

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

CONTRACT NO:

CAPTION: Real Estate Advisement and Consultant Services

PROPOSED CONTRACTOR: Amber Real Estate, LLC

PROGRAM AGENCY: Department of Health

FINDINGS

1. AUTHORIZATION:

D.C. Official Code §2-354.04, 27 DCMR 1304, 1700 and 1701

2. MINIMUM NEED: The Department of Health, is seeking to continue the services of a contractor to provide real estate advisement and consultant services to assist in the development and management of the Capital Health Projects, through which over \$100 million is being invested in primary, urgent and emergency care facilities.

3. ESTIMATED REASONABLE PRICE: \$60,000.00

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT: The Contractor has been the primary real estate development firm in the District deemed capable of meeting the District's needs, with expertise in the District's Capital Health Expansion strategy and portfolio of projects. The Contractor has satisfactorily performed the required services since 2008 through an expiring MOU with the Deputy Mayor for Planning and Economic Development's Office, and is therefore intimately involved in and familiar with the specific requirements of the grant, financing structures, and grantee leadership.

In this final phase of these construction projects, replacing the current Contractor would lead to an interruption of construction, and cause irreparable harm to the progress of the remaining projects. Any such disruption will prevent the District from effectively overseeing the development, construction and completion of three active capital projects for which the District currently has invested and/or obligated approximately \$33 million. The Contractor is essential to the disbursement process for existing escrow accounts related to financing two of the remaining construction projects noted above.

The projects affected include:

- a. Unity / Parkside. Construction started August, 2012. Estimated completion date December, 2013.
- b. Community of Hope. Construction started August, 2012. Estimated completion date November, 2013.

- c. Unity / Brentwood. Predevelopment stage, with construction to begin June 2013. Estimated completion date TBD.

5. CERTIFICATION BY AGENCY HEAD:

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

Date

Saul Levin, MD, MPA
Interim Director, Department of Health

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

Paula Isaacs-Walker
Contracting Officer

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

James D. Staton, Jr.
Chief Procurement Officer

INSTRUCTIONS FOR THE D & F FOR A SOLE SOURCE PROCUREMENT

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 1702 as applicable.

2. MINIMUM NEED

Describe the program agency's requirement for a stated minimum need (scope of work) and time frame within which work must be performed. List in detail the precise nature and scope of the services or supplies required. The time frame must be justified in detail when sole source justification is time based.

3. ESTIMATED REASONABLE PRICE

The estimated price of the contract (the amount the contractor is anticipated to receive).

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT

Indicate the facts which establish that there is only one available source. This justification shall include an explanation of the proposed contractor's unique qualifications or other factors that qualify the proposed contractor as a sole source for the procurement. It shall also include a description of the market survey conducted and the results, or a statement of the reasons why a market survey was not conducted. If proprietary, follow 27 DCMR 1702.3.

5. CERTIFICATION BY AGENCY HEAD

The head of the program agency, by signature, certifies factually the findings.

6. CONTRACTING OFFICER CERTIFICATION

The contracting officer, by signature, certifies (1) factually the findings and recommends that an official with written delegated authority determines, by signature, that the use of the sole source procurement method is justified, and (2) that the notice of intent to award a sole source contract was published and that no viable response was received. The contracting officer must state that either no response was received or briefly explain why a response was not viable.

7. DETERMINATION

An official with written delegated authority determines, by signature, that the use of the sole source procurement method is justified. The Chief Procurement Officer, or an official delegated authority in writing to sign on behalf of the Chief Procurement Officer, must sign the determination if the procurement is in excess of five thousand dollars (\$5,000).