

DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT

AGENCY: Department of Human Services, Family Services Administration

CONTRACTOR NO.: DCPO-2012-R-0177

CONTRACTOR: The Community Partnership for the Prevention of Homelessness

CAPTION: Management Oversight for specific services under the Homeless Services Continuum of Care

1. AUTHORIZATION:

D.C. Code § 2-354.04 and 27 DCMR § 1701

2. MINIMUM NEED:

Department of Human Services (DHS), Family Services Administration (FSA) is requesting a sole source contract to the Community Partnership for the Prevention of Homelessness (TCP) for the provision of specific programs and services under the Homeless Services Program (HSP). TCP is the current management contractor under the HSP and the specific services included in this sole source request/justification are currently being administered by TCP through its current management contract.

The period of performance will be January 1, 2012 through December 31, 2012.

3. ESTIMATED FAIR AND REASONABLE COST:

The estimated fair and reasonable price to provide the required services for the period of January 1, 2012 through December 31, 2012 is \$12,851,659.10. The prices have been determined fair and reasonable based on current monthly rates paid by the District.

4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:

The current management contract with TCP is set to expire effective December 31, 2011. DHS has worked with the Office of Contracting and Procurement (OCP) to issue a solicitation to award a new management contract. The selection of a contractor and execution of the new contract is expected to take place by January 1, 2012. The specific programs and services included in this request were not included in the current solicitation for the new management contract and therefore a contract for the provision of these programs and services must be executed by January 1, 2012 to avoid a disruption in the provision of these programs and services for the homeless.

Contractor Controlled Facilities

There are a large number of shelter, housing, medical and training programs within the HSP that operates contingent upon the facility in which the programs and services are housed and/or operated out of. As these are programs and services in which clients are provided with shelter or housing beds/units, medical services and specialized training services, it is imperative to have facilities to operate these programs. A number of these programs and services operated under the HSP operate out of facilities that are not controlled (via ownership or lease) by DHS or District Government. TCP, or the subcontractor who actually operates the program, controls these facilities through ownership or lease. In some cases the facilities are District owned but the subcontractor has exclusive use of the facility via a lease agreement with the District (e.g., medical clinic and culinary training program at the Federal City facility). As a result, if DHS included these programs in a solicitation then DHS would have to identify and secure alternative facilities to operate these programs.

Due to the availability of comparable facilities, and the time it would take to procure and secure them, there would be an interruption in services to clients currently being served through these programs. As the current contracts for these programs expire as of December 31, 2011, these clients would be without shelter, housing, medical services or training services during the time it would take to secure new facilities. Additionally, DHS would incur additional costs as many of these facilities are owned by the subcontractors (which reduces the occupancy costs charged to DHS), other facilities are leased by TCP or its subcontractors (and DHS will likely incur lease costs for new facilities that exceed the current costs charged to DHS) and DHS is not currently incurring any facility related lease costs for the programs operating out of the Federal City facility (this would change if new facilities were needed). Lastly, some of these units have been renovated using DHS funding to make them compliant with Americans with Disability Act (ADA) standards to create ADA accessible units so that DHS can comply with its current settlement agreement with the U.S. Department of Justice. In addition to potentially incurring addition costs related potential increased lease costs for new units, DHS will lose its investments for the ADA renovations that have already been completed and would incur additional costs for renovating new units.

Designated Pass through for HUD Programs

TCP is the designated pass through agency for the U.S Department of Housing and Urban Development (HUD) for a number of HUD funded homeless services programs. As the designee, TCP receives funding directly from HUD for these programs. As these programs provide housing as well as employment services to District residents that are homeless, DHS provides additional funding for supportive services that is not provided by HUD. DHS essentially provides a funding match for these programs that is utilized to provide the supportive services. Therefore, DHS funding cannot be separated from the housing component of these programs. As a result, DHS must maintain the funding it has allocated to TCP to support these programs ongoing.

HUD Designee

TCP is the HUD designated agency within the District to coordination the HUD Notice of Funding Availability (SuperNOFA) process for awarding HUD funding for homeless services programs in the District. As such, TCP is the only agency that has the authority to: coordinate the

solicitation process; select contractors and grantees; award contracts and grants; and, serve as a pass through for HUD for the actual funding for the programs and services that are funded through this process. DHS provides funding to cover the administrative costs incurred by TCP to coordinate this process and oversee the awarded contractors as District residents utilize these programs and services.

In addition to being the District designee for HUD for the SuperNOFA process, TCP is also HUD designated agency to manage the Homeless Management Information System (HMIS). The HMIS is software database system utilized to input, track and report on program and client related data for homeless services programs in the District. HUD mandates that every jurisdiction receiving HUD funding utilize this system. The HMIS is used for all HUD and District funded homeless services program. DHS provides funding to cover the administrative and system maintenance costs incurred by TCP to operate the HMIS.

As TCP is the HUD designee for both the SuperNOFA process and the operation of the HMIS, DHS has no authority or ability to procure a contractor for these purposes. As a result, DHS must include cost related to the coordination of the SuperNOFA process and the operation of the HMIS in this sole source request.

Special Initiatives

TCP is currently administering two special initiatives through its existing management contract with DHS. These services include the Mount Pleasant Disaster Relocation and Rental Assistance Initiative (MPDI) and the Chronically Homeless Rent Supplement Initiative (CHRI).

The MPDI is a time limited initiative that is scheduled to end in the July of 2012 and TCP serves as a pass through for the purposes of issuing rent subsidy payments. As there will be only 7-months left for this initiative at the time the current management contract with TCP expires (December 2011), and TCP has the established relationships with the landlord, it would not be feasible to include this initiative in a solicitation as this would jeopardize the housing for these clients. Potentially changing the rent subsidy payment entity for this initiative at such a late date would potentially cause a delay in the issuance of rent subsidy payment. Additionally, as TCP has established relationships and agreements with the landlords of these units, these landlords would likely refuse to enter into a relationship and new agreement with a new vendor.

TCP serves as a pass through for the purposes of issuing rent subsidy payments for the CHRI as well. Payments issued through the CHRI are made to supplement payments made under the Federal Housing Choice Voucher Program. These payments are necessary to support clients in the DHS Permanent Supportive Housing Program as the amount of the Federal payments do not cover the entire rent costs for these clients. As TCP has established relationships and agreements with the landlords of these units, these landlords would likely refuse to enter into a relationship and new agreement with a new vendor.

5. CERTIFICATION BY THE AGENCY HEAD:

I hereby certify that the findings set forth above are true, correct, and complete to the best of my knowledge and that the proposed contract extension is in the best interest of the District of Columbia.

David A. Berns
Director
Department of Human Services

Date

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 sole source notice of Intent to Award a Sole Source Contract was posted on the OCP website and no valid responses were received regarding the posting. I recommend that the Commodity Manager approve the use of the sole source procurement method for this proposed contract.

Drakus Wiggins
Contracting Officer
Office of Contracting and Procurement

Date

7. CERTIFICATION BY COMMODITY MANAGER:

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 statutory authority. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed sole source contract extension.

Courtney Lattimore
Commodity Manager
Office of Contracting and Procurement

Date

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 § 2-354.04. Accordingly, I determine that the District is justified in using the sole source method of procurement.

James D. Staton, Jr.
Chief Procurement Officer
Office of Contracting and Procurement

Date