

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES



Contracts & Procurement

**DETERMINATION AND FINDINGS
FOR
EMERGENCY PROCUREMENT**

Agency: Department of General Services (the “Department” or “DGS”)
Contract: DCAM-19-NC-EM-0017
Caption: City-wide HVAC Control Systems Access and Monitoring Modems/DA Tank at DC General/Cooling Towers (Emery Elementary School & Sharpe Health School)
Contractor: Adrian L. Merton Incorporated

FINDINGS

1. AUTHORIZATION:

Chapter 47 of title 27 of the DCMR Section 4719 and PPRA Sec. 405 (d); *Emergency Procurements*.

2. MINIMUM NEED:

The Department of General Services (DGS) has an immediate need for Adrian L. Merton to continue providing city-wide comprehensive HVAC and related supplemental services for District owned and operated facilities City-wide including rental of equipment (except as otherwise provided) to ensure effective performance of HVAC and related services at the specified District owned and operated City-wide facilities for a period of no more than 120-days in accordance with Chapter 47 of title 27 of the DCMR Section 4719 and PPRA Sec. 405 (d); *Emergency Procurements*.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The estimated fair and reasonable price for Services is \$200,113.71.

4. FACTS WHICH JUSTIFY AN EMERGENCY PROCUREMENT:

In accordance with the D.C. Official Code §2-354.05 and 27 DCMR 4719, the purpose of this emergency contract is to prevent the threat to public health, welfare and property. In addition, to prevent a disruption of the daily operations at specified District owned and operated facilities City-wide. It is the mission and the responsibility of the Department of General Services to provide HVAC services to District Government owned and occupied

facilities. (D.C. Code § 10-551.01(b) (4), *The Department of General Services Establishment Act of 2011*.)

The continuation of uninterrupted comprehensive HVAC and related services is required while the new solicitation for these services are procured. To prevent serious disruption in the operations of multiple District agency tenants, a maximum 120-day contract term with the current Contractor is required due to the following:

- DA Tank at DC General – this equipment provides filtration to DC General Boiler. Failure to continue this service will have drastic impact on the equipment, causing the boilers to overheat. DGS is currently renting this equipment with the contractor and if services are suspended, DGS will incur the risk of the cost of demolition, crane, and rigging for removal and a replacement, which has a firm potential of exceeding 700k in associated costs. The cost to continue services from April 1 to Sept 30, 2019 is **\$103,800**, which is substantially lower than the risk of removal.
- Cooling Tower at Emery Elementary School – this service provides cooling services for elementary school children and staff. Continuance of service is a high priority given the shift from winter to spring and summer months. The cost to continue services for the remainder of the cooling season from April 1 to Sept 30, 2019 is **\$32,540**.
- Cooling Tower at Sharpe Health School – this service provides cooling services for school children and staff. Continuance of service is a high priority given the shift from winter to spring and summer months. The cost to continue services for the remainder of the cooling season from April 1 to Sept 30, 2019 is **\$32,540**.
- Modems for Control Systems – this service is vital as it provides global access for accurate temperature readings to prevent incorrect heating/cooling gauge resets for each HVAC system. Should this service discontinue, engineers will not be able to remotely troubleshoot HVAC systems. Inability to monitor set point movements for each unit will hinder and delay response time. The cost to continue services from April 1 to Sept 30, 2019 is **\$31,233.71**.

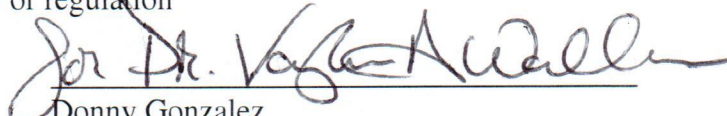
The Contractor referenced above is the only vendor who can meet the District's minimum need without disruption of services at this time and the estimated cost to the District for the 120-day term is fair and reasonable based on DGS' historical data on similar services.

A competitive procurement process is not practical under these circumstances and a new contract could not be competitively bid and awarded in time to have a city-wide HVAC service contract in place to provide services prior to the expiration of the incumbent contract. As previously stated failure to continue with services or any disruption of the daily operations would quickly create unhealthy and potentially life-threatening conditions for District government employees and the public.

5. CERTIFICATION BY THE DEPUTY DIRECTOR OF FACILITIES MANAGEMENT DIVISION:

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

4/1/19
Date


Donny Gonzalez
Deputy Director of Facilities Management Division

6. CERTIFICATION BY THE CONTRACT SPECIALIST | CONTRACTS & PROCUREMENT DIVISION:

I have reviewed the above findings and certify that they are sufficient to justify the use of the emergency procurement method to award the captioned contract to Adrian L. Merton. In addition, please be advised that the Department's notice of the captioned emergency contract must be posted on the Department's website no more than seven (7) days after the contract is awarded. Given the foregoing, I recommend that the Department of General Services' Chief Contracting Officer approve the use of the emergency procurement method for this proposed procurement action.

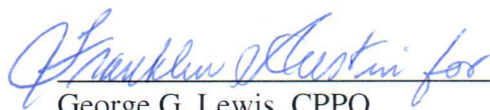
4/1/2019
Date


Domonique L. Banks
Contract Specialist/Contracting Officer
Goods & Services

6. CERTIFICATION AND DETERMINATION OF FINDINGS BY THE CHIEF CONTRACTING OFFICER:

I have reviewed the above findings and certify that they are sufficient to justify the use of the emergency procurement method under the cited authority. I certify that the emergency procurement notice of contract award will be published in accordance with Section 405(f) of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Official Code §2-354.05). In conclusion, the Department of General Services (DGS), Chief Contracting Officer approves the use of the Emergency Procurement method as the only viable method of procurement to prevent serious disruption of comprehensive HVAC services for the Districts owned and operated facilities City-wide.

4/1/2019
Date


George G. Lewis, CPPO
Chief Contracting Officer and Associate Director
Contracts & Procurement