



## PROCUREMENT POLICY

**SUBJECT: SOLE SOURCE CONTRACT PUBLIC NOTICE REQUIREMENT**

**ORIGINATING OFFICE: Office of the Director**

1. **PURPOSE.** The purpose of this policy is to establish a notice requirement for sole source contracts to ensure public notice and promote transparency in contracting.
2. **AUTHORITY.** This policy is being promulgated pursuant to:
  - 2.1 Sections 202 and 305 of the District of Columbia Procurement Practices Act of 1985 (PPA), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code §§ 2-302.02 and 2-303.05); and
  - 2.2 27 DC Municipal Regulations, chapter 17.
3. **APPLICABILITY.** This policy shall apply to sole source contracts for goods, services, and construction with a dollar value of \$5,000 or above.
4. **POLICY STATEMENT.**
  - 4.1 **General Rule.** The Chief Procurement Officer (CPO) or a designee shall post a “Notice of Intent to Award a Sole Source Contract” on the Office of Contracting and Procurement (OCP) Internet site ([www.ocp.dc.gov](http://www.ocp.dc.gov)) at least ten (10) days prior to contract award if the dollar value is \$5,000 or above, unless the CPO determines that it is not in the best interest of the District.
  - 4.2 **Notice Requirements.**
    - 4.2.1 A “Notice of Intent to Award a Sole Source Contract” shall include:
      - (a) The notice date;
      - (b) The response due date;
      - (c) The contract caption and a brief and concise description of the contract that clearly and accurately describes the goods, services, or construction being procured;
      - (d) The vendor’s name; and

(e) The procuring agency's name.

4.2.2 The contracting officer shall post the notice prior to sending a sole source determination and findings (D&F) package to the CPO for review and approval.

#### 4.3 Sole Source Determination and Findings Requirement.

4.3.1 A sole source D&F package shall include any requirements included under 27 DCMR, chapter 17, and:

- (a) Proof that the notice has been posted;
- (b) The information included in the "Notice of Intent to Award a Sole Source Contract;"
- (c) Responses to the posted notice received by the contracting officer;
- (d) In cases where a response was received to a posted notice, a contracting officer shall include:
  - (i) The number of responses received;
  - (ii) Whether a response was accepted or rejected and a written explanation of why a response was not considered; and
  - (iii) The contracting officer's final decision regarding whether it is still appropriate to award a sole source contract.

4.3.2 **Late Responses.** If a vendor does not respond to the "Notice of Intent to Award a Sole Source Contract" before the response due date included on the notice, the response shall be deemed late, but may be considered by the contracting officer if it is in the best interest of the District.

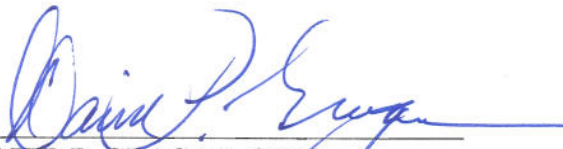
#### 4.4 Final Award Determinations.

4.4.1 If the contracting officer determines that it is still appropriate to award a sole source contract after reviewing the responses received, he or she shall forward the sole source D&F package to the CPO for further review, approval and contract award.

4.4.2 Notwithstanding subsection 4.4.1, if the CPO or a designee determines that a vendor whose response was rejected has a legitimate claim regarding whether he or she can complete the work under the contract, the contract shall not be awarded as a sole source as originally proposed, and the contracting officer shall use the source selection method recommended by the CPO or designee to award the contract.

4.5 **Contract File.** The contracting officer shall include the "Notice of Intent to Award a Sole Source Contract," the sole source D&F package, and any other documents prepared to satisfy section 4.3 above in the contract file.

5. **RESCINDED POLICIES.** No other policy is being amended or rescinded by this policy.

  
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DAVID P. GRAGAN, CPPO  
Chief Procurement Officer  
Office of Contracting and Procurement

  
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Date