

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

AGENCY: District of Columbia Public Schools, Office of the Chief Operating Officer, Food and Nutrition Services (FNS)

CAPTION: Food Services Management Company

CONTRACT NO.: GAGA-2023-C-0248

CONTRACTOR: DC Central Kitchen (DCCK)

FINDINGS

1. AUTHORIZATION:

The FSMC contracts are funded with both Local and Federal funds; hence contractual actions must be compliant with Federal and District laws and regulations. Federal Acquisition Regulations (FAR) and District (27 DCMR) regulations as listed below:

No	Section No	Description
01	DC Official Code §2-354.04	Sole Source Procurement
02	27 DCMR 1304	Notice of Intent to Award A Sole Source Contract
03	27 DCMR 1701	Sole Source Procurement Posting Requirements
04	Section 404 of the Procurement Practices Reform Act of 2010	Sole Source Procurements
05	FAR 2.101	Definitions
06	FAR 3.104	Procurement Integrity
07	7 CFR 210	Food Services Management Companies
08	7 CFR 225	Summer Food Service Program
09	(P.L. 116-127), Section 2202(a)	Families First Coronavirus Response Act

2. MINIMUM NEED:

DCPS must continue satisfying the requirements of the USDA school meals program. DCPS provides breakfast, lunch, supper, and snack meals for over 52,000 enrolled students daily. The meals align with federal and district nutritional standards to ensure students are fueled for learning and prepared for the academic day's rigors. The continuity of services is critical for DCPS to properly and holistically function as students endure long days of learning while they prepare for academic and life-long wellness and success.

3. ESTIMATED REASONABLE PRICE:

The anticipated cost of the DCKK Contract for the date range July 1, 2023 – September 30, 2023 is \$5,963,141.06.

4. BACKGROUND AND HISTORY TO JUSTIFY SOLE SOURCE AWARD:

In 2016, DCPS implemented Food Service Management Company (FSMC) contract number GAGA-2016-0036A contract to ensure critical meal and nutrition services would continue through its traditional means. DCPS has contracted its nutrition program since approximately 2008.

The COVID-19 pandemic hindered DCPS' ability to re-solicit the contract as required. The supply chain was severely impacted, and USDA provided waivers to accommodate the challenges of re-soliciting in the traditional 5-year period as required by DC and Federal requirements.

The proper re-solicitation of the FSMC contract is due to be implemented by June 2023, and it is lengthy under traditional terms. Given the intensity of requirements for this procurement, the new solicitation has become more cumbersome. In the summer of 2022, sole source contract GAGA-2022-0260 was extended to the incumbent provider as a new solicitation was being developed. While the new solicitation is under evaluation, a new sole source contract is required to continue services to ensure that students have meals available from July 1, 2023, through September 30, 2023.

5. CERTIFICATION BY DCPS PROGRAM:

I hereby certify that the above findings are true, correct, and complete, and the anticipated cost to DCPS is fair and reasonable.

June 5, 2023

Date



Deputy Chief, Food and Nutrition Services

DETERMINATION

Based on the above-certified 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 Section 27 DCMR 1304, 1701, 2100.

6/6/2023
Date

Brenda Allen
Contracts Officer, DCPS