



DETERMINATION AND FINDINGS FOR AN EMERGENCY CONTRACT

CONTRACT NO: GAGA-2021-E-0046
REQUISITION NO: RK173572
CAPTION: Grocery Distribution to Seven Schools
AGENCY: Food and Nutrition Services (FNS)
PROPOSED CONTRACTOR: Gordon Food Service

FINDINGS

1. AUTHORIZATION:

D.C. Official Code § 2-354.05; 27 DCMR § 1702 (Emergency Procurements)

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 a Contractor to provide grocery distribution to seven schools. FNS provides food services programs and requirements to all eligible students of DCPS and is an essential, and integral part of the education of DCPS Public Schools system. In order to ensure that all eligible students can participate equally and without barrier, the agency must provide the food services program to all schools.

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:

- a. Be compliant with District certification requirements.
- b. Have a necessary credentials enough to respond to scheduled deliveries trips 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.

D&F for Emergency Contract

A 'Notice To Proceed (NTP)' will be executed on February 01, 2021. The period of performance for this emergency contract shall be from February 01, 2021 thru May 31, 2021.

The Office of Contracting and Acquisitions (OCA) is in process of advertising a solicitation for competitive proposals and plans to award a contract for a term of one (1) base year with four one-year each option period by the conclusion of this emergency contract/purchase order.

3. ESTIMATED REASONABLE COST:

Based on the historical data and existing Grocery Distribution contract(s), and informal research of rates for the required services, the estimated reasonable cost of the emergency contract is \$30,000.00.

4. FACTS THAT JUSTIFY EMERGENCY PROCUREMENT:

The primary purpose of this emergency contract is to continue providing grocery distribution service for DCPS Public Schools. The District of Columbia Food and Nutrition Services (FNS) has been tasked to perform the food services programs in house.

The District of Columbia Public Schools (DCPS), FNS awarded the contract number GAGA-2020-C-0019 to Gordon Food Service (GFS) which Base Periods started on March 2020 thru June 30, 2020. The Option Year One started July 01, 2020 thru June 30, 2021 in the amount of \$2,269,977.28 which requires either 1) approved subcontracting plan, or 2) approved waiver to subcontracting.

Emergency Contract Number GAGA-2020-E-0139 will expire on January 28, 2021. Due to conflicting priorities during COVID-19 working environment additional time is needed to award a long-term contract to satisfy Grocery Distribution requirement.

OCA awarded one numbers GAGA-2020-C-0019 to Gordon Foods Service with one (1) base year and two (2) one-year option periods. After completion of the Base Period on June 30, 2020, DCPS OCA partially exercised the Option Year One for the contract from July 01, 2020 thru September 30, 2020 using FY20 budget. However, the above-mentioned contract for the base year was under the threshold for subcontracting, but OPY One amount required subcontracting.

Since the food services programs are federally funded by the US Department of Agriculture (USDA) and must be compliance and in accordance with the USDA laws and regulations DCPS FNS communicates these with the vendors/contractors. Below is a brief list of actions taken from inception of this need:

Being fully compliant with these laws and regulations, DCPS on August 01, 2019 terminated the Contract Number GAGA-2018-C-0061 with the Performance Good Group. This contractor was not able to satisfy the legally mandated item(s) in the contract regardless of chances given for corrective actions.

On June 04, 2019 DCPS OCA posted RFP Number GAGA-2019-R-0072 which was canceled due to lack of response from food distribution vendors. On July 26, 2020 DCPS, FNS conducted a market research asking help on how to better prepare RFP to get more vendors response.

D&F for Emergency Contract

To prevent interruption to grocery distribution services, on August 01, 2019 based on collaboration and recommendation from OSSE, DCPS issued a Sole Source Contract GAGA-2019-E-0072A with Gordon Food Services to cover two schools. This provided enough time to post on January 17, 2020 RFP Number GAGA-2020-R-0019 to award a new full and open contract.

On February 14, 2020 DCPS received one timely qualifying proposal from Gordon Food Service (GFS). At completion of evaluation the contract GAGA-2020-C-0019 was awarded to GFS with the base period from March 02, 2020 thru June 30, 2020, and Two Option Year Periods. The Option Year One covers from July 02, 2020 thru June 30, 2021 in the amount which requires either subcontracting plan or waiver to subcontracting.

DCPS has been closely working with all parties, GFS, DSLBD, Run Veggie on subcontracting without subcontract between GFS and Run Veggie to satisfy DSLBD laws and regulations. Hence DCPS to be compliance decided not to continue the balance of the option year one with GFS and proceed with awarding two Emergency Contracts numbers:

1. GAGA-2020-E-0138 with GFS, and
2. GAGA-2020-E-0139 with Run Veggie, LLC.

The above listed two Emergency Contracts will expire January 28, 2021. Two new Emergency Contracts have been issued per below Numbers:

1. GAGA-2021-E-0046 with GFS, and
2. GAGA-2021-E-0047 with Run Veggie, LLC

Given the DCPS mission and goal on serving all students in ways that will impact their overall welfare and set a path for their success and being responsive to these needs under the new unprecedented COVID-19 working environment, an emergency procurement is warranted. OCA is diligently working on Request for Proposals (RFP) at earliest time practicable to award a new contract for this existing requirement to a responsive, responsible, and capable contractor(s) who will provide the most valuable services to DCPS, FNS in accordance with all the Federal, State, local and DCPS laws and regulations.

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
Director, Food and Nutrition Services

Date

D&F for Emergency Contract

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