

**DETERMINATION AND FINDINGS  
FOR  
SOLE SOURCE PROCUREMENT**

**Agency:** Department of General Services  
Capital Construction Division  
**Caption:** Construction Ward 4 Short Term Family Housing  
Facility - 5505 5<sup>th</sup> Street NW  
**Proposed Contractor:** MED Developers, LLC/ Fifth Street Partners, LLC

**FINDINGS**

**1. AUTHORITY:**

D.C. Official Code §2-354.04 and Title 27 DCMR Section 4718.1

**2. MINIMUM NEED:**

The Department of General Services has a need to develop and construct the Ward 4 Short Term Family Housing facility to be located in Washington, DC at 5505 5<sup>th</sup> Street, NW.

**3. ESTIMATED FAIR AND REASONABLE PRICE:**

The estimated fair and reasonable price to construct the facility is \$12,325,000.00.

**4. FACTS WHICH JUSTIFY A SOLE SOURCE PROCUREMENT:**

On May 31, 2016, The Council of the District of Columbia passed the “Homeless Shelter Replacement Act of 2016” (Exhibit 1). The Act provides the Mayor of the District of Columbia the authority to acquire property and to use government owned property for a construction plan to develop seven (7) short term family housing facilities for families and individuals experiencing homelessness. Specifically, Section 3 (a) (3) authorizes the Mayor to acquire the parcel of land located at 5505 5<sup>th</sup> Street for the Ward 4 Short Term Family Housing facility (Exhibit 1). Further, the Act describes in Section 3 (a) (3) B that “... the District may contract with the current property owner for the construction of the facility specified in this subparagraph as part of an agreement to acquire the land...”

In addition, the current property (MED Developers, LLC/ Fifth Street Partners, LLC) has been intimately involved in the development plans for this project. This involvement affords MED Developers, LLC/ Fifth Street Partners, LLC with unique and valuable knowledge; knowledge that is expected to equate to a four (4) to six (6) month time savings from the outset since the current property owner will not have to perform critical investigative research, logistical planning, traffic planning or establish community relations necessary to the successfully initiate and complete this project on time and under budget.

Since MED Developers, LLC/ Fifth Street Partners, LLC is the only source that possesses the unique knowledge about the project and considering the fact that the “Homeless Shelter Replacement Act of 2016” (Exhibit 1) provides the authority to utilize the current property owner, the District is justified in using the sole source method of procurement.

**5. CERTIFICATION BY DEPUTY DIRECTOR:**

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

\_\_\_\_\_  
Jeff Bonvechio  
Deputy Director Capital Construction

\_\_\_\_\_  
Date

**6. CERTIFICATION BY CONTRACTING OFFICER**

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that the notice of intent to award a sole source contract was published in accordance with Section 404(c) of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Official Code §2-354.04) and that [no response was received] [the response received was rejected because \_\_\_\_\_]. I recommend that the Chief Contracting Officer approve the use of the sole source procurement method to meet the District’s minimum need.

\_\_\_\_\_  
Elouise Fripp  
Contracting Officer

\_\_\_\_\_  
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  
Interim Associate Director/Chief Contracting Officer

\_\_\_\_\_  
Date

## Exhibit 1

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AN ACT  
**D.C. ACT 21-412**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JUNE 13, 2016**

To authorize the Mayor to use designated funds, appropriated for the purpose of developing replacement shelter facilities for the DC General Family Shelter and for the apartments used for temporary shelter at 1433 and 1435 Spring Road, N.W., to acquire specified parcels of land, including through the use of eminent domain, and to construct 7 new facilities, in Wards 1, 3, 4, 5, 6, 7, and 8, to provide temporary shelter for families experiencing homelessness.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Homeless Shelter Replacement Act of 2016".

Sec. 2. The Council finds that:

- (1) On a given night in the District, more than 7,000 men, women, and children experience homelessness.
- (2) Each day, the DC General Family Shelter houses approximately 250 families experiencing homelessness.
- (3) The DC General Family Shelter is antiquated and inadequate, and its current conditions limit the District's ability to provide necessary services and support to families experiencing homelessness.
- (4) Best practices suggest that children and families do best when short-term housing is provided in smaller-scale, service-enriched, community-based settings, and it is therefore in the best interest of the District to replace the DC General Family Shelter with a series of facilities throughout the District that provide temporary shelter.
- (5) The apartments used by the District to provide temporary shelter to families experiencing homelessness at 1433 and 1435 Spring Road, N.W. (the "Spring Road Shelter"), are antiquated and in need of replacement, and the District's lease of those apartments is expiring.
- (6) In order to close the DC General Family Shelter and replace the Spring Road Shelter, the District needs to construct new facilities that are safe and dignified spaces for families experiencing homelessness.

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(7) It is in the best interest of the District to construct these new temporary-shelter facilities on District-owned land, in part to avoid the disruption to the provision of services in the continuum of care that would accompany the eventual expiration of leases.

(8) The new shelter facilities will be constructed on District-owned land; however, for 2 sites, the District will need to acquire the necessary property; doing so will advance the important goals of ensuring that the District owns the land on which each of the facilities is constructed and that each of the facilities is located in a different Ward, which in turn will allow the District to provide small-scale, community-based temporary housing services throughout the District.

