

**DETERMINATION & FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

Agency: Department of General Services
Contract No.: TBD
Caption: Petworth Playground Renovation – Underground Vault Installation/ Re-Work Inspection Fees/ Final Billing
Contractor: Broughton Construction Company, LLC

FINDINGS

1. AUTHORIZATION:

D.C. Code Section 2-354.04 and DCMR 27, Section 4718.

2. MINIMUM NEED:

The Department of General Services (the “Department” or “DGS”) on behalf of Department of Parks and Recreation (“DPR”), executed task order agreement (“Task order Agreement”) No. 10 under IDIQ Contract No. DCAM-17-CS-033A (the “Contract”) with Broughton Construction Company, LLC (the “Contractor”) on May 20, 2019 for Petworth Playground Renovation, located at 801 Taylor Street, NW, Washington, DC (the “Project”).

The Task order Agreement included a November 25, 2020 Substantial completion Date, March 31, 2021 Final Completion Date and April 30, 2021 Administrative Term Date, all of which have expired.

During execution of the project, and prior to the April 30, 2021 end date of the contract, an underground vault for the splash pad was installed by the Contractor. As the underground vault was necessary to the function of the splash pad, the Contractor’s request for a change order for the cost of the vault was rejected. However, following additional negotiation with DGS, a determination was made that both the Contractor and DGS would share the cost of the vault equally.

Further, during execution of the project, and prior to the end date of the contract, the cement concrete for the splash pad was found to be defective. This necessitated re-work for the

splash pad. As a result of the re-work, additional costs were incurred for third party inspection fees, to ensure that the new cement concrete met the required specifications. The underlying Contract No. DCAM-17-CS-0033A included a November 25, 2020 Substantial completion date, March 31, 2021 Final Completion date, and April 30, 2021 Administrative Term Date, all of which have expired.

The Department would like to issue a sole source contract to Broughton Construction Company, LLC, to complete the project in accordance with the original Scope of Work (“SOW”), Drawings and Specifications, at Petworth Playground, located at 800 Taylor St., NW, Washington DC, 20011 (the "Project"). The Price of the new Contract, including final billing for released retainage, will be \$123,901.67.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The estimated fair and reasonable price is \$123,901.67. This is the balance of the work be completed under the sole sourced contract.

4. BACKGROUND AND AWARD PROCESS:

On November 27, 2018, the Department issued Request for Task Order Proposal (“RFTOP”) to engage a design-builder (“Design Builder”) to develop a design, construct and renovate the Petworth Playground at 800 Taylor St, NW, Washington DC, 20011 (the “Project”).

On the bids due date, January 14, 2019, the following six (6) firms (collectively, the "Bidders" and each individually, a "Bidder") submitted bids in a timely manner: 1. Broughton Construction, LLC.

1. HRGM Corporation
2. Chiaramonte Construction Company
3. Paige Industrial Services, Inc.
4. Bennett Group
5. WKM Solution, LLC
6. Broughton Construction Company, LLC

Determination and Finding (“D&F”) for Sole Source Award to Broughton Construction Company, LLC
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In accordance with the process that was conducted in strict adherence to the DC Code, the Contracting Officer determined that the bid submitted by Broughton Construction Company, LLC is the lowest responsive and the most advantageous to the District. It was further determined that the contractor was responsible and that the proposed pricing was fair and reasonable and awarded the Contract.

5. FACTS WHICH JUSTIFY A SOLE SOURCE PROCUREMENT:

Broughton Construction Company, LLC was awarded the underlying Tsk Order Agreement No. 10 under IDIQ Contract No. DCAM-17-CS-0033A. Once Broughton Construction Company, LLC had already begun work on the Petworth Playground Renovation, the issue with regard to liability for the cost of the underground vault was raised.

Given the importance of this Project, the Contractor’s effort on the remaining Project work, their experience and knowledge capable of providing the Department with the level of confidence required to successfully deliver the Project on time with accurate pricing. It is in the best interest of the District to award this Contract, on a sole source basis to Broughton Construction Company, LLC, to avoid further delays and complete the Project correctly, expeditiously, and in a cost-effective manner.

6. CERTIFICATION BY THE DEPUTY DIRECTOR OF CAPITAL CONSTRUCTION SERVICES:

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

Tiffany Moore
Deputy Director
Capital Construction Services

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7. CERTIFICATION BY CONTRACTING OFFICER:

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

Pamela Ford Dickerson
Contracting Officer
Contract & Procurement

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 Procurement Officer
Chief of Contracts & Procurement

Date