

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF GENERAL SERVICES



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Contracts and Procurement

**DETERMINATION & FINDINGS  
FOR  
SOLE SOURCE PROCUREMENT**

**Purchasing Agency:** Department of General Services  
**User Division:** Facilities Management Division  
**Caption:** Operation, Maintenance and Repair of Emergency Power Support Systems (Generators) for DYRS Facilities  
**Proposed Contractor:** Covenant Development Company, Inc.

**FINDINGS**

**1. AUTHORIZATION:**

D.C. Official Code §2-354.04 Sole Source Procurement; 27 DCMR 4718 | Chapter 47, Title 27 DCMR – Section 4718.

**2. MINIMUM NEED:**

The Department of General Services (DGS) has an immediate need for Covenant Development Company to continue to provide Operation, Maintenance and Repair of *Emergency Power Support Systems* (Generators) at DYRS facilities located at 1000 Mt. Olivet Road Washington, DC and 8400 River Road Laurel Maryland in accordance with Chapter 47 of title 27 of the DCMR Section 4718.

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

The estimated fair and reasonable annual cost for the Base Year and each additional Option Year are as follows:

Base Year	\$100,000.00
Option Year One (OY1)	\$100,000.00
Option Year Two (OY2)	\$100,000.00
Option Year Three (OY3)	\$100,000.00
Option Year Four (OY4)	\$100,000.00

**4. FACTS WHICH JUSTIFY THE CONTRACTOR RESPONSIBLE:**

The purpose of this Sole Source Contract is to ensure emergency and standby power (generators) are available to residents, faculty and staff at both DYRS facilities and to maintain compliance with the standing *Jerry M., et al. v. District of Columbia, 1985-CA-1519* (Superior Court of the District of Columbia) settlement agreement. Maintaining emergency power support systems is critical in ensuring operations and life safety; therefore, mandatory for the Department of General Services. It is the mission and the responsibility of the Department of General Services to provide building and grounds services for facilities owned and occupied by the District of Columbia Government (D.C. Code § 10-551.01(b) (4), *The Department of General Services Establishment Act of 2011.*)

A competitive procurement process was not practical due to the ongoing settlement agreement in *Jerry M., et al. v. District of Columbia, 1985-CA-1519* (Superior Court of the District of Columbia) and thereby the continuity of services is mandated by court order. Under these circumstances it is not advantageous to the District to award a contract under the competitive process. Covenant Development Company, Inc. has provided the required services over the last five (5) years. Failure to have Covenant Development Company, Inc. continue providing these services (emergency power support systems/generators) could potentially create an unnecessary risk brought on by a less experienced contractor who is unfamiliar with the importance and mandatory court compliance requirements. Failure to meet all mandated inspection and reporting requirements could result in potentially unsafe environments and cause bodily harm to residents, staff and faculty of DYRS facilities and is a direct violation of the court order.

**1. CERTIFICATION BY THE FACILITIES SERVICES MANAGER:**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dr. Vaughn Wallace  
Senior Operations Manager

**5. CERTIFICATION BY CONTRACTING OFFICER:**

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, Associate Director/ Chief Contracting Officer

approve the use of the sole source procurement method for this proposed procurement action.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Franklin Austin,  
Contracting Officer  
Contracts & Procurement Division

### **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  
Chief Contracting Officer  
Associate Director, Contracts & Procurement Division