

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

CONTRACT NO.: DCKT-2012-C-0007
CAPTION: Maintenance for Trash Cans
PROPOSED CONTRACTOR: Toter, Inc.
PROGRAM AGENCY: Department of Public Works

FINDINGS

1. AUTHORIZATION:

D.C. Official Code §2-354.04, 27 DCMR 1304 and 1702.3

2. MINIMUM NEED:

The Department of Public Works requires a contractor to provide maintenance service to repair its inventory of Toter trash cans in the Residential Trash Collection Program.

3. ESTIMATED REASONABLE PRICE:

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

The District's inventory of residential trash cans are Toter brand. The models in service are the proprietary and patented designs of Toter. Toter, Inc. owns the only molds in existence for the lids, lid hinges, cart bodies and wheels.

5. CERTIFICATION BY AGENCY HEAD:

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

Date

Director, Department of Public Works

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

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