

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

CONTRACT NO: CW32705

CAPTION: Anacostia River Sediment Study

PROPOSED CONTRACTOR: Tetra Tech, Inc.

PROGRAM AGENCY: District Department of the Environment (DDOE)

FINDINGS

1. AUTHORITY

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

2. MINIMUM NEED:

The Government of the District of Columbia, District Department of the Environment (DDOE), has an immediate need for environmental consulting services to continue performing the Anacostia River Sediment Study. The period of performance shall be from the date of award through one year, with three, one-year options consistent with expected phases and subcomponents of the project, subject to the appropriation of funds for the option years.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The price is not-to-exceed \$5,528,388.00, and based on a combination of fixed unit prices per labor category and cost-reimbursement elements for equipment and related costs. The estimated price is fair and reasonable. Furthermore, it's an estimate of the costs of anticipated equipment and material costs performed in prior phases of the project under the District and GSA contracts, and the labor mix needed to accomplish the next phases of the work, of paid at rates similar to prior phases of the project.

4. FACTS JUSTIFYING SOLE SOURCE PROCUREMENT

On September 23, 2014, the District enacted the Anacostia River Toxics Remediation Act of 2014 (Toxic Remediation Act) as Subtitle J of Title VI of the FY2015 Budget Support Act (D.C. Act A20-0424). The Toxic Remediation Act requires that the District Department of the Environment (DDOE) adopt and publish a Record of Decision

detailing the recommended cleanup approach for remediation of toxic chemicals within the Anacostia River no later than June 30, 2018.

This legislation is the culmination of a series of legislative and administrative actions regarding the assessment and environmental remediation of the Anacostia River.

Toward that end, the District engaged the Contractor under prior contracts (including the Contractor's continuing site remediation contract with the District, DCAM-2012-NC-0162, and a task order [approved by the Council of the District of Columbia] that was issued against GSA contract GS-10F-0076) to begin review of the status of previous environmental activities completed for Anacostia River media (soil, sediment, water, and fish) and preparation of a Remedial Investigation (RI) Work Plan to govern the remedial investigation activities associated with evaluation of contamination of the Anacostia River's sediments pursuant to the Toxic Remediation Act.

The experienced team of technical experts that have quickly and efficiently advanced the project, including boat captains and assessment teams that have collectively logged thousands of hours on the River and in the lab to date, cannot be replaced with a new vendor without endangering the timely and effective completion of the project as a whole pursuant to the Toxic Remediation Act and in compliance with related federal environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC § 9621 *et seq.*

The Contractor's work on the project under these prior contracts is detailed below; the District is now ready for a contractor to commence the next phase of the work.

To date, the Contractor has provided previous Environmental Consulting Services (Anacostia River Sediment Study) and completed the following:

- A bathymetric survey of the Anacostia River, allowing its fluvial geomorphologists to refine the sampling locations in the RI Work Plan. The plan was posted for public comment in early 2014.
- A Community Involvement Plan in association with the RI Work Plan. The plan was posted for public comment in early 2014.
- Concurrent with the development of the work plans, prepared the associated planning documents including the Field Sampling Plan (FSP), Quality Assurance Project Plan (QAPP), and Program Management Plan (PMP), all to be used in association with the RI Work Plan to govern all sampling activities.
- Address 501 comments provided on the RI Work Plan by interested parties.

- Began logistical planning for the RI and identified a field base of operations along the Anacostia River.
- Maintain coordination with WMATA, PEPCO and multiple utility providers for further logistical planning, security and safety criteria, the identification of critical infrastructure and other critical requirements.

Future phases of the work are specified in detail in the RI Work Plan available at green.dc.gov/anacostiasediment.

The Contractor is the only vendor that can successfully complete the Anacostia River Sediment RI. The work required is extremely specialized, requiring a high degree of scientific and technical knowledge and a learning curve that is very steep at the inception of each stage of the work. The Contractor's team has already been mobilized and has developed deep knowledge of the work required through the thousands of hours already worked on prior phases of the project. Unlike operations and maintenance contracts for a given facility, for example, the contracted team does not automatically follow the work regardless of the identity of the contractor: this team is comprised of highly-trained technicians, scientists, and senior project managers and subject matter experts in environmental matters that would not be available to be employed by a new Contractor fielding its own team from scratch. Knowledge transfer between the existing team and a new team sufficient to safeguard the integrity of the project and the specific goals and deadlines approved in the RI Work plan would be more of a challenge than the project could reasonably bear, and the cost of such an attempted transfer in terms of additional downtime on the project as a whole would be considerable, and may require an additional appropriation from the Council. Replacing the Contractor with a new vendor would pose too great a risk to continued compliance with the requirements of the Toxic Remediation Act and related federal environmental laws, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC § 9621 *et seq.*

A market survey as not conducted, given the circumstances described above.

5. **CERTIFICATION BY AGENCY HEAD**

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

Date

Keith A. Anderson
Director

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] [the response received was rejected because _____]. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Date

Steven H. Wishod
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