

SOLE SOURCE FACT SHEET AND CHECKLIST FOR DESIGN PROFESSIONAL SERVICES

This form must be **electronically** completed, **signed and submitted to the Department of General Services** when making sole source requests for design professional services. If a question is not applicable, please indicate N/A. Use layman's terms and avoid jargon and the use of acronyms.

Application of the printed names of the person completing the form and the agency head or deputy in the boxes provided on the form shall constitute the signatures of these individuals. Agencies must ensure that these individuals review the completed form and give their consent to apply their printed name at the bottom of the form where indicated. No handwritten signature shall be required in order for the form to be considered "signed" by those individuals whose names appear in the Signature section of the form.

Agency Name: Department of Labor & Industry, (DL&I)

Contract No.: _____

Estimated Total Dollar Amount of Contract: \$100,000

Design Professional's Name: P&M Design, LLC

Design Professional's Address: P.O. Box 235, Duncansville, PA 16635-0235

Design Professional's Vendor Number: 0000509238

Design Professional's Contact Person: Matthew Filan, P.E.

Design Professional's Contact Telephone No.: (814) 204-0680

Design Professional's Contact Email Address: mfilan@pandmdesign.com

Location Where Service is to be Performed: PA CareerLink, Lackawanna County, PA
35 Franklin Ave., Scranton, PA 18503

1. Please check the reason(s) for this request:
 - a. Only Single design professional is capable of providing these Design Professional Services.
 Only known source - similar design services not available from another design professional.
 Design services must be provided by this contractor to ensure compatibility.
 - b. A federal or state statute or federal regulation exempts the design service from the competitive procedure.
 - c. The contract for design professional services is in the best interest of the Commonwealth.

Note: The checklist by itself is not sufficient justification for sole source procurement. (The agency must provide written justification that one of these conditions exists and include it in the contract file.)

2. Briefly describe the design professional services you are requesting and their function.

The requested design professional services include the necessary architectural, structural, MEP (mechanical, electrical, and plumbing) design in preparation of complete construction documents (including drawings and specifications) to provide the replacement of one (1) existing 50-Ton cooling capacity split system air handling unit and matching condensing unit. The replacement will include ductwork, control dampers, insulation, duct-mounted electric heaters, and associated refrigerant piping and electrical wiring, conduit, and fittings to complete the installation. The existing ducted air distribution system will remain and be tested, adjusted, and balanced for proper airflow. The existing distribution ductwork to remain will be cleaned. Design of general construction will include supportive architectural and structural requirements for the MEP work to be completed. Design documents will conform with the bidding requirements of the Department of General Services including General Provisions of the Contract, Division 01 Specifications, and Base Bid structure.

3. Describe the unique reasons of this design professional service procurement that prohibits a competitive procurement.

There is currently a partially completed set of construction documents (including drawings and specifications) that has been produced by the requested design professional in response to a recent Job Order Contracting (JOC) estimate to perform the work. The intent of these documents was to secure the required building permit which has been obtained from the Department of Labor & Industry (DL&I). However, as it is now the intent to issue the design documents for competitive bidding of construction, it is also necessary to advance these documents for completeness to conform with the bidding requirements of the Department of General Services. It is in the best interests of the Commonwealth and DGS on behalf of the DL&I to select the requested design professional to continue with the advancement of the design documents that they have produced thus far to allow compatibility with the design intent shown and specified. Retaining the requested design professional will facilitate timely and efficient execution of the design and production of the construction documents.

4. What research has been done to verify this design professional as the only known source?

The requested design professional has been identified as the producer of the partially completed set of construction documents to the satisfaction of the client agency and the DGS. It is communally agreed that they are fully capable of advancing these documents to produce the complete design, permitting, procurement, and construction stages for the project. They have subsequently been contacted to confirm their interest in contracting with DGS to provide design services to which they have done so in the affirmative. In the essence of conserving time, it has been determined that implementing the typical selections/negotiations process to procure another suitable design professional will extend the time required to complete the design and begin the construction, thus prolonging the desperate need to replace the failing existing air handling system serving the building.

5. If this is an upgrade, addition, alteration, etc., to an existing design item, how was the original item procured (sole source or competitive)? What additional, related, sole source procurements have occurred since the initial procurement? Please identify the previous purchase order or contract number(s).

The existing partial design documents were procured in response to a Job Order Contracting (JOC) estimate to perform the work with the intent on securing the required building permit to begin construction. No other additional related sole source procurements have occurred since this initial procurement.

6. How has this specific design been procured in the past? (Competitive sealed proposals, Governor's Selection Committee, sole source, other). Please provide document numbers.

For projects with a total value between \$10,000 and \$400,000 the procurement method has been the Commonwealth's Job Order Contracting (JOC) program. For projects exceeding this threshold the procurement method has been the Governor's Selection Committee for acquisition of professional design services.

7. What are the consequences of not procuring this specific design professional service?

The client agency has spent approximately \$16,000 for the procurement of design services that have produced the partial construction documents to this point. Their familiarity with the project will allow them to continue in the most efficient manner to produce a complete design compatible with the design intent. In the essence of conserving time, it has been determined that implementing the typical selections/negotiations process to procure another suitable design professional will extend the time required to complete the design and begin the construction, thus prolonging the desperate need to replace the failing existing air handling system serving the building

8. If timing is a factor, who established the time frame and why?

Timing is a factor for this project due to the urgent need to have the failing HVAC system replaced as soon as possible. The facility operators have determined that the air handling unit is becoming unreliable and is not expected to be able to serve the conditioning needs of the building in the coming cooling seasons.

9. What are the consequences of not procuring this specific design professional service within the established time frame?

The consequences of not procuring this specific design professional service within the established time frame will be the need to procure services through the DGS process for selections and negotiations for Capital Projects which will extend beyond the time of need for the project to be completed. The existing HVAC system is likely to fail before then and will leave the building without adequate HVAC.

10. How long has the agency known that the design was needed and why wasn't the contract process started earlier?

The client agency reports that they have been working towards a solution to this issue for well over a year, close to two years, prior to this time. They have been searching for the proper contracting method to execute the project and have recently initiated a Job Order Contracting (JOC) method that has produced partial design documents, a construction cost estimate, and has secured a building permit to begin construction. However, there has been speculation as to what agency would be responsible for the cost of construction depending on who is responsible for the building (DL&I or DGS). As such, the DGS has offered assistance to DL&I with procuring services through this modified version of their Capital Projects procurement process.

11. List any other information relevant to the acquisition of this design professional service (attach additional 8-1/2" x 11 sheets, if necessary).

N/A

Signature of person completing form:

Richard M. Lindemon Title: Design Project Manager, DGS Public Works
(Print Name of person completing form)

Date: 01/24/2023

Phone No.: (717) 783-7120

Fax No.: N/A

Signature of Approving Authority:

Douglas Hatcher, Director, Energy and Resource Management
(Print Name of Agency Head or Deputy who has reviewed and approved this request)

Date: 01/24/2023