

**DETERMINATION & FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

Agency: Department of General Services
Contract No.: TBD
Caption: MPD 4D ADA Upgrades (Interior & Exterior)
Contractor: Simon Development and Construction Corporation

FINDINGS

1. AUTHORIZATION:

D.C. Code Section 2-354.04 and DCMR 47, Section 4718.

2. MINIMUM NEED:

The Department of General Services (the “Department” or “DGS”) on behalf of, the Metropolitan Police Department (“MPD”), executed Contract No. DCAM-19-CS-IFB-0016 (the “Contract”) with Simon Development and Construction Corporation (“SDCC”) (the “Contractor”) on July 1, 2020 for MPD 4D ADA Upgrades (Interior & Exterior) (the “Project”).

The upgrade work never started, as the Architect and Engineer (“A/E”) Contract ended prior to the completion of the permit process. The underlying Contract No. DCAM-19-CS-IFB-0016, which included, a December 29, 2020 Substantial completion Date, January 29, 2021 Final Completion Date and February 28, 2021 Administrative Term Date, all expired.

The Department would like to issue a sole source contract to SDCC to complete the Project in accordance to the same Scope of Work (“SOW”), Drawings and Specifications at MPD 4D located at 6001 Georgia Avenue NW, Washington DC, 20011 (the "Project"). The Lump Sum Price of Contract (\$487,480), will remain unchanged.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The Independent Government Cost Estimate (“IGCE”) to provide the required construction services for MPD 4D Upgrades (Interior & Exterior) is \$655,450.00 and SDCC’s price is \$487,480.00, based on the original award/Contract No. DCAM-19-CS-IFB-0016.

Determination and Finding (“D&F”) for Sole Source Award to SDCC
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4. BACKGROUND AND AWARD PROCESS:

On August 19, 2019, the Department issued Invitation for Bids (“IFB”) to engage a certified Small Business Enterprise (“SBE”) Contractor to provide construction services for the MPD 4D ADA upgrades at 60001 Georgia Avenue, NW, Washington DC, 20011 (the “Project”).

On the bids due date, September 9, 2019, the following six (6) firms (collectively, the "Bidders" and each individually, a "Bidder") submitted bids in a timely manner:

1. Simon Development and Construction Corporation (SDCC)
2. MCN Build, Inc.
3. Bennet Group
4. Keystone Plus Construction
5. WKM Solutions, LLC
6. National Service Contractors, Inc.

In accordance with the process that was conducted in strict adherence to the DC Code, the Contracting Officer determined that the bid submitted by SDCC, the lowest responsive bid is the most advantageous to the District. It was further determined that the contractor is responsible and that the proposed pricing is fair and reasonable and awarded the Contract.

5. FACTS WHICH JUSTIFY A SOLE SOURCE PROCUREMENT:

SDCC successfully competed, won, and was awarded the underlying Contract No. DCAM-19-CS-IFB-0016. At no fault of the Contractor, the permit process was not completed timely, which subsequently lead to the Contract expiring.

Given the importance of this project, SDCC’s being mobilized, 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 SDCC due to contract expiration to reengage SDCC, avoid further delays and complete the Project.

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

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

Tiffany Moore
Interim Deputy Director
Capital Construction Services

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

