

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

AGENCY: District of Columbia Public Schools
Food Services Division

PURPOSE OF CONTRACT: Purchase of Used 53 Milk Refrigerators

PROPOSED CONTRACTOR: Cloverland/Green Spring Dairy

FINDINGS

1. AUTHORIZATION:

(D.C. Law 18-371) D.C. Code 2-354.01, Section 404 and 27 DCMR, Section 1700.

2. MINIMUM NEED:

The District of Columbia Public Schools (DCPS), Office of Food and Nutrition Services (OFNS) has an immediate requirement to purchase used 53 milk refrigerators currently in use and maintained by DCPS due to transition to a new food vendor.

3. FAIR AND REASONABLE ESTIMATED COST:

The estimated annual services cost is \$47,821.37

4. FACTS WHICH JUSTIFY A SOLE SOURCE PROCUREMENT:

- (a) Cloverland/Green Spring Dairy was a sub-contractor on a previous food management service contract No. GAGA-2012-C-0057A, awarded to Compass Group, USA. Under the contract, Cloverland/Green Dairy, provided 53 refrigerators to enable DCPS to keep the milk at the appropriate temperature. The food services contract expired June 30, 2016 and a new vendor was selected by DCPS to provide the services.
- (b) The 53 refrigerators are still in use and still being maintained by DCPS that we were advised by Cloverland/Green Spring Dairy that DCPS has two options:
 - 1. Return the refrigerators and purchase new/used equipment; or
 - 2. Purchase the equipment directly from Cloverland/Green Spring Dairy as used equipment.
- c) Based on the following reasons, DCPS has opted to purchase the 53 refrigerators, which it has maintained through the term period

of the previous contract, as negotiated with the subcontractor:

(1) Purchasing Used Equipment will Cost Significantly Less

Purchasing the used milk refrigerators will be irrefutably less expensive than purchasing new equipment. The total price of the milk refrigerators is \$47,821.37. No other company can deliver, place, install and supply the refrigerators at this discounted price in all schools needed in the same day, which would include a transfer of product from the old unit to the new. See attached line item estimates for each refrigerator.

(2) Purchasing Used Cloverland Equipment will meet Immediate Needs.

The milk refrigerators are required to be continuously on site to refrigerate and maintain the milk at the appropriate temperature. In addition, the new equipment must be installed at all the schools at the same time, and the transfer of the milk products from the old units to the new ones. The costs to achieve these would be cost prohibitive were DCPS to procure new equipment which requires an immediate turnaround time of less than an hour, considering the processes involved in the removal of old equipment and installation of new ones.

(3) Used Equipment Well-Maintained.

While the refrigerators have been provided by the vendor, DCPS has ensured that the units undergo routine maintenance checks and have been fully functional.

CERTIFICATION BY THE DCPS PROGRAM OFFICE:

I hereby certify that the above statements are correct and the anticipated cost to DCPS is fair and reasonable.

Date

Food Services Division

DETERMINATION

Based on the above certified findings in accordance cited authority, I hereby determined that it is not feasible or practice to invoke the competitive bidding process under Section 404 of the District of Columbia Procurement Practices Reform Act of 2010 D.C. Law 18-371: DC Code § 2-354.01, Section 404, and 27 DCMR 1304 and 1700.

Date

Chief Procurement Officer