

**DETERMINATION AND FINDINGS  
FOR A  
SOLE SOURCE PROCUREMENT**

REQUISITION NO:

CAPTION:

Consultant Services for Assessment, Recommendations  
and Assistance Regarding the DCDOC Anti-Sexual  
Harassment Program

PROPOSED CONTRACTOR: The Moss Group

PROGRAM AGENCY: The Department of Corrections

**FINDINGS**

**1. AUTHORIZATION:**

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

**2. MINIMUM NEED:**

The District of Columbia Department of Corrections requires consultants commencing March 1, 2014 to provide a systemic approach to assess and support the DCDOC's anti-sexual harassment program related to allegations of staff sexual harassment in the following areas: culture, leadership, professionalism and staff performance, workforce engagement, training, stakeholder engagement, operations/ operational practice, and performance measurements. The consultant would be required to provide a report of the assessment of DOC's anti-harassment program to the DOC Director to assist in valuing the merits of the current programs and procedures in place, provide recommendations for prospective management of its anti-harassment program and assist with management of that program. The contract would be an extension of a current contract addressing the sexual safety of inmates in the DCDOC to the sexual safety of staff.

- Conduct a comprehensive assessment of policies, procedures and practice in response to the prevention, detection, investigation and disciplinary sanctioning of sexual harassment allegations in DCDOC;
- Develop a strategic plan to develop an agency wide approach; and
- Evaluate and make recommendations on sustainable training and technical assistance to support DCDOC's goal for a zero tolerance workplace environment.

A systemic approach is necessary to institutionalize culture change across the system and create greater sexual safety for all DCDOC staff consistent with the DCDOC's leadership commitment to zero tolerance and providing a work environment free from allegations of sexual harassment, hostility and retaliation. The timeframe proposed for implementing the services is one year, with two option years, commencing March 1, 2014. It requires a consultant with expertise in sexual safety unique to the systemic challenges of a correctional

setting, in a paramilitary organization, chain of command structure, in a close knit urban community.

**3. ESTIMATED REASONABLE PRICE:**

The Contract would be for one year with two option years to follow. The estimated reasonable price is set forth below

	<b>TOTAL BUDGET</b>
<b>Year 1</b>	\$570,089
<b>Option Year 2</b>	\$534,409
<b>Option Year 3</b>	\$418,415
<b>TOTAL</b>	<b>\$1,522,913</b>

**4. FACTS WHICH JUSTIFY SOLE SOURCE PROCUREMENT:**

The Moss Group, Inc. is an experienced, local, Washington, DC-based criminal justice consulting firm with a reputable history of providing high-quality consulting services to state, local and federal correctional agencies. TMG has a national reputation for providing exceptional consulting services in the corrections field, with specific experience in consultation and litigation support, alignment of facility and organizational culture and change management, leadership development and strategic and action plan implementation. A sample of recent and current work in these areas includes a four year settlement project with the North Carolina Department of Public Safety, Adult Correction and the North Carolina Prisoner Legal Services; a three year project with the Louisiana Office of Juvenile Justice; and a three year system-wide initiative to assess nineteen secure facilities of the Texas Youth Commission (now the Texas Juvenile Justice Department) to provide feedback and recommendations regarding the sexual safety of the facility environments. Their experience includes providing technical assistance under cooperative agreements with the National Institute of Corrections (NIC) to over 200 sites nationwide including conducting facility sexual safety assessments in female, male and juvenile facilities.

The Moss Group has extensive experience conducting facility cultural assessments. The cultural assessment model developed by The Moss Group is comprehensive in nature and based on Andie Moss' and the consultant team's unique expertise in addressing culture to enhance safety and health of an organization. The Moss Group's Cultural Assessment Protocol is informed by research and has been shaped and refined through extensive practitioner experience, current

accepted practice, and knowledge of organizational culture and subculture dynamics. This model is unique to The Moss Group and is on the cutting edge of emerging and best practice.

The contract would be an extension of the existing contract TMG already has with DOC addressing sexual safety with inmates, and the positive, professional working relationship with the agency already in place. From 2010 to 2013, TMG worked with the agency on Enhancing Programs and Services for Women through a grant with the D.C. Executive Office of the Mayor, Justice Grants Administration.

Currently, TMG is working with the DCDOC through a two year Bureau of Justice Administration, PREA (Prison Rape Elimination Act) Grant (2012-2014), to improve the agency's PREA driven response to sexual abuse in facilities housing both adults and juveniles. This project is comprehensively assessing gaps across all aspects of PREA compliance and cultural elements supportive of enhanced sexual safety, and is being addressed in strategic and implementation planning processes supported by TMG. This contract to assess and address sexual harassment and safety of staff in the institution is a natural extension of and overlaps many of the same issues, concerns, programs and services as those addressed in the above mentioned projects. The consultant's knowledge of the agency, institution, policies, procedures and culture, its existing relationships and close proximity to the facility will result in efficiencies and savings which could not be derived from other consultants. The contract start date is March 1, 2014. The Moss Group is the only consultant with sufficient advance work in place to be able to commence meaningful work right away, without a long learning curve regarding the DCDOC.

A consultant other than the Moss Group would have to replicate all of the work already done by the Moss group, which is already currently in the institution, as it relates to Prison Rape Elimination Act and sexual safety, such as focus groups, document review, interviews with key staff, meeting and coordination with the union, training development, etc. They would have to replicate the existing understanding the Moss Group already has regarding prison and jail security practices nationwide, policies and procedures, standards of care within the particular discipline of corrections, and then in particular those of the DC Department of Corrections. The Moss Group has already engaged in such practices as observing staff and inmates on the units, sitting in and observing the DCDOC trainings at the Training Academy relevant to sexual safety, reviewing inmate grievances, incident reports, policies and procedures. They are well ahead of any curve. Moreover, a secondary consultant addressing the same general area will not only replicate the Moss Group's current efforts but will delay, impede or interfere with them. This proposed contract is regarded as an extension of the Moss Group's current PREA efforts. For the purposes of continuity and efficiency of efforts by both the consultant and DOC, The Moss Group is the only contractor that can extend these efforts already underway relevant to sexual safety of the DCDOC inmates to the sexual safety of the DCDOC staff.

TMG staff and consultants who will be selected for this project include experienced correctional practitioners with extensive and specific experience in sexual harassment lawsuits at the facility and agency level. To ensure successful outcomes TMG utilizes staff and consultants who value the core principle of collaboration with clients to achieve organizational excellence. When DOC conducted a national search for consultants in this field, the associations that set the standards for

correctional practice such as the American Correctional Association and the National Institute for Corrections identified only one consultant firm that can address sexual safety in the corrections environment to provide the services needed, The Moss Group.

Based on the above facts, The Moss Group is the only company that can provide the services required under the contract.

**5. CERTIFICATION BY AGENCY HEAD:**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Thomas Faust  
Director, D.C. 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

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Angela Turner  
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.

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Date

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James D. Staton, Jr.  
Chief Procurement Officer