

**DETERMINATION AND FINDINGS
FOR
SOLE SOURCE PROCUREMENT
BASED UPON
SETTLEMENT AGREEMENT DATED JULY 23, 1999**

Agency: Department on Disability Services
Requisition No.: RQ902927
Caption: Residential Habilitation Services
Contractor: Jewish Foundation for Group Homes (JFGH)

FINDINGS

1. Authorization:

D.C. Official Code §2-354.04; 27 DCMR 1802.7

2. Minimum Need:

The Department on Disability Services (“DDS”) has a need to continue to provide Residential Habilitation Services for Mr. Gary Harmatz during FY16 pursuant to a Settlement Agreement made between Miriam Alpern (mother) and the District of Columbia dated July 23, 1999.

3. Estimated Fair and Reasonable Price:

The estimated fair and reasonable price is \$5,492.42 per month or \$65,909.04 annually.

4. Facts That Justify Sole Source Procurement:

- A. On July 23, 1999, the District of Columbia and Miriam Alpern entered into a Settlement Agreement. In the Matter of Gary Harmatz, Mental Retardation No. 40-88 before the Mental Health Branch of the Superior Court of the District of Columbia. Page two, paragraph two of the settlement agreement states that the District shall promptly issue a sole source contract to JFGH for payment of the residential habilitation services provided to Gary Harmatz.
- B. The Settlement Agreement further states on page six, paragraph 17 that the parties agree that the state in which Gary Harmatz is placed does not invalidate the Agreement so long as Miriam Alpern remains a resident of the District of Columbia. If Miriam Alpern is a resident of the District of Columbia at the time of her death, terms of the Agreement shall survive her death and remain in full force and effect.
- C. Mr. Gary Harmatz has been a resident of JFGH continuously since May 27, 1997.

D. A notice of intent to award a sole source contract was posted to the OCP website, www.ocp.dc.gov on September 18, 2015. No responses or objections were received within the ten-day period or to this date.

5. Payment Terms According to Settlement Agreement Dated July 23, 1999

The District shall not be responsible for payment of any day programs in which Gary Harmatz is enrolled while in JFGH, according to the settlement. The District is solely responsible for paying 85% of Gary Harmatz's residential habilitation services at JFGH. Miriam Alpern shall pay the District 15% of the amount paid by the District to JFGH.

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. I recommend and authorize the use of the sole source procurement method for this proposed contract.



Laura L. Nuss, Director
Department of Disability Services

9/18/15

Date

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-0003 to the Jewish Foundation for Group Homes (JFGH) as described above.

Callie Byrd-Williams
Chief Contracting Officer

Date