

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES



Contracts & Procurement

**DETERMINATION AND FINDINGS
FOR
EMERGENCY PROCUREMENT**

Agency: Department of General Services (the “Department” or “DGS”)
Contract: DCAM-20-NC-EM-0004
Caption: DA Tank at DC General
Contractor: Adrian L. Merton Incorporated

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 Adrian L. Merton to providing HVAC Technician including rental of equipment to ensure effective performance of HVAC and related services at DC General for a period of no more than 120-days in accordance with Chapter 47 of title 27 of the DCMR Section 4719 and PPRA Sec. 405 (d); *Emergency Procurements*.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The estimated fair and reasonable price for **Basic Services is \$69,200.00** for HVAC Technician Services and equipment rental services that will be provided in accordance with rates quoted by the contractor.

4. 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 the threat to public health welfare and property and to prevent a disruption of the daily operations at DC General facility. It is the mission and the responsibility of the Department of General Services to provide HVAC services to District Government owned and occupied facilities. (D.C. Code § 10-551.01(b) (4), *The Department of General Services Establishment Act of 2011*.)

The continuation of uninterrupted comprehensive HVAC and related services is required while the new solicitation for these services are procured. To prevent serious disruption in the operations of multiple District agency tenants, a maximum 120-day contract term with the current Contractor is required due to the following:

- DA Tank at DC General – this equipment provides filtration to DC General Boiler. Failure to continue this service will have drastic impact on the equipment causing boilers to overheat. We are currently renting this equipment with the contractor and if services are suspended, DGS will run the risk of the cost of demolition, crane, and rigging for removal and a replacement, which has a firm potential of exceeding 700k in associated costs. The cost to continue services from Oct 1, 2019 to January 28, 2020 is **\$69,200.00**, which is substantially lower than the risk of removal.

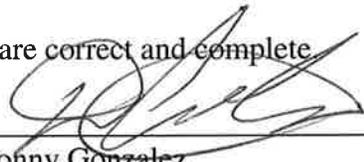
The Contractor referenced above is the only vendor who can meet the District’s minimum need without disruption of services at this time and the estimated cost to the District for the 120-day term is fair and reasonable based on DGS’ historical data on similar services. The Department requested Adrian L. Merton to hold the final OY4 rates for services.

A competitive procurement process is not practical under these circumstances and a new contract could not be competitively bid and awarded in time to HVAC service contract in place to provide services prior to the expiration of the incumbent contract. As previously stated failure to continue with services or any disruption of the daily operations would quickly create unhealthy and potentially life-threatening conditions for District government employees and the public.

5. CERTIFICATION BY THE INTERIM DEPUTY DIRECTOR OF FACILITIES MANAGEMENT DIVISION:

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

10-11-19
Date

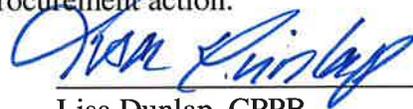


Dohny Gonzalez
Deputy Director of Facilities Management Division

6. CERTIFICATION BY THE SUPERVISOR | CONTRACTING OFFICER OF GOODS AND SERVICES:

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 award Adrian L. Merton. 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.

10/11/19
Date



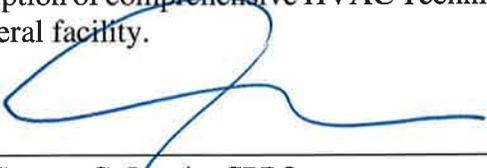
Lisa Dunlap, CPPB
Contract Specialist
Goods & Services

7. CERTIFICATION AND DETERMINATION BY THE CHIEF CONTRACTING OFFICER:

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, the Department of General Services (DGS), Chief Contracting Officer approves the use of the Emergency Procurement method as the only viable method of procurement to prevent serious disruption of comprehensive HVAC Technician Services including DA Tank rental for DC General facility.

Date

12/11/19


George G. Lewis, CPPO
Chief of Contract & Procurement
Chief Contracting Officer