAR Contractors, the A/E firm shall engage in additional value engineering efforts to return the Project to budget. The design development phase shall not be considered complete unless and until GMPs for the Project is agreed upon.

B.5 PERMIT SET

B.5.1 SERVICES: The A/E shall develop a set of documents for permitting Permit Set. The Permit Set shall represent the further progression of the approved DDs together with any value engineering strategies approved by the Department. The Permit Set shall be construction documents progressed to approximately 75% completion of those required in a traditional Design/Bid/Build delivery method; however, the Permit Set shall nevertheless be code compliant and permit ready, with all major systems sufficiently designed, detailed, specified, coordinated, and developed.

B.5.2 DELIVERABLES: During this phase, the A/E firm shall prepare and submit the following deliverables for Department's review and approval. The A/E firm shall provide revisions as necessary to these documents to address concerns raised by the Department and/or other Project' stakeholders.

- a. Prepare detailed and coordinated drawings and specifications to be included in the Permit Set.
- b. Prepare application and submit documents for building permit.
- c. Upload all documents to DCRA's permit document review website in accordance with their instructions.
- d. Prepare and submit early release packages for permitting, if required, based on the design.
- e. Prepare and submit DC Water permit application packages (all permit types that may be required) and DOEE Storm Water Management and Green Area Ratio packages for review and approval.

The A/E firm shall incorporate into the Permit Set the design requirements of governmental authorities having jurisdiction over the Project. In addition, the A/E shall (a) define, clarify, or complete the concepts and information contained in the Permit Set; (b) correct design errors or omissions, ambiguities, and inconsistencies in the Permit Set (whether found prior to or during the course of construction); and (c) correct any failure of the A/E to follow written instructions of the Department during any phase of design services or the construction of the Project provided they are compatible with industry standards.

B.6 ISSUE FOR CONSTRUCTION (IFC) DOCUMENTS

Upon review and approval of the Permit Set, the CMAR Contractors will construct the renovation work. The A/E firm shall provide such additional design services as are requested by the Contractor, including, but not limited to, the preparation of more developed CDs, if requested, and the provision of construction administration services.

B.6.1 CONSTRUCTION DOCUMENTS: The A/E firm shall develop an IFC" Set for comments. The IFC Set shall represent the further progression of the approved Permit Set together with any value engineering strategies approved by the Department. The IFC Set shall be progressed to One Hundred Percent (100%) completion of those required in a traditional Design/Bid/Build delivery method. The CDs shall be coordinated and shall contain at a minimum the level of detail typically required for CDs under the AIA Best Practices. The A/E shall respond to and revise the CDs as may be necessary in order to address any concerns raised by the code official. Additionally, the A/E and DGS shall agree on appropriate conference

or industry publication to present/profile the project, awards to apply for and architect to prepare submissions for DGS.

B.7 BIDDING AND CONSTRUCTION ADMINISTRATION SERVICES

B.7.1 BIDDING: The A/E firm shall provide support to the CMAR Contractors and the Department as necessary to support the bidding of trade subcontracts. These services shall include, but are not necessarily limited to:

- a. Assist Contractors with distribution of documents, as needed.
- b. Consider and evaluate requests for substitutions.
- c. Respond to bidding questions and issue clarifications and requests for substitutions, as needed.
- d. Prepare and issue bidding phase addenda.

B.7.2 CONSTRUCTION ADMINISTRATION: The A/E firm shall provide support to the Department as may be necessary to support the construction phases of the Project. These services shall include, but are not necessarily limited to:

- a. Attend weekly progress meetings. A/E firms' site visits are included in the Design Fees.
- b. Review and process shop drawing submissions, RFI's, etc.
- c. Prepare meeting notes and records of decisions/changes made.
- d. Conduct pre-closeout inspections.
- e. Review closeout documents for completeness, such as As-Built Drawings based on the Contractor's red line drawings and/or coordinated set developed during the subcontractor coordination process. As-Built Drawings shall be transmitted to DGS in hard copy, PDF and CAD formats.

