

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

AGENCY: District Department of Energy and Environment

CONTRACTOR: Geosyntec Consultants
1330 Beacon Street, Suite 317
Brookline, MA 02246

CAPTION: Harvest/reuse monitoring at Engine Houses 3 and 25

FINDINGS

1. AUTHORIZATION

D.C. Official Code §2-354.04; There is only one source for the required goods or services. Cite 27 DCMR 1304 and 27 DCMR 1700 and 1701 as applicable.

2. MINIMUM NEED

The Department of Energy and Environment (DOEE) has a minimum need for monitoring at two research sites located at District Fire Engine Houses. Two advanced rainwater harvesting systems, using a proprietary water-level control system developed by Geosyntec, were installed at District Fire Engine Houses 3 and 25 under Contract No. DCKG-2009-C-0029. This first phase of the project was limited in scope to only the installation of cisterns, monitoring and control systems, and permeable friction course paving, again using Geosyntec proprietary technology. The second phase of the project is to conduct water quality monitoring to assess the performance of the harvest/reuse systems and paving installed at each fire station. These systems reduce the volume of stormwater and associated pollutants discharged to District waterways, and are therefore critical to DOEE's mission "to improve the quality of life for the residents and natural inhabitants of the nation's capital by protecting and restoring the environment, conserving our natural resources, mitigating pollution, increasing access to clean and renewable energy, and educating the public on ways to secure a sustainable future." On addition, these systems can be installed at fire stations throughout the District, greatly reducing the need for the potable water currently used to fill the fire engines and wash vehicles, preventing polluted stormwater from entering waterways; and educating the public about the importance stormwater runoff.

3. ESTIMATED FAIR AND REASONABLE PRICE

The government estimated fair and reasonable cost for this project is \$258,351.00 based eight (8) identified tasks for the subject requirement.

4. FACTS WHICH JUSTIFY SINGLE AVAILABLE SOURCE PROCUREMENT

Geosyntec, using its proprietary OptiNimbus © water-level quality control technology, began the required water quality study in July 2013 under what was believed to be a contract covering a base year and option year issued by the District Department of General Services (DGS). However, due to miscommunications between DGS and DOEE staffs, the DGS' Purchase Order Agreement contract (see attached DGS 2013 Purchase Order Agreement) was inadvertently limited to a one-year period of performance without the option year which DOEE had requested. Noteworthy, the one-year Purchase Order Agreement contract executed by DGS in 2013 was awarded on a Sole Source contractual basis (see attached approved DGS 2013 Sole Source Determination and Findings).

The essential and indispensable component of the Geosyntec installed water quality monitoring system second phase at two District Fire Engine House research sites is the OptiNimbus© technology, a proprietary system developed in 2007 by Geosyntec. Without the use of the complex monitoring system, OptiNimbus © which again is proprietary technology and was installed by Geosyntec technicians, the monitoring study cannot be completed and the project will therefore require termination. As the sole developer of OptiNimbus © with ownership of all proprietary rights, Geosyntec is the only one responsible source and no other contractor will satisfy agency requirements to complete DOEE's phase two water quality monitoring requirement at two identified District Fire Engine House research sites.

Market Research

A Request for Information (RFI) was issued on Friday, November 20, 2015 on the District's E-sourcing system to obtain information regarding the availability and capability of qualified sources relative to the identified potential Harvest/reuse monitoring at District Fire Engine Houses 3 and 25 requirements. The RFI closed on December 11, 2015 with no replies. Further, a RFI was published in the Washington Times on Friday, November 18, 2015 again to obtain information regarding the availability and capability of qualified sources relative to the identified potential Harvest/reuse monitoring at District Fire Engine Houses 3 and 25 requirements. The Washington Times RFI closed on December 18, 2015 with no responses.

5. CERTIFICATION BY THE AGENCY HEAD

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

Tommy Wells
Director
District Department of Energy and Environment

Date

6. CERTIFICATION BY THE CONTRACT OFFICER

I have reviewed and certify 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 27 DCMR 1304.1 and 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. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Tyrone M. Moorer
Contracting Officer
District Department of Energy and Environment

Date

7. 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.

George A. Shutter
Chief Procurement Officer

Date