

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

CONTRACT NO: DCEB-2015-C-2001
CAPTION: Negotiation of an Economic Development Conveyance (EDC)
PROPOSED CONTRACTOR: Kutak Rock, LLP
PROGRAM AGENCY: Office of the Deputy Mayor for Planning and Economic Development (DMPED)

FINDINGS

1. AUTHORIZATION:

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

2. MINIMUM NEED:

The Government of the District of Columbia, Office of the Deputy Mayor for Planning and Economic Development (“DMPED” or “District”) has a minimum need for a contractor to continue assisting the District in negotiations of an economic development conveyance (EDC) in support of the Walter Reed Local Redevelopment Authority (“LRA”). The proposed term for the contract is December 1, 2014 through November 30, 2015 with two (2) one-year options.

3. ESTIMATED REASONABLE PRICE:

The estimated fair and reasonable price to provide the required services during the Contract shall be in the estimated amount of \$250,000.00. The price is determined to be fair and reasonable, based on the fact that based on comparisons to other legal labor rates and historical payments.

4. FACTORS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

- A. Task Order Agreement No. DCEB-2012-TO-0002, for Legal Services for Walter Reed Local Redevelopment Authority (LRA) was awarded to Kutak Rock, LLP on July 20, 2012. The initial term of the task order was one year. Subsequently, it was later determined that the contractor services were needed beyond the one year term, so the agreement was modified to include two (2) one-year options. The current option year expires on November 30, 2014 with no remaining option periods.
- B. Legal services provided by Kutak Rock, LLP, under the expiring task order have not been completed. Unfinished services include: 1) Finalization of the Reuse Planning Process; 2) Economic Development Conveyance (EDC) Negotiations with the United States Army; 3) Master Developer Negotiations; and 4) Other related services.
- C. Kutak Rock, LLP is uniquely qualified to continue and complete the required services because of its project specific, critical institutional knowledge and experience assisting the District with the preparation of the Economic Development Conveyance (EDC) for the past three (3) years. Also,

during the past three (3) year period, the District has made a substantial monetary investment with Kutak Rock during this ongoing process. It would not be feasible to competitively bid the remaining work, as this would result in additional costs, e.g., schedule extension costs, payment of current project personnel, re-procurement of the services, transference of relative documents and institutional knowledge, document production costs and other related expenses. Additionally, this would create an extended timeline for completion of the work due to an imminent project stoppage.

- D. Program officials have confirmed that Kutak Lock, LLP has performed satisfactory on the previous expiring contract.

5. CERTIFICATION BY AGENCY HEAD:

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

Date

M. Jeffrey Miller, Interim Deputy Mayor

6. CERTIFICATION BY CONTRACT SPECIALIST

I hereby certify that the above findings and true and correct to the best of my knowledge. Further, 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.

Date

Lindel Reid, CPPB
Senior Contract Specialist

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 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

Jacque McDonald, CPPO, CPPB, SPSM, MBA, MST
Director, Contracts, Procurement and Grants