B.7.2.1 DELIVERABLES: In addition, the A/E shall provide the following deliverables during this phase:

- a. Meeting minutes.
- b. RFI Responses
- c. ASI's and/or other clarification documents.
- d. Punch lists.
- e. Closeout document review comments.
- f. As-Built Drawings

B.8 KEY PERSONNEL

In its proposal, the Offerors shall identify their key personnel. Key personnel shall include, at a minimum, the following individuals: (i) the Design Principal; (ii) the Project Architect; (iii) the Project Designer; (iv) the key MEP engineers; and (v) the key structural engineers. **The A/E shall not be permitted to reassign any of the key personnel unless the Department approves the proposed reassignment and the proposed replacement.** The key personnel specified in the contract are considered to be essential to the work being performed hereunder. Prior to diverting any of the specified key personnel for any reason, the Contractor shall notify the CO at least thirty (30) calendar days in advance and shall submit justification, including proposed substitutions, in sufficient detail to permit



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evaluation of the impact upon the contract. The Contractor shall obtain written approval of the CO for any proposed substitution of key personnel.

B.9 LICENSING, ACCREDITATION AND REGISTRATION

The A/E and all of its subcontractors and sub-consultants (regardless of tier) shall comply with all applicable District of Columbia, state, and federal licensing, accreditation, and registration requirements and standards necessary for the performance of the contract. Without limiting the generality of the foregoing, all drawings shall be signed and sealed by a professional architect or engineer licensed in the District of Columbia.

B.10 CONFORMANCE WITH LAWS

It shall be the responsibility of the A/E firm to perform under the contract in conformance with the applicable federal and District laws, codes, ordinances, regulations, rules, requirements, orders, and policies of governmental bodies including the following:

B.10.1 SERVICE CONTRACT ACT: The A/E firm agrees that the work performed under this Agreement shall be subject to the Service Contract Act Wage Determination in effect on the date this agreement is executed. Service Contract Wage Schedules are available at wdol.gov

B.10.2 FIRST SOURCE EMPLOYMENT AGREEMENT: The A/E firm shall ensure that at least fifty-one percent (51%) of each firm and every sub consultant's and subcontractor's employees hired after the effective date of the Agreement, or after such subconsultant or subcontractor enters into a contract with each A/E, to work on the Project shall be residents of the District of Columbia. This percentage shall be applied in the aggregate, and not trade by trade. In addition, the A/E shall use commercially reasonable best efforts to comply with the workforce percentage goals established by the recently adopted amendments to the First Source Employment Agreement Act of 1984 (D.C. Code §§ 2-219.01 *et seq.*) and any implementing regulations.



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B.10.3 LIVING WAGE ACT: In addition to the requirements set forth in the First Source Employment Agreement, the A/E shall comply with all applicable provisions of the Living Wage Act of 2006, **Attachment K**, as amended (codified at D.C. Official Code §§ 2-220.01 et seq.) and its implementing regulations.

B.10.4 EQUAL EMPLOYMENT OPPORTUNITY (EEO): The A/E firm shall comply with applicable laws, regulations and special requirements of the Contract Documents regarding equal employment opportunity and affirmative action programs. In accordance with the District of Columbia Administrative Issuance System, Mayor's Order 85-85 dated June 10, 1985, the forms for completion of the Equal Employment Opportunity Information Report are incorporated herein as **Attachment M**. A contract award cannot be made to any contractor that has not satisfied the equal employment requirements.

B.11 STANDARD CONTRACT PROVISIONS

The Department of General Services General Provisions Standard Contract Provisions Architects and Engineers Contracts (**Attachment G**) are applicable to this procurement. The revised Standard Contract Provisions will be issued via Addendum.

B.12 SUBSTANTIAL COMPLETION

Time is of the essence with respect to the contract. The Project must be substantially complete by January 15, 2021.