



DETERMINATION AND FINDINGS FOR AN EMERGENCY CONTRACT

CONTRACT NO: GAGA-2022-E-0214
REQUISITION NO:
CAPTION: Food Services Management Company (FSMC)
AGENCY: Food and Nutrition Services (FNS)
PROPOSED CONTRACTOR: SodexoMagic LLC

FINDINGS

1. AUTHORIZATION:

D.C. Official Code § 2-354.03(g); 27 DCMR Sections 1630, 1636 and 1642.

2. MINIMUM NEED:

The District of Columbia Public Schools (DCPS), Office of Contracts and Acquisitions (OCA), on behalf of the Food and Nutrition Services (FNS) is seeking Food Services Management Company (FSMC) to prepare, furnish and deliver high quality food service products and services to 108 DCPS School Sites which are divided into ten (10) clusters.

The Contractor(s) must conduct all program operations in accordance with all applicable Federal regulations, including, but not limited to, United States Department of Agriculture (USDA) 2 CFR Part 180, 2 CFR Part 200, and 7 CFR Parts 210, 220, 225, 226, 240, 245, 250, 3016.36, 3018.110(d), 3019.4, any Summer Food Service Program (SFSP) and Child Adult Care Food Program (CACFP) requirements, and Food and Nutrition Service (FNS) instructions, policies and memorandum, as applicable, in addition to all applicable state and local regulations, policies and procedures, including but not limited to the DC Healthy Schools Act (HSA) of 2010, as amended, the Healthy Hunger Free Kids Act (HHFKA) of 2010, as amended, and all State Agency memorandums and requirements. It is the duty of the Contractor to apprise itself with the requirements of DCPS Food Services and the District of Columbia Municipal Regulations 27 (DCMR 27).

There is an immediate need for services continuation to prevent interruption in service delivery that cannot be met through normal procurement methods at this time. Therefore, this emergency procurement action must be executed. The selected vendor shall meet the following minimum requirements:

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- a. Be compliant with District certification requirements.
- b. Have the necessary credentials to respond to scheduled deliveries and services as described in the contract.
- c. Possess, maintain, and keep in full force during the term of the contract, at its own costs and expense, insurance coverage at the limits prescribed by the District Office of Risk Management; and
- d. Shall ensure that every staff meets the required DCPS administered background check, finger printing, and criminal background check requirements prior to providing the services under this Emergency Contract.

The Solicitation Number GAGA-2022-R-0053 which was posted on March 16, 2022, closed on 12:00pm EDT April 29, 2022. DCPS received five proposals in response to the FSMC solicitation. DCPS contemplates to award more than one contract. Each contract value will be more than one million dollar which requires the City Council approval prior to award.

The two current Food Services Management Company (FSMC) contracts one with SodexoMagic LLC, and one with D. C Central Kitchen (DCCK) will expire June 30, 2021. FNS and OCA are diligently working toward awarding new FSMC contracts, but due to value of these contracts being above \$1 million each and must be approved by the City Council prior to award, DCPS, OCA must award these two Emergency Contracts to prevent interruption on services to DCPS Public Schools students. The period of performance for this emergency contract shall be from July 1, 2022, thru September 30, 2022, until DCPS is able to award the new, long-term contracts.

The Office of Contracting and Acquisitions (OCA) is in process of awarding new contracts for a term of one (1) base year with two one-year each option period by the conclusion of this emergency contract.

3. ESTIMATED REASONABLE COST:

Based on the historical data and prior FSMC contracts with SodexoMagic LLC, for the required services to serve nine clusters, the estimated reasonable cost of this emergency contract is \$7,294,236.27.

4. FACTS THAT JUSTIFY EMERGENCY PROCUREMENT:

The primary purpose of this emergency contract is to continue providing FSMC services for nine clusters of the DCPS Public Schools. The District of Columbia Food and Nutrition Services (FNS) is diligently working toward awarding new contracts.

Below are some of the important factors to justify to why DCPS limited competition to two firms: A) SodexoMagic LLC, and B) DCCK:

- a) The Solicitation Number GAGA-2022-R-0053 which was posted on March 16, 2022, 2022, and closed on 12:00pm April 29, 2022, resulted in receiving five timely proposals.

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- c) Additional time is needed to proceed with new long-term contracts since it requires receiving City Council approval prior to award of the new long-term contracts.
- d) Very tight timeline, conflicting priorities, visibility, and importance of this requirement, and completing the actions requires to ensure full compliance demands time.
- e) DCPS recent attempt to solicit requirements with huge shift in market and industry due to dealing with COVID-19 impeded DCPS effort to access and receive real-time market information on food and supply chain management, and
- f) Importance of ensuring no gaps in service to deliver necessary school meals to DCPS students. This is predicated through the critical needs for summer meal service, as over 85% of DCPS students rely on these meals as a primary source of nutrition. A break in service means that a large number of DC Students will be without a source of nutrition.

5. CERTIFICATION BY AGENCY DIRECTOR:

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

Robert Jaber
Executive Director, Food and Nutrition Services

Date

6. DETERMINATION

Based upon the authorities, findings and in accordance with D.C. Official Code § 2-354.05; 27 DCMR § 1702 (Emergency Procurements), I hereby determine that the proposed emergency procurement is in the best interest of the District of Columbia.

Contracting Officer

Date