

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES



Contracts & Procurement

**DETERMINATION AND FINDINGS
FOR
EMERGENCY PROCUREMENT**

Agency: Department of General Services

Caption: Water Sampling & Testing for Lead Levels of
D.C. Public School Fresh-water Sources

Contractor: Soil and Use Technology, Inc. (“SaLUT”)

FINDINGS

1. AUTHORIZATION:

D.C. Code Section 2-354.05 and 27 DCMR Chapter 47, Section 4719.

2. MINIMUM NEED:

The Department of General Services (DGS) has an immediate need for a Contractor to provide sampling and testing for lead levels of all District of Columbia Public School (“DCPS”) fresh-water sources (approximately 25,300 samples). All sampling and testing must be complete within the proceeding 30-day.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The estimated fair and reasonable price is up to \$941,621.00

4. FACTS WHICH JUSTIFY AN EMERGENCY PROCUREMENT:

The purpose of this emergency procurement is to prevent the imminent threat to public health, welfare, and safety of students, faculty, staff and the general public at all DCPS facilities. It is the mission of DGS to provide first rate maintenance at DCPS and District Government facilities and to elevate the quality of life for its citizens.

In accordance with D.C. Code § 10-551.01(b)(4) (The Department of General Services Establishment Act of 2011), the Department of General Services is responsible for

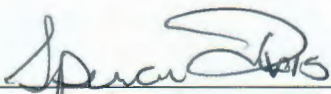
providing building services for facilities owned and occupied by the District government. These services include environmental sampling and testing for lead levels of all fresh-water sources at all DCPS and municipal facilities owned and occupied by the District Government. The Facility Management Division (FMD) provides management, maintenance and engineering services for over three hundred (300) owned and leased properties.

An emergency contract with SaLUT is needed to prevent the serious and imminent threat to the health and safety of DCPS students, faculty, staff and the general public. A competitive procurement process is not practicable under these circumstances because a new contract cannot be competitively bid and awarded in time to have a Contractor in place to provide the immediate sampling and testing for lead levels of all DCPS fresh-water sources within 30-days. This requirement involves the sampling and testing of approximately 25,300 fresh-water sources within all of DCPS. Failure to start and complete sampling and testing of the fresh-water sources would quickly create unsanitary, unhealthy and potentially life threatening conditions for students, faculty, staff and the general public. DGS does not have sufficient in-house staff to cover the environmental testing needs for these sites.

5. CERTIFICATION BY THE FACILITIES SERVICES MANAGER :

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

4/26/16
Date

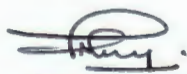


Spencer Davis
Deputy Director, Facilities Management

6. CERTIFICATION BY THE ASSOCIATE DIRECTOR OF PROCUREMENT:

I have reviewed the above findings and certify that they are sufficient to justify the use of the emergency method of procurement under the cited authority. I certify that the notice of this emergency procurement action will be published in accordance with 27 DCMR 4719.5. I recommend that the Department of General Services, Director/ Chief Contracting Officer approve the use of the emergency procurement method for this proposed procurement action.

4/26/16
Date



Yinka T. Alao
DGS Associate Director
Contracts & Procurement Division

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) or the competitive solicitation process under the applicable Department of General Services Procurement Rules for Construction and Related Services (27 DCMR Chapter 47); and failure to start the immediate sampling and testing of DCPS fresh-water sources for lead levels poses an imminent threat to the health and safety of the students, faculty, staff and the general public. Accordingly, I determine that the District is justified in using the emergency method of procurement to provide the required emergency lead level water sampling and testing services for DCPS until such time as a contract can be competitively bid.

27 APR 16

Date



Christopher Weaver

Director/Chief Contracting Officer