

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF GENERAL SERVICES



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**DETERMINATION AND FINDINGS  
FOR  
SOLE SOURCE PROCUREMENT**

**Caption:** Fire and Emergency Medical Services Department Green Roof Grant

**Proposed Contractor:** Amber Real Estate LLC

**Program Agency:** Department of General Services

**FINDINGS**

**1. AUTHORIZATION:**

D.C. Official Code §2-354.04, and 27 DCMR Chapter 47, §4718.

**2. MINIMUM NEED:**

The Department of General Services, on behalf of the Fire and Emergency Medical Services Department (FEMS), has a need for a contractor to supply, establish and monitor green roofs in various FEMS facilities under the terms of a National Fish and Wildlife Foundation Grant Agreement.

**3. ESTIMATED REASONABLE PRICE:**

\$300,000.00

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

In May, 2011, FEMS submitted an Innovative Nutrient and Sediment Reduction (INSR) Grant application to the National Fish and Wildlife Foundation (NFWF) to install a patented foam green roof product, Aqualok, and to measure the impacts of this particular product on stormwater quality. At the time of the application, F&EMS partnered with Freedom Garden Products (FGP), the inventor of the Aqualok products, and Amber Real Estate LLC ("Amber"), a CBE certified in project management and roofing consulting.

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Amber assembled the Grant Parties, wrote the Grant application and has managed the project since its inception.

Amber also agreed to provide a portion of the matching funding required for the grant in terms of in-kind services, while FGP agreed to provide a portion of the Aqualok roof panels as an in-kind donation. In competition with other state and local government applicants from across the Chesapeake Bay region, the FEMS Aqualok proposal was approved and a Grant award was publicly announced by NFWF in September, 2011 on the roof of Engine Company 12.

A condition of the Grant award by NFWF was that FEMS carry out a comparative analysis between the performance of the Aqualok installations and the performance of a traditional green roof installation. This analysis was to be conducted by a qualified research group in accordance with the terms of a Quality Assurance Project Plan (QAPP) approved by NFWF. In March, 2012, NFWF approved American University (AU) as the research group and began negotiating the QAPP between AU and NFWF. At the same time, NFWF approved the final Grant budget incorporating the AU research proposal. The Grant Agreement was executed by FEMS and NFWF in April, 2012. The QAPP was executed between NFWF and AU in June, 2012.

Amber was engaged by FEMS in 2011 to install the Aqualok panels donated by FGP on the roof of Engine Company 12. FEMS later expanded the scope of Amber's engagement to include planting of the Engine 12 roof in the summer of 2012. Over the past year, Amber has monitored the Engine 12 installation and also carried out structural engineer analyses of the additional roofs at Engine 17 at 1227 Monroe St NE, Engine 7 and the Fleet Maintenance Building both at 1101/1103 Half St SW to confirm their suitability for additional Aqualok installations called for in the Grant. Amber has supervised collection of data by AU and prepared interim quarterly reports to NFWF required under the Grant agreement.

Amber has the necessary resources in place and knowledge of the specific and unique requirements to maintain continuity of the range of services required under the Grant Agreement, which include not only installation of the patented FGP product at the above identified FEMS Facilities but also on-going monitoring, coordination with AU researchers and quarterly reporting to NFWF.

The unique nature of this procurement justifies sole source procurement by Amber to enable the completion of the Grant work plan within the approved budgets and time frame of 2014.

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5. **CERTIFICATION BY THE DEPUTY DIRECTOR OF CAPITAL CONSTRUCTION SERVICES:**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
June Locker

6. **CERTIFICATION BY THE MANAGER OF CONSTRUCTION SERVICES:**

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 procurement action was published in accordance with 27 DCMR 4718 and that [no response was received] [the response received was rejected because \_\_\_\_\_]. I recommend that the Department of General Services, Chief Contracting Officer approve the use of the sole source procurement method for this proposed procurement action.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Diane Wooden

**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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brian J. Hanlon  
Director/Chief Contracting Officer