

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

CONTRACT NO: DCKA-2017-C-0027
CAPTION: Post design services for construction of Freeway Management System
PROPOSED CONTRACTOR: HNTB
PROGRAM AGENCY: District Department of Transportation
AUTHORIZATION: D.C. Official Code §2-354.04, 27 DCMR 1304 and 1700

1. MINIMUM NEED:

The District Department of Transportation (DDOT) has an ongoing need for the Contractor to continue with post-design services for construction of the Freeway Management System.

2. ESTIMATED REASONABLE PRICE:

\$55,020.62

3. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

- A. HNTB has provided post-design services for the freeway management system since January 15, 2016.
- B. The performance of period of the freeway management system construction contract has been extended to run through November 29, 2017. The post-design, construction administration phase services provided by HNTB are needed to assist during the extended construction period. The continued services from HNTB are needed through November 29, 2017.
- C. HNTB has an intimate knowledge of the project and DDOT procedures and processes. Their familiarity with the project has supported the project from the beginning of the construction to date. HNTB has reviewed twenty-seven (27) submittals from the construction contractor and processed eight (8) requests for information (RFIs).
- D. HNTB has demonstrated itself to be a responsible Contractor and has the resources and personnel to continue to perform the required work in a manner satisfactory to the District. HNTB has existing personnel and resources currently in place, to continue the needed service.
- E. The construction and implementation phase of the project is currently underway. Re-competing the contract would likely cause the construction and installation phase to be halted, resulting in demobilization and later remobilization costs from the construction contractor.
- F. Based on industry custom and practice, typically, no other company would agree to resume the construction administration phase services that HNTB is providing under the same terms and conditions because HNTB has already performed the design work, as well as review of construction utilizing its design work. Other companies would, therefore, be unwilling to assume the liability for HNTB's design work and previous construction administration phase services. The District would be at a significant disadvantage with respect to recovery for errors and

omissions. A new company would also be unable to modify HNTB's drawings as needed during the construction phase without causing HNTB to be released from liability for any of its prior errors and omissions in the drawings that were changed. Only HNTB can continue its services and provide the same degree of liability to the District, and permit the District to fully comply with 27 DCMR § 2630 ("Liability for Design Errors or Deficiencies").

G. These services were originally competed and three vendors evaluated. HNTB was the selected vendor. The additional design services were not anticipated at the time the original work was issued to HNTB. As the construction project has progressed, the need for RFIs and submittal review work has been higher than originally anticipated.

H. For the above stated reasons no market survey was conducted.

4. CERTIFICATION BY AGENCY HEAD

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

Date

Leif A. Dormsjo, Director
District Department of Transportation

5. 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 Section 404(c) of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Official Code §2-354.04) 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

William Sharp
Chief 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

George A. Schutter, III
Chief Procurement Officer