

**DETERMINATION AND FINDINGS
FOR
EMERGENCY PROCUREMENT**

Agency: Department of General Services (the “Department” or “DGS”)
Contract: DCAM-23-NC-EM-0036
Caption: Emergency Consolidated Maintenance Services for the Excel Academy
Contractor: MBB Affiliates, LLC (“MBB”)

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 MBB Affiliates, LLC to provide Emergency Consolidated Maintenance Services including operations, maintenance and repair services for the Excel Academy School located at 2501 Martin Luther King Jr. Ave S.E., Washington, D.C. 20020 for a period of up to 120-days.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The estimated fair and reasonable price is a total not-to-exceed amount of \$250,177.67 for basic services, plus a not-to-exceed amount of \$250,000.00 for cost reimbursement for a total not-to-exceed amount of \$500,177.67.

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 an unsafe environment with the risk to bodily harm. In addition, the services are required immediately, on an emergency basis to prevent a disruption of the daily operations at the Excel Academy School. It is the mission and the responsibility of the Department of General Services to provide safe and healthy facilities to all District owned and or operated buildings throughout the District as ordered under (D.C. Code § 10-551.01(b) (4), The Department of General Services Establishment Act of 2011.).

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1. The Department has determined that it is in the best interest of the District to continue services with the incumbent, MBB, under a temporary emergency contract, and MBB is the only vendor who can meet the District’s minimum need without a disruption of services at this time.
2. MBB, based on relevant past performance, capacity and references has the relevant technical experience, is uniquely positioned to ensure continuity of services with no disruption to the daily operational needs of the Excel Academy.
3. The estimated cost to the District for this temporary emergency period is fair and reasonable based on DGS’ historical data on similar services.
4. An emergency procurement is the most advantageous method to minimize disruption to overall facility operations; it ensures a continuation of service while the Department issues a Request for Proposal and goes through the competitive solicitation process and award for a base period and up to four one-year option periods and upon Council approval, if applicable.

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.

4/12/2023
Date

Donny Gonzalez
Donny Gonzalez
Deputy Director, Facilities Management Division

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6. CERTIFICATION BY THE CONTRACTING OFFICER:

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 MBB Affiliates, LLC. 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.

4/12/2023
Date

Domonique L. Banks
Supervisory Contract Specialist | Contracting Officer

DETERMINATION

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, as the Department of General Services (“DGS”), Chief Procurement Officer hereby approves the use of the Emergency Procurement method as the only viable method of procurement to provide the aforementioned immediate and emergency comprehensive, consolidated operations, maintenance, and repair type services for the Excel Academy Facility.

Date

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