

**DETERMINATION & FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

Agency: Department of General Services
Contract No.: TBD
Caption: Lansburgh Park Improvements– Electrical Wiring
Contractor: Kadcon 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 Department of Parks and Recreation (“DPR”), executed Contract No. DCAM-19-CS-RFQ-0001O (the “Contract”) with Kadcon Corporation (“Kadcon” or the “Contractor”) on September 10, 2020, for the Lansburgh Park Improvements Project (the “Project”).

As part of the original project scope, the contractor replaced the fixtures on the existing light poles throughout the park. However, during execution of the project, an unforeseen condition presented itself. Specifically, the contractor discovered that the existing electrical wiring to the newly replaced park lighting was unusable. Therefore the new lighting to the park was inoperable, and the contractor was unable to complete that portion of the work.

During the course of the work, the underlying Contract No. DCAM-19-CS-RFQ-0001O was subsequently modified to include a December 18, 2020 Substantial completion Date, January 18, 2021 Final Completion Date and a March 30, 2021 Administrative Term Date, all of which have expired.

The Department would like to issue a sole source contract to Kadcon Corporation, to complete the Project in accordance with the original Scope of Work (“SOW”), Drawings and Specifications, at Lansburgh Park, located at 1098 Delaware Ave., SW, Washington DC, 20024 (the "Project"). There is approximately five (5) percent of the original work to be completed. The estimated value of the remaining work is \$48,513.00, which is expected to be completed in 30 days.

Determination and Finding (“D&F”) for Sole Source Award to Kadcon Corporation
Lansburgh Park Improvements Project

Page 2 of 3

3. ESTIMATED FAIR AND REASONABLE PRICE:

The Independent Government Cost Estimate (“IGCE”) to provide the required construction services for Lansburgh Park is \$50,000.00 and Kadcon’s price is \$48,513.00, based on the original award/Contract No. DCAM-19-CS-RFQ-0001O.

4. BACKGROUND AND AWARD PROCESS:

On January 15, 2020, the Department awarded Task Order No. 2 under Basic Ordering Agreement DCAM-19-CS-RFQ-0001O to engage Kadcon Corporation as a design-builder (“Design Builder”) to develop a design, construct and renovate the Lansburgh Park Improvements Project at 1098 Delaware Ave, SW, Washington DC, 20024 (the “Project”).

In accordance with the IDIQ process, the Contracting Officer determined that the proposal submitted by Kadcon was advantageous to the District. It was further determined that the contractor was responsible and that the proposed pricing was fair and reasonable, so the District awarded the Contract.

5. FACTS WHICH JUSTIFY A SOLE SOURCE PROCUREMENT:

Kadcon Corporation was awarded the underlying Contract No. DCAM-19-CS-RFQ-0001O. Once Kadcon had already begun work on the Lansburgh Park Improvements project, the unforeseen condition was found.

Given the importance of this project, Kadcon’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 Kadcon due to contract expiration, to reengage Kadcon Corporation, avoid further delays and complete the Project.

Determination and Finding (“D&F”) for Sole Source Award to Kadcon Corporation
Lansburgh Park Improvements Project

Page 3 of 3

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

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

Tiffany Barthwell Moore
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