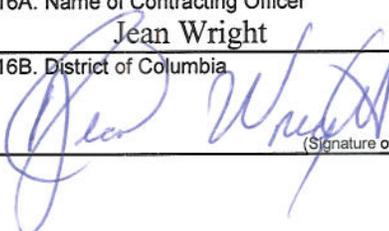


AMENDMENT OF SOLICITATION / MODIFICATION OF CONTRACT				1. Contract Number	Page of Pages	
					1	1
2. Amendment/Modification Number DCHC-2009-R-0002-A006		3. Effective Date August 21, 2009		4. Requisition/Purchase Request No.		5. Solicitation Caption Manage & Operate a Substance Abuse & Detoxification Center
6. Issued by: Office of Contracting and Procurement General Services Unit 441 4 th Street, NW, Suite 700S Washington, DC 20001			Code LRT	7. Administered by (If other than line 6) Office of Contracting and Procurement General Services Unit 441 4 th Street, NW, Suite 700S Washington, DC 20001		
8. Name and Address of Contractor (No. street, city, county, state and zip code)				9A. Amendment of Solicitation No. DCHC-2009-R-0002		
				9B. Dated (See Item 11) June 24, 2009		
				10A. Modification of Contract/Order No.		
				10B. Dated (See Item 13)		
Code	DUNS:	TIN	FEIN:			
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS						
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended <input checked="" type="checkbox"/> is not extended. Offeror's must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning <u>2</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) BY separate letter or fax which includes a reference to the solicitation and amendment number. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such may be made by letter or fax, provided each letter or telegram makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.						
12. Accounting and Appropriation Data (If Required) <i>To be cited on individual orders issued on behalf of participating agencies</i>						
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14						
X	A. This change order is issued pursuant to (Specify Authority): 27 DCMR, Chapter 36, Section 3603 The changes set forth in Item 14 are made in the contract/order no. in item 10A.					
	B. The above numbered contract/order is modified to reflect the administrative changes (such as changes in paying office, appropriation data etc.) set forth in item 14, pursuant to the authority of					
	C. This supplemental agreement is entered into pursuant to authority of:					
	D. Other (Specify type of modification and authority)					
E. IMPORTANT: Contractor: <input type="checkbox"/> is not <input checked="" type="checkbox"/> is required to sign this document and return 4 copies at the time of proposal submission.						
14. Description of Amendment/Modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible)						
Pursuant to Article 3, Changes Clause of the Standard Contract Provisions for the use with District of Columbia Government Supply and Services Contracts dated March 2007, the subject solicitation is hereby amended as follows:						
1. Attached to this amendment is Attachment J.1.4 of the Privatization contracts and procedures requirements, pages 616 through 619.						
Except as provided herein, all terms and conditions of the document is referenced in Item 9A or 10A remain unchanged and in full force and effect.						
15A. Name and Title of Signer (Type or print)				16A. Name of Contracting Officer Jean Wright		
15B. Name of Contractor		15C. Date Signed	16B. District of Columbia		16C. Date Signed	
(Signature of person authorized to sign)					8-21-09	

ATTACHMENT

J.1.4

Privatization contracts and procedures requirements

§ 2-301.05a

Law 14-28, the "Fiscal Year 2002 Budget Support Act of 2001", was introduced in Council and assigned Bill No. 14-144, which was referred to the Committee Of the Whole. The Bill was adopted on first and second readings on May 1, 2001, and June 5, 2001, respectively. Signed by the Mayor on June 29, 2001, it was assigned Act No. 14-85 and transmitted to both Houses of Congress for its review. D.C. Law 14-28 became effective on October 3, 2001.

Law 14-190, the "Fiscal Year 2003 Budget Support Act of 2002", was introduced in Council and assigned Bill No. 14-609, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 3, 2002, it was assigned Act No. 14-403 and transmitted to both Houses of Congress for its review. D.C. Law 14-190 became effective on October 1, 2002.

Law 14-307, the "Fiscal Year 2003 Budget Support Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-892, which was referred to the Committee on the

GOVERNMENT ADMINISTRATION

Whole. The Bill was adopted on first and second readings on October 1, 2002, and November 7, 2002, respectively. Signed by the Mayor on December 4, 2002, it was assigned Act No. 14-543 and transmitted to both Houses of Congress for its review. D.C. Law 14-307 became effective on June 5, 2003.

For Law 16-91, see notes following § 2-218.54.

References in Text

"Subchapter XI-A", referred to in subsection (e), did not exist in the 1981 Edition at the time of the recodification into the 2001 Edition.

