



Contracts & Procurement

**DETERMINATION & FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

AGENCY: Department of General Services

CONTRACT NO.: DCAM-23-NC-SS-0007 (A&B)

CAPTION: Ventilation System Inspection, Testing and Maintenance Services for the District Department of Corrections

CONTRACTOR(S): Adrian L. Merton, Incorporated DCAM-23-NC-SS-0007A
Bailey Real Estate Holdings, LLC DCAM-23-NC-SS-0007B

FINDINGS

1. AUTHORIZATION:

Section 404 of the Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-354.04 (2011 Repl.)) (Act) and applicable provisions of 27 DCMR Chapter 13 1304.1, 1700, 1701, 2005.2(b) provide legal authority for the sole source procurement.

2. MINIMUM NEED:

The Department of General Services (“DGS” or the “Department”) has an immediate need for the aforementioned Contractors to provide Ventilation system Inspection, Testing and Maintenance Services for the Districts’ Department of Corrections (“DOC”) to implement and execute a routine ventilation system maintenance program at the DOC facilities with the aim of meeting manufacturers recommended maintenance requirements, maximizing equipment runtime, improving indoor air quality in congregate settings to reduce the transmission of COVID-19 and other contaminants, reducing carbon emissions, and increasing energy/equipment efficiency while the Department finalizes the scope of services, performance work statement and service level agreement standards in preparation of issuing a Request for Proposal (“RFP”) solicitation which will include these services at DOC.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The estimated fair and reasonable price for each of the aforementioned Contracts (DCAM-23-SS-0007 [A&B]) is an aggregate Not-To-Exceed Contract Value of no-more



than \$950,000 each. Services will be provided on a time and material basis in accordance with firm, fixed direct labor hourly rates.

4. FACTS WHICH JUSTIFY AN SOLE SOURCE PROCUREMENT:

In accordance with the D.C. Official Code §2-354.05 and 27 DCMR Chapter 17, the purpose of this Sole Source contract is to ensure an optimal ventilation system/air quality environment for inmates, Correctional Officers, staff, and visitors of the DOC facilities, to prevent unsafe conditions which have the potential to cause unnecessary risk and imminent threat to public health. It is the mission and the responsibility of the Department of General Services to provide a safe and healthy environment across all District owned and or operated facilities, including the Department of Corrections facilities as ordered under D.C. Code § 10-551.01(b) (4), the Department of General Services Establishment Act of 2011.

The Contractors listed above will be tasked with providing HVAC/ ventilation system/air inspection, testing and maintenance services at the Districts' DOC facilities including providing comprehensive assessment and retrofit of the existing systems to improve ventilation system air quality and system operations within the facilities.

Early in FY22 DGS allocated funding to execute a detailed survey and cataloging of critical HVAC systems and equipment across the city's' portfolio. This asset-based database of HVAC infrastructure was then augmented with comprehensive maintenance schedules per asset type and uploaded into a newly developed maintenance module within the DGS work order system. Collectively this information allowed DGS to then develop maintenance programs per building to a level not previously possible.

With this information in hand, it is critical that DGS continue the full implementation of inspection, testing and maintenance services at the change of the heating to cooling seasons. Additionally, execution of the newly developed program will ensure DGS has a better understanding of the comprehensive maintenance, repair and replacement needs. However, given this program was developed to a high level of detail DGS requires contractor support to ensure successful implementation. Contractors will support DGS personnel with program management, quality assurance, scheduling, and maintenance activity refinement. The services a DOC was previously covered under a cooperative agreement procured through the Office of Contracts and Procurement ("OCP"). The previous contract did not take into consideration the DGS Facilities Management strategic approach for the menu of services. With the knowledge gained over the last three years, changed to industry standards and the newly developed methodology and approach curated by DGE subject matter experts it is imperative that DGS continue to provide contract support services for the DOC locations until such time that the competitively awarded contract is finalized.

5. CERTIFICATION BY THE EXECUTIVE PROGRAM MANAGER PUBLIC SAFETY & JUSTICE SERVICES PORTFOLIO:

I hereby certify all 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 sq. (2001). I understand that any information I give may be investigated as allowed by law or regulation.

March 9, 2023 _____

Date

Agwei Hargrove
Executive Project Manager

6. CERTIFICATION BY THE CONTRACTING OFFICER:

I have reviewed the above findings and certify that they are sufficient to justify the use of the Sole Source procurement method to award the captioned contracts to the aforementioned Contractors. In addition, please be advised that the Department's notice of the captioned Sole Source contracts 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 Procurement Officer approve the use of the class Sole Source procurement method for this proposed procurement action.

March 9, 2023 _____

Date

Domonique L. Banks
Contracting Officer, Supervisory Contract Specialist

DETERMINATION

I have reviewed the above findings and certify that they are sufficient to justify the use of the Sole Source procurement method under the cited authority. I certify that the class Sole Source procurement notice of contract awards will be published in accordance with Section 404, Sole Source Procurements, 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' Chief Procurement Officer and Chief of Contracts and Procurement, I hereby approve the use of the Sole Source Procurement method as the only viable method of procurement to provide ventilation system inspection, testing and maintenance services for the Districts' Department of Corrections facilities.

March 9, 2023 _____

Date

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

