

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

CONTRACT NO: CW26699
CAPTION: Comprehensive Inmates Medical,
Mental, Pharmacy and Dental
Services for DOC Inmates
PROPOSED CONTRACTOR: Unity Health Care, Inc.
PROGRAM AGENCY: Department of Corrections

FINDINGS

1. AUTHORIZATION:

D.C. Official Code §2-354.04, 27 DCMR 1304, 1700, 1701 and 2005.6(b)

2. MINIMUM NEED:

The Department of Corrections (DOC) of the District of Columbia has a need for continuous coverage for a full continuum of health care services to provide Comprehensive Medical and Mental Health Services to an estimated population of 2,200 inmates housed in the Central Detention Facility (CDF), 1901 D Street, SE; the Correctional Treatment Facility (CTF), 1901 E Street, SE, and four (4) Community Correctional Centers under the Community- Oriented Correctional Health Care (COCHC) model. The contractor must be able to perform services starting on February 1, 2015.

3. ESTIMATED REASONABLE PRICE:

The estimated fair and reasonable price for the contract extension is \$3,933,439.00 from February 1, 2015 through February 28, 2015 with the possibility of an optional extension for one (1) additional month from March 1, 2015 through March 31, 2015.

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

The contract extension is required to ensure continuity and avoid interruption of these vital services until a long term contract can be put in place. The current contract

expires on January 31, 2015, and the extension period for these services is February 1, 2015 through February 28, 2015. Unity Health Care, Inc. (Unity) is the only available company requiring no start up time and capable of continuing this service without interruptions, as transition to a new vendor would take 60 days. The interruption of these services would pose as a major threat to the District and jeopardize the health, welfare, and safety of the inmates in the correctional facility, as well as possibly pose a liability to the District Government.

Unity was awarded Contract No.DCFL-2006-D-6001 in 2006 for a Three-Year Base Period with Two One (1) Year Options. In anticipation of the expiration of this contract, in 2011 the Office of Contracting and Procurement (OCP) issued a Request for Proposal (RFP), DCFL-2011-R-1001, to solicit through a competitive bid process.

During this procurement process, the leadership at the Department of Corrections changed and re-evaluated DOC's inmate healthcare requirements. The Interim Director of DOC advised OCP that DOC needed more time and expertise to re-examine the minimum needs set forth in the RFP and requested OCP extend the current contract and cancel the RFP. The RFP was cancelled on May 13, 2011 and a sole source extension, to Unity Healthcare, was awarded for the period of October 1, 2011 to September 30, 2012.

DOC subsequently engaged the services of a consulting firm, Public Consulting Group, Inc. to advise them and to make recommendations as to how DOC could possibly improve the inmates' healthcare services and reduce costs. This engagement took substantially more time than anticipated and the contract with Unity had to be extended again, through September 30, 2013.

DOC has now developed a new Statement of Work based on the findings and recommendations of the Public Consulting Group, Inc. A new solicitation was advertised in the Washington Times on July 5, 2013 and simultaneously released on the OCP's E-Sourcing module, with a closing date of August 19, 2013. The contract with Unity was then extended through March 31, 2014 and subsequently to September 30, 2014.

As a result, OCP received a large volume of questions from prospective offerors which required additional time to prepare responses and effectively respond to the solicitation. Due to the unique complexity of this procurement, prospective offerors were invited to participate in two (2) additional rounds of questions with due dates of September 9, 2013 and December 27, 2013. Furthermore, the closing date for proposal submission was amended from January 27, 2014 to subsequently January 31, 2014. The final closing date for proposal submission was extended to February 18, 2014.

A solicitation was advertised in the Washington Times on July 5, 2013 and simultaneously released on the OCP's E-Sourcing module, with a final closing date for proposal submission on February 18, 2014. The Technical Evaluation Panel (TEP) immediately convened to evaluate all proposals received from prospective offerors. The Evaluation Chair provided the consensus report to the Contracting Officer, and a Price Evaluation Panel (PEP) convened beginning on March 7, 2014. Based on the Contracting Officer's award recommendation of June 2, 2014, a decision was made to re-open the solicitation to two (2) offerors that met the competitive range to submit a 3rd BAFO by August 20, 2014. Corrective actions BAFOs 4 through 6 were issued to the offerors which slated the last submission (BAFO #6) for November 4, 2014. The TEP members reconvened to score submissions from the two offerors and the Council Package was transmitted to OAG for review and approval on November 19, 2014. The legal sufficiency memo was issued on December 4, 2014 and on December 5, 2014 the package was transmitted to the Council's Administrator's Office in anticipation that the Council will vote on it on December 18, 2014.

The District must continue to provide healthcare services to these inmates during this proposed extension period to allow for the sixty (60) day transition period after the award of the new long term contract. For these reasons, the current contract must be extended from February 1, 2015 through February 28, 2015.

5. CERTIFICATION BY AGENCY HEAD:

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

Date

Thomas N. Faust
Director, Department of Corrections

6. CERTIFICATION BY 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 27 DCMR 1304 and that no response was received. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Date

Allison Robertson, MBA, CFCM
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 either Section 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-354.02 or 2-354.03). Accordingly, I determine that the District is justified in using the sole source method of procurement.

Date

James D. Staton, Jr.
Chief Procurement Officer