Editor's Notes

Subsection (j) expired on December 31, 2004

Resolutions

Resolution 14-86, the "Contract with Greater Southeast Community Hospital to Establish the D.C. Healthcare Alliance Disapproval Emergency Resolution of 2001", was approved effective April 27, 2001.

Library References

Encyclopedias

C.J.S. District of Columbia § 8.

Key Numbers

District of Columbia §9.
Westlaw Topic No. 132.

Notes of Decisions

In general 1

1. In general

Section 1-229 does not allow the District of Columbia Council to require approval of certain

individual contracts by means of a resolution of the Council. *Wilson v. Dixon*, 120 WLR 33 (Super. Ct. 1992).

§ 2-301.05b. Privatization contracts and procedures requirements.

(a) Prior to issuing a solicitation for a privatization contract pursuant to this section, the District government agency on whose behalf the solicitation will be issued shall prepare an estimate of the fully allocated cost associated with providing the relevant goods or services using District government employees. The agency shall transmit this estimate to the contracting specialist responsible for the solicitation, who shall retain the estimate as part of the official contract file.

(b) Any solicitation for a proposed privatization contract, issued pursuant to this section shall include information describing how current District government employees may exercise the right to bid on the contracts.

(c) Prior to awarding a privatization contract, and prior to modifying a contract, to provide goods or services to or on behalf of the District government that currently are provided by District government employees, departments, or agencies, the Mayor or independent agency head shall transmit to the Council a determination and findings that:

(1) Compares the current fully allocated cost of providing the service using District government employees, departments, or agencies, using the estimate described in subsection (a) of this section, to the fully allocated costs associated with contracting for the service;

(2) Demonstrates that the privatization contract will provide savings of at least 5% over the duration of the contract, in terms of total cost or the unit cost of providing the good or service;

(3) Assesses the impact of the privatization contract on the District's economic and tax base, including the affects on employment opportunities for District residents, business creation, business development, and business retention;

(4) Describes the expected impact of the privatization contract on the quality of goods or services provided to or on behalf of the District government, including performance targets and requirements for the contractor and potential affects of the contract on the health and safety of District residents; and

(5) Includes a written confirmation of review by officials including the Chief Financial Officer, the Corporation Counsel, and the Chief Procurement Officer.

(d) Any privatization contract, including a lease or other agreement, or any contracting policies and procedures relating to these contracts, to provide goods and services to or on behalf of the District government, including a contract resulting from a process of managed competition, shall provide that:

(1) ~~The Mayor or independent agency head shall complete the determination and findings described in subsection (a) of this section and transmit the determination and findings to the Council prior to the award of the contract;~~

(2) Any contractor who is awarded a contract that displaces District government employees shall offer to the displaced employee a right of first refusal to employment by the contractor, in a comparable available position for which the employee is qualified, for at least a 6-month period during which the employee shall not be discharged without cause;

(3) Any District employee who is displaced as a result of a privatization contract, and is hired by the contractor who was awarded the privatization contract, shall be entitled to the benefits provided by the Service Contract Act of 1965, approved October 22, 1965 (79 Stat. 1034; 41 U.S.C. § 351 *et seq.*) ("Act"). For purposes of this section, service employees of the water and sewer fund shall be treated by the contractor and entitled to all benefits as if those employees were not excluded from application of the Act;

(4) If the employee's performance during the 6-month transitional employment period described in paragraph (2) of this subsection is satisfactory, the contractor shall offer the employee continued employment under terms and conditions established by the contractor;

(5) The privatization contract shall incorporate specific performance criteria and the contractor shall submit monthly reports to the District government contracting officer on the contractor's compliance with the performance criteria; and

(6) The privatization contract may be canceled if the contractor fails to comply with the performance criteria set out in the contract.

(e) When contracting out occurs, the Mayor or the independent agency head shall make efforts to assist affected District employees and to promote employment opportunities for District residents with the contractor. These efforts shall include:

(1) Consulting with union representatives and District government employees who would be affected by the privatization contract, and providing prior notification of at least 30 days of any adverse impact of a privatization contract to District government employees who would be affected by the contract, including notification to a labor organization certified as the exclusive representative of employees affected by the contract;

(2) Providing alternative employment in the District government to displaced employees if there are positions for which those employees are qualified; and

(3) Encouraging the contractor to offer employment to qualified District residents before offering employment to qualified nonresidents.

(f)(1) The Auditor shall review selected privatization contracts, based on the dollar value and scope of a contract, its potential impact on the health and safety of District residents, its potential impact on economic development and employment opportunities in the District, and other factors that the Auditor considers appropriate. The Auditor shall render, at least once every three fiscal years, his or her determination as to whether the contracts are achieving:

(A) The 5% savings target set forth in subsection (a)(2) of this section; and

(B) The performance standards and targets set forth in the determination and findings described in subsection (a) of this section and incorporated into the contracts as required by subsection (c)(5) of this section.

