

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

1. **Authorization**ⁱ

- DC Law: 34-804
- DC Law: 34-801
- 15 DCMR: §3700

2. **Minimum Need:**

The Office of the People's Counsel requests the services of Comm-Works to provide technical services in which they have proprietary access and maintains the agencies telecommunications network.

3. **Estimated Fair and Reasonable Price:**

\$50,000.00

4. **Facts That Justify a Sole Source Procurement:**

- A. The Office of the People's Counsel "OPC" is an independent agency of the District of Columbia government. By law, it is the advocate for consumers of natural gas, electric and telephone services in the District. District of Columbia law designates the Office as a party to all utility-related proceedings before the Public Service Commission. The Office also represents the interests of District ratepayers before federal regulatory agencies. The Office is authorized to investigate the operation and valuation of utility companies independently of any pending proceedings.

OPC requires a conference bridge so that the agency has access to a wide range of consultants simultaneously and the sharing of documents. Once in place this will allow the agency to conduct conference setup with no additional charges from outside sources.

- B. Comm-Works has built the telecommunications platform for the agency and maintain it for over 20 years. Comm-Works has provided OPC over the years the ability to move seamlessly from one upgrade to another. Comm-Works is well-equipped to provide the solution we need. Their experts have the knowledge and experience to effectively design our requirements that will integrate with our existing technology and

improve its efficiency. There is proprietary programming that has evolved over the years from Comm-Works engineers.

- C. If an outside vendor were to access the Alcatel phone system, the annual maintenance agreement currently in place between Comm-Works and OPC would be voided as our agreement prohibits a 3rd party vendor from accessing and/or working on the Alcatel phone system. This is considered to be standard practice in our industry and it protects both, the vendor and the customer, as an outside vendor is unfamiliar with existing configuration, programming and overall set-up of the current phone system as well as the entire network topology.
- D. Leveraging a “trusted partner” like Comm-Works, with proven past performance specifically with OPC, eliminates the hassles, delays and “low ball, bait and switch” bidding tactics that frequently result in an inaccurate bill of materials and system design.
- E. Outside vendors will need to be screened to receive security clearance by OPC. Since OPC has requested an accelerated installation/cutover, outside vendors will not have sufficient time to have their engineers/technicians/project managers receive OPC security clearances.
- F. The final justification is not contractual in nature, however, it should be noted that the OPC holds its present vendor (Comm-Works) in very high regard with respect to designing solid technical solutions and providing prompt and professional service and support.
- G. Additionally, Comm-Works offers OPC all of the following benefits:
 - a. Highly qualified, certified, and senior tenured Comm-Works ALU OXE technicians.
 - b. Solutions Center staffed with highly experienced pre-sales engineers certified on the ALU OXE.
 - c. Senior Account Manager, Mr. Alan Kay, 25+ years at Comm-Works offering consultative services on the ALU OXE and all associated applications since Comm-Works became an ALU dealer back in 2001.
 - d. Washington DC based warehouse stocking ALU OXE equipment.

- e. A Support Team concentrating on telecom support services and 7x24 emergency service dispatch center.
- f. Comm-Works Command Center (C3) – a SharePoint, web-based customer project management portal for easy access and reporting of project information.
- g. Comm-Works “Experience Center” to provide customer presentations and virtual (i.e. webinar) demonstrations of ALU OXE applications on our large flat panel LCD displays and interactive Smart Boards.

H. It is for the reasons outlined herein that it is recommended that a sole source contract be awarded to Comm-Works.

5. **Certification by the Contracting Officer:**

I hereby certify that the above facts are accurate and complete.

 Frank G. Scott, Jr.
 Contracting Officer

 Date

DETERMINATION

Based on the above findings and in accordance with the District of Columbia procurement regulations: *DC Law: 34-804; DC Law: 34-801; and 15 DCMR §3700*, I hereby determine that the award of a sole source contract for the services described herein is in the best interest of the Office of the People’s Counsel.

 Sandra Mattavous-Frye
 People’s Counsel

 Date

i Procurement authority is vested in the Commission pursuant to § 13 (c) (2) of the Residential Real Property Seller Disclosure, Funeral Services Date Change, and Public Service Commission Independent Procurement Authority Act of 1998 (D.C. Law 12-263). The Commission is statutorily exempt from the D.C. procurement rules as set forth in D.C. Official Code § 1-1181 et seq.

DC Law: 34-804, hereby established within the Public Service Commission of the District of Columbia, has established by DC Law: 34-801, an office to be known as the "Office of the People's Counsel". The office shall be a party, as of right, in any investigation, valuation, revaluation, or proceeding of any nature by the Public Service Commission of or concerning a public utility operating in the District of Columbia.

15 DCMR §3700: Public Utilities and Cable Television- Public Service Commission Rules of Practice and Procedure