

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

AGENCY: Office of the City Administrator
CONTRACT NO: TBD
CAPTION: St. Elizabeth Hospital Project
CONTRACTOR: Ropes & Gray LLP

FINDINGS

1. AUTHORIZATION:

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

2. MINIMUM NEED:

The District of Columbia through the District's Office of the City Administrator (OCA) seeks the ability to engage outside counsel, Ropes & Gray LLP (RG), to provide legal advice to, and to assist in the negotiation on behalf of, the District and the Mayor's office for the development and operation of a hospital on the campus of St. Elizabeth's East.

3. ESTIMATED REASONABLE COST:

The estimated fair and reasonable cost will not exceed \$500,000.00 annually of the anticipated labor hour agreement.

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

A. With over four decades of experience in the industry, RG has a global healthcare practice specializing in innovative solutions and provide sophisticated and strategic advice on transactions, regulatory issues and government investigations. They counsel in almost every sector of the global health care industry public and private, including academic medical centers and community hospitals, health care investors and financial institutions, medical schools, pharmaceutical companies, pharmacy benefit managers, medical device companies, managed care organizations and insurance companies, health care provider organizations, physician practice groups, health care technology companies, biomedical companies, and long-term care and nursing home providers.

To that end, they have provided advisory services to the District related to the St. Elizabeth Hospital project since September 2018 and have been an integral part of the

District's negotiation team. RG has provided thorough and well-reasoned legal advice with respect to structure and negotiation strategy to ensure the District's deal for the development and operation of the new hospital is in the best interests of the District.

- B. The on-going negotiation for the new hospital requires a deep understanding and extensive expertise of the laws applicable to health care services and industry standards and guidelines. Given where the District is with the project and RG's familiarity with the issues, the stakeholders involved, and their demonstrated expertise in the various practice areas involved in this engagement, they are the only source with the combined expertise and background for the required services, and changing contractor's at this time could adversely impact the success of the project, and potentially the District's negotiation position. It would be a misuse of District resources and cause significant delays with additional unnecessary cost impacts to not utilize them through the completion of the project.
- C. For the above stated reasons, it is in the District's best interest to award the sole source contract to RG, as the services are a logical follow on to the services provided by the contractor during the initial phase of the project.

5. CERTIFICATION BY CONTRACTING OFFICER:

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

Date

Todd Allen
Contracting Officer, Government Operations

6. CERTIFICATION BY CHIEF PROCUREMENT OFFICER:

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 bidding process under either Section 402 or 403 of the District of Columbia Procurement Practice 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

George A. Schutter III
Chief Procurement Officer for the Office of
Contracting and Procurement