(2) The Auditor may also report that the cost and performance data are inconclusive, but if the District has failed to collect, maintain, or provide cost and performance data required by this section, the Auditor may reasonably conclude that cost or performance targets are not being met in the lack of any or minimal evidence to the contrary.

(g) If the Auditor finds that a privatization contract has not met the cost saving target of 5% set forth in subsection (a)(2) of this section, or has not met the performance targets set forth in subsection (a)(4) of this section and incorporated into the contract as required by subsection (b)(7) of this section, the Mayor, or independent agency head, shall review the merits of contracting in for the goods or services. The Mayor, or independent agency head, shall review the cost, the potential performance impact, the potential impact on the health and safety of District residents, and the potential impact on economic development and employment opportunities associated with contracting in for the goods or services. Within 90 days of the Auditor's finding that a privatization contract is not meeting the cost saving or performance criteria, the Mayor, the Mayor's designee or the independent agency head, as appropriate, shall

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present to the Council in a public hearing the Mayor's determination about whether the District shall contract in for the service.

(h) The Mayor shall issue rules, in accordance with the procedures set out in § 2-302.05, to implement this section within 180 days of April 4, 2001. The rules shall include procedures for public employees to submit bids for a proposed privatization contract, guidelines for the preparation of the cost analysis, economic impact analysis, and performance analysis required in subsection (c) of this section, and objective criteria for identifying programs or services that are appropriate for privatization and defining core or uniquely governmental responsibilities that are inappropriate for privatization.

(Feb. 21, 1986, D.C. Law 6-85, § 105b, as added Mar. 19, 1994, D.C. Law 10-79, § 2(b), 40 DCR 8696; Mar. 5, 1996, D.C. Law 11-98, § 501(a), 43 DCR 5; Apr. 4, 2001, D.C. Law 13-274, § 3, 48 DCR 1654; Dec. 7, 2004, D.C. Law 15-205, § 1192(a), 51 DCR 8441.)

Historical and Statutory Notes

Prior Codifications

1981 Ed., § 1-1181.5b.

Effect of Amendments

D.C. Law 13-274 rewrote the section which prior thereto read:

"(a) Any contract, including a lease or other agreement, or any contracting policies and procedures relating to such contracts, to provide goods and services to or on behalf of the District government shall provide that:

"(1) With respect to contracting out to provide goods or services to or on behalf of the District government that currently are provided by employees, department, or agencies of the District government, a cost-benefit analysis comparing the in-house costs of providing the service with the costs associated with contracting for the service shall be completed for each contract proposed pursuant to this section;

"(2) Contracting out will provide savings over the duration of the contract of at least 5%;

"(3) Any contractor who is awarded a contract that displaces District government employees shall offer to any displaced employee a right-of-first-refusal to employment by the contractor, in a comparable available position for which the employee is qualified, for at least a 6-month period during which the employee shall not be discharged without cause;

"(4) Any District employee that is displaced as a result of a contract, and is hired by the contractor which was awarded the contract which displaced the employee shall be entitled to the benefits provided by the Service Contract Act of 1965 ('Act'), 41 U.S.C. § 351 *et seq.* For purposes of this subchapter, service employees of the water and sewer fund shall be treated by the contractor and entitled to all benefits as if those employees were not excluded from application of the Act.

"(5) If the employee's performance during the 6-month transition employment period required by paragraph (3) of this subsection is satisfactory, the new contractor shall offer the employee continued employment under terms and conditions established by the new contractor;

"(6) Any solicitation for proposed contracts issued pursuant to this section shall include information concerning the procedure by which current District government employees may exercise the right to bid on the contracts;

"(7) An assessment of the economic impact on the District shall be completed for each contract proposed pursuant to this section;

"(8) Prior notification shall be provided to affected District government employees 30 days prior to any adverse impact on the employees; and

"(9) For those contracts which provide services essential to the health or safety of District residents, a determination and findings that the contracting out will not adversely affect the recipients.

"(b) The Mayor shall submit to the Council the cost analysis comparing the in-house costs of providing goods and services with the costs associated with any contract for goods and services for any contract described in subsection (a)(1) of this section made by any agency of the District government which is subordinate to the Mayor.

"(c) The Mayor shall submit to the Council any assessment of the economic impact on the District made pursuant to subsection (a)(5) of this section.

"(d) Prior to the award of any contract, and unless otherwise prohibited by statute or the District Charter, the Mayor, and all independent agencies and entities of the District government,