DETERMINATION AND FINDINGS
FOR
SOLE SOURCE CONTRACT

USER/CONTRACTINGAGENCY: Department on Disability Services
CONTRACT NO.: DCJM-2005-S-0002
CAPTION: Provider Certification Reviews
CONTRACTOR: Liberty Healthcare Corporation

FINDINGS

1. AUTHORITY:

D.C. Official Code § 2-354.04(b), 27 DCMR §§ 1705.2

2. MINIMUM NEED:

The Government of the District of Columbia (District), Department on Disability Services (DDS) seeks a contractor certified as a Quality Improvement Organization (QIO) or QIO – like entity by the U.S. Department of Health & Human Services, Centers for Medicare and Medicaid Services (CMS) to conduct Provider Certification Reviews (PCRs), Individual Support Plan (ISP) utilization reviews and Service Coordination Performance Audits of CMS Home and Community Based Services (HCBS) Waiver Providers for residents of the District of Columbia with intellectual and developmental disabilities (IDD). The contractor must have the capability to begin services starting on May 8, 2015.

3. ESTIMATED FAIR AND REASONABLE COST:

The estimated fair and reasonable price for the contract is $1,003,952.01 from April 1, 2014 through September 30, 2014.

4. FACTS WHICH JUSTIFY A SINGLE AVAILABLE SOURCE:

A. The contract extension is required to ensure continuity of service by avoiding an interruption of these vital services until a long term contract can be put in place. The current contract expires on May 7, 2015. The proposed sole source award period is May 8, 2015 through November 7, 2015, a period of 6 months (or 180 days). Liberty Healthcare Corporation. (Liberty) is the only available company requiring no start up time and capable of continuing this service without interruptions, while a long term award is in process. The interruption of these services could pose a major threat to the District and jeopardize the health, welfare, and safety of persons with intellectual and

developmental disabilities served by DDS, as well as possibly pose a liability to the District Government for failure to maintain CMS quality assurances.

B. Liberty was awarded Contract No.DCJM-2009-E-0002, for a one year base period and four, one (1) year options in 2009.

C. Liberty has performed these services satisfactorily for the past five (5) years.

D. In anticipation of the expiration of this contract, the DDS, Office of Contracting and Procurement (OCP) issued a Request for Proposal (RFP), DCJM-2015-R-0002, to solicit through a competitive bid process. Proposals were received and evaluated. In view of the fact that all work performed (by prime and subcontractor) at the project level is required to be performed by QIO or QIO-like entities and no capacity exists in the District's LSBD community, DDS requested a waiver of the Department of Small and Local Business Development (DSLBD) 35% CBE set aside requirement. DDS initially submitted a waiver for the CBE set aside on this requirement for these long term services (PCR) on or around October 24. 2014. On November 12, 2014, the DSLBD approved the waiver, then on November 13, 2014 rescinded the waiver approval and requested additional documentation. On November 17, 2014, the DDS OCP forwarded requested documentation. On November 20, 2015, the DDS Contracting Officer and Attorney General spoke in detail with the DSLBD Deputy Director as it relates to the required waiver and ended the conversation with what DDS thought was a clear understanding for the need for a waiver and subsequently forwarded additional supporting documentation on November 25 and December 4, 2014. However, after approximately 54 days of delay, on December17, 2014, the waiver request was denied.

E. In an effort to clarify and improve on the Scope of Work, DDS' Director moved to revise the solicitation substantially. After receiving the revisions to the requirement, the DDS, Chief Contracting Officer moved to cancel the solicitation and re-solicited with the revised scope of services. As a result of issuing the new solicitation with the revised scope and in compliance with new DSLBD laws, it was anticipated that the requirement would be posted for responses by March 18, 2015; however, DDS did not receive the final decision on the waiver request in sufficient time to meet that milestone.

F. Not due to lack of effort or insufficient planning, time is not available to issue, receive and evaluate proposals, then award, prior to the expiration of the existing contract. Therefore, DDS must continue to provide these services utilizing the existing contractor and under the same terms and conditions which currently exist until the award of the competitive long term contract.

G. This notice of intent to award a sole source contract to Liberty Healthcare Corporation will be posted on the Office of Contracting and Procurement website for the required ten days in accordance with 27 DCMR 1304.

H. There is no other source reasonably available to perform the required services within the time period needed.

CERTIFICATION OF FINDINGS

I have reviewed the above findings and certify that they are true, accurate, and sufficient to justify the use of the sole source method of procurement under the cited statutory authority. The services do not unnecessarily duplicate any previously performed work or services. I recommend and authorize the use of the sole source procurement method for this proposed contract.

3/30/15
Date

Laura L. Nuss, Director
Department on Disability Services

DETERMINATION

Based on the above findings and in accordance with the above-stated authority, I hereby determine that the Department on Disability Services is justified in awarding sole source Contract DCJM-2015-S-0002 to Liberty Healthcare Corporation as described above.

3/30/15
Date

for Marsha Robinson
Callie Byrd-Williams
Chief Contracting Officer