

**DETERMINATION AND FINDINGS FOR A
SOLE SOURCE EXTENSION OF CONTRACT**

Contract No: DCHT-2014-C-0024-A06
Caption: Temporary Staffing Services
Proposed Contractor: MBI Health Services, LLC
Program Agency: Department of Health Care Finance

FINDINGS

1. Authorization:

D.C. Official Code §2-354.04, 27 DCMR § 1304, 1700, 1701 and 2005.2(b)

2. Minimum Need:

The Department of Health Care Finance (DHCF or the Agency) of the District of Columbia (District) has a minimum need to continue Temporary Staffing Services for personnel to ensure the District meets the needs of DC Medicaid beneficiaries (“Beneficiaries”) who have been determined eligible for, and in need of, Personal Care Aide (PCA) services.

3. Estimated Reasonable Cost:

The estimated fair and reasonable price to provide the required services during the contract extension shall be in the amount of (\$11,000,000.00). The price is determined to be fair and reasonable, based on the changes to the reimbursement rates for Personal Care Aide (PCA) services effective January 1, 2015. The term of the Contract shall be October 1, 2015 through September 30, 2016.

4. Facts Which Justify Sole Source Procurement:

It is necessary to enter into a Sole Source Contract extension with MBI Health Services, LLC (MBI Health), in order to avoid disruption of the essential PCA services to the Beneficiaries, and nursing staffing needs, to ensure continuity of care to the Beneficiaries, and to ensure compliance with Federal and District mandates Chapter 50, Medicaid Reimbursement For Personal Care Aide Services, of Title 29, Public Welfare, of the DCMR § 5000, *et seq.*, Provider Qualifications, while the Contractor completes the process to become an approved Home Health Agency (HHA), and allow DHCF time to transition beneficiaries to other Home Health Agencies.

The Beneficiaries were adversely impacted by law enforcement actions that forced the closure of several large Home Health Agencies (HHA) accused of Medicaid fraud. DHCF received approval from Center for Medicare and Medicaid Services (CMS) and Department of Health (DOH) to establish a temporary HHA within DHCF to ensure that each of the Beneficiaries affected by the raid would have continuity of care with regard to PCA services. MBI Health was one of the contractors selected by DHCF to provide the PCA services. MBI Health has performed the required services satisfactorily since it was awarded the contract. Removing the Beneficiaries that are currently in MBI Health’s care from MBI Health would be potentially harmful to the Beneficiaries. The Beneficiaries are frail and elderly. The Beneficiaries require assistance in order to conduct regular daily activities such as bathing, dressing, taking their

meals, etc. Providing continuity of care to the Beneficiaries is a top priority for DHCF, and this can only be achieved by keeping the Beneficiaries that are currently being served by MBI Health with MBI Health Services, LLC until a more permanent solution is determined by DHCF.

The Contractor has performed the required services satisfactorily since it was awarded the contract.

MBI Health is the only contractor available to continue providing this immediate requirement at the current level of expertise, without experiencing an interruption in these critical health services for District residents; to whom they are currently providing a PCA for the services. MBI Health has been satisfactorily providing these services since November 2014, and has been selected as a choice contractor to provide PCA services.

A market survey was deemed unnecessary in light of the circumstances surrounding this procurement.

5. Certification by Agency Head:

I hereby certify that the above findings are correct and complete.

Date

Wayne Turnage
Director

6. Certification by the Contracting Officer

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that the notice of intent to award a sole source contract was published in accordance with Section 404(c) of the District of Columbia Procurement Practices Reform Act of 2010, D.C. Official Code §2-354.04 on August 20, 2015, and that no response was received. I recommend that the Chief Procurement Officer approves the use of the Sole Source procurement method for this proposed contract.

Date

Kenneth L. Evans, Jr.
Contracting Officer

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive solicitation process under D.C. Official Code § 2-354.04 Sec (a)(b)(c), DCMR 1700 and D.C. Law 18-371. Accordingly, I determine that the District is justified in using the Sole Source Method of Procurement. In addition it is determined that this method is in the best interest of the District.

Date

George A. Schutter
Chief Procurement Officer