

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

Agency: Department of General Services
Caption: DC United Soccer Stadium Phase 2 Pre-Construction
Infrastructure Project
Proposed Contract No: DCAM-17-AE-0145
Proposed Contractor: McKissack & McKissack

FINDINGS

1. AUTHORITY:

Title 27 DCMR Chapter 47; Section 4718.1

2. MINIMUM NEED:

The Department of General Services (DGS) has the need to continue the delivery of architect and engineering services required to fulfill the District's pre-construction infrastructure obligations in the timeframe established for the completion of Phase 2 of the DC United Soccer Stadium Infrastructure project.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The estimated fair and reasonable price to provide the required services is \$343,300.00,

4. FACTS WHICH JUSTIFY A SOLE SOURCE PROCUREMENT:

The Amended and Restated Development Agreement (the Agreement) between the District of Columbia and DC Stadium, LLC describes in detail the District's infrastructure obligations regarding the Stadium Land including development of utility requirements and other pre-construction infrastructure requirements that must be completed in order to turn the Stadium Land over to the development team to begin construction of the DC United Soccer Stadium.

McKissack & McKissack began work on the DC United Soccer Stadium Infrastructure project in 2013, approximately two years before the Agreement was signed. During this time McKissack & McKissack performed significant preliminary work that helped shape the details of the Agreement. The Contractor has continued to serve as the District's sole civil and utility engineer since that time.

During Phase I of the pre-construction infrastructure project, McKissack & McKissack completed significant tasks including the completion of environmental and hazmat reports as well as coordination and development of a master utility plan for all affected utilities in the

footprint of the Buzzard Point stadium area. The Contractor also completed all design/engineering drawings and stormwater management calculations for Phases 1 and 2 and Construction Administration for Phase 1. As the Engineer of Records on the infrastructure work, their issued design/drawings were permitted by DC Water and other authorities having jurisdictions.

The pre-construction infrastructure project has reached Phase 2, the final phase before turning the site over to DC Stadium, LLC to begin construction of the stadium. The District's Phase 2 obligations require completion of many components initiated in Phase 1 of the project including utility and stormwater requirements of the project and Construction Administration for Phase 2 construction activities.

McKissack & McKissack by virtue of the firm's involvement in the project from the project's inception and serving as the engineer of record possesses unique and valuable knowledge. Their knowledge is essential to interpret the design that they commissioned. This knowledge will be critical to achieving the successful completion of the District's pre-construction obligations within the established timeframe. In addition, continuity in service delivery is paramount to the success of the project. The introduction of a new architect and engineering firm at this juncture will jeopardize the timely completion of the District's obligations under the Agreement and result in significant and unnecessary increases in costs.

In order to fulfill an essential requirement and meet the Department's minimum need, the use of the sole source method of procurement is justified.

5. CERTIFICATION BY DEPUTY DIRECTOR CAPITAL CONSTRUCTION:

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.

James H. Marshall
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