



**DETERMINATION AND FINDINGS FOR AN EMERGENCY CONTRACT**

**CONTRACT NO:** GAGA-2020-E-0139  
**REQUISITION NO:** RK159593  
**CAPTION:** Grocery Distribution to Seven Schools  
**AGENCY** Food and Nutrition Services (FNS)  
**PROPOSED CONTRACTOR:** Run Veggie, LLC.

**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), Resource Strategy Office (RSO), Contracts and Acquisitions Division (OCA), on behalf of the Chief Operating Office (COO), Food and Nutrition Services (FNS) Division 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 DC 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 participating schools.

There is an immediate need for services 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.

The 'Notice to Proceed (NTP)' was executed on October 1, 2020. The period of performance for this emergency contract shall be from October 1, 2020 thru January 28, 2021.

## D&F for Emergency Contract

OCA is in the 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 \$240,000.00.

### **4. FACTS THAT JUSTIFY EMERGENCY PROCUREMENT:**

The primary purpose of this emergency contract is to continue providing grocery distribution service for DCPS, as FNS has been tasked to perform the food services programs in house.

OCA awarded contract number GAGA-2020-C-0019 to Gordon Foods Service with one (1) base year and two (2) one-year option periods. The contract was awarded with a base period beginning March 2, 2020 thru June 30, 2020. After completion of the Base Period on June 30, 2020, OCA partially exercised the Option Year One for the contract from July 01, 2020 thru September 30, 2020 using FY20 budget. The partially exercised contract for the base year was under the threshold for subcontracting, however, to exercise the full option year amount the Contract required subcontracting.

The full Option Year One was from July 1, 2020 thru June 30, 2021 in the amount of \$2,269,977.28 which required either i) approved subcontracting plan, or ii) approved waiver from the subcontracting requirements issued by the Department of Small and Local Business Development (DSLBD). On May 5, 2020, OCA submitted a waiver request of D.C. Code §2-218.46 (35% Subcontracting Requirement) for option year one of the Contract to DSLBD. As a result of this waiver process and posting, DCPS received responses from eight (8) CBE businesses. The list of respondents was shared with DSLBD and GFS.

On May 29, 2020, DSLBD recommended that GFS proceed with selecting a capable vendor(s) who could receive a subcontract on the grocery distribution requirement. Ultimately, GFS was not able to come to a subcontracting partnership with an of the respondent CBEs. Therefore, in order to be compliant, DCPS 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 (non-CBE), and;
2. GAGA-2020-E-0139 with Run Veggie, LLC (CBE).

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 an emergency procurement is warranted. OCA will issue a Request for Proposals (RFP) at earliest time practicable to award a new contract for this existing requirement.

DCPS OCA is diligently focused on awarding competitive contract(s) to 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.

D&F for Emergency Contract

**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

**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.

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Candace A. Butler  
Chief Procurement Officer

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Date