

DETERMINATION AND FINDINGS FOR SINGLE AVAILABLE SOURCE CONTRACT

1. AUTHORITY:

D.C. Official Code § 2-354.04(c), 27 DCMR § 1701.1

2. MINIMUM NEED:

The District of Columbia Office of Contracting and Procurement (OCP), on behalf of Department on Disability Services (DDS) (District), has a need to extend the sole source contract with Liberty Healthcare Corporation (Contractor) from June 3, 2016 to September 30, 2016. The contract was awarded to a vendor certified as a Quality Improvement Organization (QIO) or QIO –like entity by the U.S. Department of Health & Human Services (DHHS), Centers for Medicare and Medicaid Services (CMS). The Contractor shall continue 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 period of performance is for a period of 120 days through September 30, 2016.

3. ESTIMATED FAIR AND REASONABLE PRICE:

The estimated fair and reasonable price for the contract performance period is \$574,856.00.

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.
- B. The current contract was awarded on June 3, 2015 and expires on June 2, 2016. The proposed contract extension period is June 3, 2016 through September 30, 2016, a period of 120 days.
- C. 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 the District, as well as possibly pose a liability to the District Government for failure to maintain CMS quality assurances.

- D. The Contractor has performed these services satisfactorily for the past six (6) years.
- E. In anticipation of the expiration of this contract, OCP issued a request for proposal (RFP), DCJM-2016-R-0001, to solicit through a competitive sealed bid process. Proposals were received from two Offerors and evaluated. However, the business clearance memorandum has not yet been approved by the Procurement Review Committee (PRC) to conduct discussions and negotiation.
- F. On April 29, 2016, after having finalized the recommendations made by OCP's PRC, the revised BCM with attachments was forwarded to the Human Services Cluster Manager for review prior to reconvening the PRC. Not due to lack of effort or insufficient planning, time is not available to allow the for a thorough review of the revised documents by all panel members, reconvene the PRC, enter into negotiations, and award prior to the expiration of the existing contract. Therefore, the District 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 extend the sole source contract with Liberty Healthcare Corporation was 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 that has been determined qualified under CMS guidelines that is reasonably available to perform the required services within the time period needed.

CERTIFICATION OF FINDINGS AND DETERMINATION

I have reviewed the above findings and certify that the findings are sufficient to justify the use of the sole source method of procurement under the cited authority to extend the current contract. I certify that the notice of intent to award a single available source contract was published in accordance with 27 DCMR 1304 and that no response was received.

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

Date

Marsha L. Robinson
Acting DDS Chief Contracting Officer