



March 14, 2019

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Mr. Keith Anderson
Director, Department of General Services
2000 14th Street N.W., 8th Floor
Washington DC 20009

VIA email: keith.anderson@dc.gov

RE: Operation and Management of the Eastern Market Special Event Area

Dear Director Anderson:

At a properly noticed meeting on March 12, 2019, with a quorum present, Advisory Neighborhood Commission 6B voted 8-2-0 to request that the DC Department of General Services (DGS) not to assume control of the 300 block of 7th Street which goes against the intent of Mayor's Order 2012-86 & 2013-064 but follow through with its commitment to an open and unbiased solicitation process. As the Commission stated in our letter from September 13, 2017, we continue to believe that Mayor's Order 2012-86 & 2013-064 was intended to allow DGS to support entrepreneurs and budding small businesses by expanding the area available for vending and to retain the weekend Flea Market of small vendors which was at risk of closure due to the new Hine development, not take over as the operator of the area.

DGS issued a Request for Proposals (RFP) for an applicant to manage of the 300 block of 7th Street SE on February 7, 2019 and subsequently held a pre-bid meeting on site to answer any questions. It established a clear deadline of February 13 by 3:00 p.m. for bidders to submit a proposal to the solicitation and specified that a the "winner" would be notified within 7 days after the submission deadline (7 business days would be February 22).

At the February 27 Eastern Market Community Advisory Committee (EMCAC) meeting, the Market Manager provided no details on the solicitation except to note that bidders would be notified on March 4. It is our understanding that more than one proposal was submitted and DGS determined that only one bidder was deemed responsive to the specifications enumerated in the RFP. The Notice of Decision dated March 4 to the one responsive bidder stated that, "[u]nfortunately, due to your [bidder's] offer of a no license fee, your application was not selected."

In a normal contracting process, if an agency determines that none of the bidders are responsive or if no bidders are selected, the agency would review and revise the solicitation, extend the timeline for responding to the RFP, or gather such additional information as may be necessary to rerelease an RFP that would attract a broader set of respondents. However, in this case, DGS took none of these options. Rather, the agency decided to assume operational and financial control of the 300 block of 7th Street, recruit and charge vendors for the use of that space, and keep the funds generated for its own benefit. The Commission believe that it is inappropriate and for any agency to release a solicitation and then decide to assume control and operation for which the solicitation was issued. This type of action undermines the open contract and procurement process.

Further, The Commission believes that it would be appropriate for DGS to reissue the RFP and reconsider the license fee so that it is equal to the license fee charged to lease the same space on Sundays, which is \$2,000 per month. If DGS decides to take over the management and operations of the 300 block of 7th Street, SE, DGS, at a minimum, shall adhere strictly to the requirements enumerated in the RFP including depositing the lease fee into the same account or fund as currently applies to the Sunday license fee.

As stated in our 2017 letter, the ANC maintains that DGS should take no actions to disrupt the delicate balance that currently exist, but rather, continue to monitor the area as business moves into and open along 7th Street at the new Hine Development. Any future changes that may be considered for the Eastern Market Special Event Area should be publicly vetted through the ANC, EMCAC, and the community prior to adoption and should ensure that the area remains lively and open to outdoor activities.

Please contact ANC 6B Chairman, Chander Jayaraman, at 202-546-2609 or 6b08@anc.dc.gov if you have questions or need further information.

Sincerely,



Chander Jayaraman
Chairman, ANC 6B

cc via e-mail:

Mayor Muriel Bowser
Councilmember Charles Allen
Councilmember Robert White

Market Manager: Barry Margeson
EMCAC Chair: Donna Scheeder
EMMS Manager: Madeleine Odendahl
Commissioner 6B02: Jerry Stroufe