Sec. 3. (a) The Council authorizes the Mayor to use designated funds, as provided in this section, to provide temporary shelter for families experiencing homelessness by acquiring land, including through the use of eminent domain if necessary, and constructing 6 facilities containing DC General Family Shelter replacement units, as defined in section 2(11A) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-25; D.C. Official Code § 4-751.01(11A)), to replace the DC General Family Shelter, and one facility containing apartment-style units, as defined in section 2(3) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-25; D.C. Official Code § 4-751.01(3)), as follows:

(1) The Mayor is authorized to use funds appropriated for capital project HSW01C – Ward 1 Shelter to:

(A) Acquire parcels of land located at 2105 and 2107 10th Street, N.W., and 933 V Street, N.W., Square 358, Lots 5, 6, and 802, including, if necessary, through the exercise of eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code, after the owner of the site pays any funds owed to the District government due to misclassification of that property that led to lost tax revenue; and

(B) Construct a facility to provide temporary shelter for families experiencing homelessness containing 29 2- and 3-bedroom apartment-style units on the land to be acquired by the District pursuant to subparagraph (A) of this paragraph; provided, that, notwithstanding the requirements of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), the District may contract with the current property owner for the construction of the facility specified in this subparagraph as part of an agreement to acquire the land; provided further, that if no agreement can be reached with the current property owner for the construction of the facility specified in this subparagraph, the contract for the construction of the facility shall be awarded pursuant to a request for proposals to be issued by the Department of General Services;

(2) The Mayor is authorized to use funds appropriated for capital project HSW03C – Ward 3 Shelter to construct a facility to provide temporary shelter for families experiencing homelessness containing up to 50 DC General Family Shelter replacement units on

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District-owned land at 3320 Idaho Avenue, N.W., Square 1818, Lot 849; provided, that the contract for the construction of the facility shall be awarded pursuant to a request for proposals to be issued by the Department of General Services;

(3) The Mayor is authorized to use funds appropriated for capital project HSW04C – Ward 4 Shelter to:

(A) Acquire the parcel of land located at 5505 Fifth Street, N.W., Square 3260, Lot 54, including, if necessary, through the exercise of eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code; and

(B) Construct a facility to provide temporary shelter for families experiencing homelessness containing 49 DC General Family Shelter replacement units on the land to be acquired by the District pursuant to subparagraph (A) of this paragraph; provided, that, notwithstanding the requirements of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), the District may contract with the current property owner for the construction of the facility specified in this subparagraph as part of an agreement to acquire the land; provided further, that if no agreement can be reached with the current property owner for the construction of the facility specified in this subparagraph, the contract for the construction of the facility shall be awarded pursuant to a request for proposals to be issued by the Department of General Services;

(4) The Mayor is authorized to use funds appropriated for capital project HSW05C – Ward 5 Shelter to construct a facility to provide temporary shelter for families experiencing homelessness containing up to 50 DC General Family Shelter replacement units on District-owned land at 1700 Rhode Island Avenue, N.E., Square 4134, Lot 800; provided, that the contract for the construction of the facility shall be awarded pursuant to a request for proposals to be issued by the Department of General Services;

(5) The Mayor is authorized to use funds appropriated for capital project HSW06C – Ward 6 Shelter to construct a facility to provide temporary shelter for families experiencing homelessness containing 50 DC General Family Shelter replacement units on District-owned land at 850 Delaware Avenue, S.W., Square 590E, Lot 800; provided, that the contract for the construction of the facility shall be awarded pursuant to a request for proposals to be issued by the Department of General Services; and further provided, that the site also may be utilized to locate a health-services facility serving families experiencing homelessness and to locate an intake center to replace the services provided at the Virginia A. Williams Family Resource Center;

(6) The Mayor is authorized to use funds appropriated for capital project HSW07C – Ward 7 Shelter to construct a facility to provide temporary shelter for families experiencing homelessness containing 35 DC General Family Shelter replacement units on District-owned land at 5004 D Street, S.E., Square 5322, Lot 32; provided, that the contract for the construction of the facility shall be awarded pursuant to a request for proposals to be issued by the Department of General Services; and

(7) The Mayor is authorized to use funds appropriated for capital project HSW08C – Ward 8 Shelter to construct a facility to provide temporary shelter for families experiencing homelessness containing 50 DC General Family Shelter replacement units on District-owned land at 4200 (assumed) 6th Street, S.E., Square 6207, Lots 53, 54, 55, and 56; provided, that the contract for the construction of the facility shall be awarded pursuant to a request for proposals to be issued by the Department of General Services.

(b) There is authorized to be appropriated sums of money not exceeding \$100 million for the purposes set forth in subsection (a) of this section.

(c) The Mayor is authorized to use funds appropriated for capital project THK16C – Temporary and Permanent Supportive Housing Pool Project for any acquisition or construction authorized by subsection (a) of this section, the cost of which exceeds the amounts appropriated for capital projects HSW01C – Ward 1 Shelter, HSW03C – Ward 3 Shelter, HSW04C – Ward 4 Shelter, HSW05C – Ward 5 Shelter, HSW06C – Ward 6 Shelter, HSW07C – Ward 7 Shelter, or HSW08C – Ward 8 Shelter. There is authorized to be appropriated sums of money not exceeding \$25 million for the purposes of this subsection.

(d) Consistent with section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), the Mayor shall submit to the Council for its approval any contract entered into pursuant to this act involving expenditures in excess of \$1 million during a 12-month period.

(e) Any use of funds appropriated for capital projects HSW01C – Ward 1 Shelter, HSW03C – Ward 3 Shelter, HSW04C – Ward 4 Shelter, HSW05C – Ward 5 Shelter, HSW06C – Ward 6 Shelter, HSW07C – Ward 7 Shelter, HSW08C – Ward 8 Shelter, or THK16C – Temporary and Permanent Supportive Housing Pool Project inconsistent with this act is prohibited.

(f) The District shall seek to issue tax-exempt bonds to finance these projects such that the Chief Financial Officer of the District shall be satisfied that the proposed business arrangements with respect to the use and user of a proposed project shall not create a private business use within the meaning of the applicable Internal Revenue Service rules and regulations.

#### Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

#### Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
June 13, 2016