

**DETERMINATION AND FINDINGS  
FOR A  
SOLE SOURCE PROCUREMENT**

**CONTRACT NO:** RQ883084

**CAPTION:** Trade-In and Purchase for X-Ray Fluorescence (XRF) Analyzer

**PROPOSED CONTRACTOR:** Thermo Scientific Portable Analytical Instruments, Inc.

**PROGRAM AGENCY:** District Department of the Environment

**FINDINGS**

1. **AUTHORIZATION:**

D.C. Official Code §2-354.04(b), 27 DCMR §§ 1705.2 and 1901.4

2. **MINIMUM NEED:**

The District Department of the Environment's (DDOE) Lead and Healthy Housing Division has a need to trade-in an old X-Ray Fluorescence Analyzer (XRF Analyzer) for a new advanced machine. The purpose of an X-Ray Fluorescence Analyzer is to identify lead-based paint and other surface coating containing lead or lead in its compounds and components. X-Ray Fluorescence Analyzers are also necessary when conducting risk assessments and investigations of childhood lead poisoning cases which the Lead and Healthy Housing Division are responsible for handling.

3. **ESTIMATED REASONABLE PRICE:** \$17,615.00

4. **FACTS THAT JUSTIFY SOLE SOURCE PROCUREMENT:**

A. The X-Ray Fluorescence Analyzer can only be traded-in for a new machine through the original manufacture, Thermo Scientific Portable Analytical Instruments, Inc. Additionally, the X-Ray Fluorescence Analyzer requires maintenance in addition to a radioactive battery that can only be supplied by the original manufacturer. Due to requirements by the Nuclear Regulatory Commission (which regulates this radioactive source element), the original manufacturer must provide service maintenance to all of their X-Ray Fluorescence Analyzers. Failure to maintain the equipment will prevent DDOE from being able to respond to cases of childhood lead poisoning and potentially put DDOE out of compliance with the Nuclear Regulatory Commission. If children with elevated levels of lead in their blood do not receive DDOE's case management and risk assessment, then the exposure of continued lead hazards to the children remain high. Long term exposure to lead hazards causes neurological and cognitive problems, brain damage and sometimes death.

B. Thermo Scientific Portable Analytical Instruments, Inc. is the only vendor who can legally provide upgrades and or updates to their equipment. Thermo Scientific Portable Analytical Instruments, Inc. is the sole source provider for parts, labor, and technical service for all of their manufactured instruments. This company does not authorize any other party to service their instruments

5. **CERTIFICATION BY AGENCY HEAD:**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tommy Wells  
Acting Agency Director  
District Department of the Environment

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 27 DCMR § 1304 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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robyn N Johnson  
Agency Contracting Officer  
District Department of the Environment

**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

\_\_\_\_\_  
Nancy Hapeman  
Interim Chief Procurement Officer  
Office of Contracting & Procurement