

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT**

1. **Authorization¹**

- D.C. Code § 34-801
- D.C. Code § 34-804
- 15 D.C.M.R. § 3700

2. **Minimum Need**

The Office of the People’s Counsel for the District of Columbia (“OPC” or “Office”) requests the services of Cenken Group, LLC to provide technical services for the purpose of providing expert assistance in conducting preliminary geotechnical exploration at Pepco’s various utility construction sites.

3. **Estimated Fair and Reasonable Price**

The total contract (“not –to-exceed”) price is \$60,055.

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

- A. The Office of the People’s Counsel (“OPC” or “Office”) is an independent agency of the District of Columbia Government. By law, it is the advocate for consumers of natural gas, electric and landline telephone services in the District. District of Columbia law designates the Office as a party to all utility-related proceedings before the District of Columbia Public Service Commission (“PSC” or “DC PSC” or “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.
- B. The Office of the People’s Counsel is looking to execute a contract with Cenken Group, LLC to retain their professional technical services and expertise to assess Pepco’s various utility construction sites along Eastern Avenue in the Northwest quadrant of the District of Columbia to study the subsurface conditions in relation to reported residential complaints regarding the vibrational impact to damaged properties adjacent to Pepco’s construction activities. Additionally, OPC will request Cenken Group, LLC to determine if the type of construction practices used by Pepco are reasonable for the type of soil located near the construction sites and homes.

- C. Cenken Group, LLC is a full-service geotechnical engineering and quality assurance consulting firm located in Beltsville, Maryland that specializes in geotechnical and geo-environmental engineering, construction management, quality assurance and quality control assessments, civil and materials inspections, as well as offering comprehensive subsurface exploration services to both public and private sector clients.

The Office is looking to contractually retain their professional geotechnical services to specifically accomplish the following:

- Obtain the existing data including geotechnical, geological, topographic reports;
- Conduct site reconnaissance to study the existing site conditions, including visiting the impacted homes to study the reported distresses;
- Perform augur probes within the vicinity of the excavations and adjacent properties to study the subsurface conditions; and
- Evaluate the results of the studies and prepare a geotechnical report which will contain but not be limited to the following:
 1. A brief review and description of the field test procedures conducted and their results;
 2. A review of area and site geologic conditions and available geotechnical data;
 3. A review of subsurface conditions encountered with available physical properties;
 4. Discussions of impact excavation practices within an urban setting;
 5. Discussions of reasonableness of Pepco on-going construction practices.

- D. Given Cenken Group, LLC's local expertise in assessing and preparing geotechnical studies, they're uniquely and exclusively qualified to handle a geotechnical audit to assess the residential impact and/or damage Pepco's construction operation could be causing District residents residing along Eastern Avenue, NW. Based on the nature and complexity of the issues at hand, and based on the familiarity of the tasks to be performed with the timeframe required; OPC believes it is justified in awarding a sole source contract to Cenken Group, LLC to retain their technical services on this matter.

- E. It is for the reasons outlined herein that it is recommended that a sole source contract be awarded to Cenken Group, LLC.

5. **Certification by the Contracting Officer**

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

Christopher K. Sellers
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 D.C.M.R. §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.

Eric B. Scott, Esq.
Chief Operating Officer

Date

¹ Procurement authority is vested in the Commission pursuant to § 13(c) (2) of the Residential Real Property Seller Disclosure, Funeral Services Date Charge, 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.

D.C. Code § 34-804, hereby established within the Public Service Commission of the District of Columbia, as established by D.C. Code § 34-801, as 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 D.C.M.R. § 3700: Public Utilities and Cable Television – Public Service Commission Rules of Practice and Procedure.