



**DISTRICT OF COLUMBIA DEPARTMENT OF MENTAL HEALTH**  
**CONTRACTS AND PROCUREMENT SERVICES**  
**64 NEW YORK AVENUE, NE SUITE 222 WASHINGTON D.C. 20002**  
**PHONE: (202) 671-3174 \* FAX: (202) 671-3395**

January 30, 2013

**AMENDMENT ONE (1) for REQUEST FOR PROPOSALS (RFP) NO. RM-013-RFP-078-BY4-DJW for ACUTE PSYCHIATRIC CARE SERVICES**

**TO ALL PROSPECTIVE OFFERORS:**

This Amendment has Two Parts.

**PART I** Questions from the Vendor and Answers from the Program

**PART II** Administrative Revisions and Additions to the Solicitation

**PART I**

Questions from the Vendor and Answers from the Program:

Question Number	RFP Section	Question
1.	B.	<b>Pertaining to section B.6.1, our Hospital provides services on a per diem basis and we anticipate our contract with DMH to be in excess of \$250,000 per year. As a full service psychiatric hospital it will be very difficult, if not impossible, to subcontract the services or find a subcontractor that can provide the services that we provide to patients on a per diem basis. What guidance can you provide us regarding this issue? How should we address this issue in our proposal?</b>

**DMH RESPONSE:** Information in reference to DC Department of Small & Local Business Development (DSLBD):

**LOCATED IN SECTION B:**

**B.4 SUBCONTRACTING PLAN**

B.4.1 For Contracts in excess of \$250,000.00, at least 35% of the dollar volume of the Contracted shall be subcontracted. An Offeror responding to this solicitation must submit with its Proposal a notarized statement detailing any subcontracting plan as required by law. Proposal responding to this RFP shall be deemed nonresponsive and shall be rejected if the Offeror fails to submit a subcontracting plan that is required by law.

## **SUBCONTRACTING INFORMATION**

### **SUBCONTRACTORS**

The Contractor hereunder shall not subcontract any of the Contractor's work or services to any subcontractor without the prior, written consent of the Contracting Officer. Any work or service so subcontracted shall be performed pursuant to a subcontract agreement, which the District shall have the right to review and approve prior to its execution to the Contractor. Any such subcontract shall specify that the Contractor and the subcontractor shall be subject to every provision of this contract. Notwithstanding any such subcontract approved by the District, the Contractor shall remain liable to the District for all Contractor's work and services required hereunder.

### **MANDATORY SUBCONTRACTING REQUIREMENTS (IF APPLICABLE)**

Contracts in excess of \$250,000.00, at least 35% of the dollar volume shall be subcontracted to certified small business enterprises; provided, however, that the costs of material, goods and supplies shall not be counted towards the 35% subcontracting requirements unless such material, goods and supplies are purchased from certified small business enterprises.

If there are insufficient qualified small business enterprises to completely fulfill the requirement, then the subcontracting may be satisfied by subcontracting 35% of the dollar volume to any certified business enterprises; provided, however, that all reasonable efforts shall be made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work.

Any Prime Contractor which is certified as a small, local or disadvantaged business enterprise shall not be required to comply.

The purpose of the following information being provided is the help Prospective Bidders/Offerors who have a need to fulfill a 35% CBE utilization requirement based upon the Total Value exceeding \$250,000.00 for a given project, to search for responsible subcontractors. Click on the following link and on the left side of page, select "Doing Business in the District of Columbia", scroll down list, select "Request for CBE Firms Listing", this shall take Prospective Bidders/Offerors to a form to complete and submit online to begin a search. Request may take up to 24 to 72 hours depending upon the scope of work categories needed.

### **SUBCONTRACTING PLAN**

If the Prime Contractor is required by law to subcontract under this Contract, it must subcontract at least 35% if the dollar volume of this Contract. The Prime Contractor responding to this solicitation, which is required to subcontract, shall be required to submit with its proposal, a notarized statement detailing its subcontracting plan. **RESPONDERS TO THIS REQUEST FOR PROPOSALS (RFP) SHALL BE DEEMED NONRESPONSIVE AND SHALL BE REJECTED IF THE BIDDER/OFFEROR IS REQUIRED TO**

**SUBCONTRACT BUT FAILS TO SUBMIT A SUBCONTRACTING PLAN WITH ITS PROPOSAL.** Once the plan is approved by the Director/ACCO, changes to the plan shall only occur with the prior written approval of the Director/ACCO and the Director of DSLBD. Each subcontracting plan shall include the following:

Description of the goods and services to be provided by SBE's or, if insufficient qualified SBE's are available, by any certified business enterprises;

A statement of the dollar value of the bid that pertains to the subcontracts to be performed by the SBEs; or, if insufficient, qualified SBEs are available, who are certified business enterprises.

The names and addresses of all proposed subcontractors who are SBEs nor, if insufficient, SBEs are available, who are certified business enterprises.

The name of the individual employed by the Prime Contractor who shall administer the subcontracting plan and a description of the duties of the individual.

A description of the efforts the Prime Contractor shall make to ensure that SBEs or, if insufficient SBEs are available, that certified business enterprises shall have an equitable opportunity to compete for subcontracts.

In shall subcontracts that offer further subcontracting opportunities, assurances the that Prime Contractor shall include a statement, approved by the Director/ACCO, that the subcontractor shall adopt a subcontracting plan similar to the subcontracting plan required by the Contract;

Assurances that the Prime Contractor shall cooperate in any studies or surveys that may be required by the Director/ACCO, and submit periodic reports, as requested by the Director/ACCO, to allow the District to determine the extent of compliance by the Prime Contractor with the subcontracting plan.

A list of the type of records the Prime Contractor shall maintain to demonstrate procedures adopted to comply with the requirements set forth in the subcontracting plan and assurances the Prime Contractor shall make such records available for review upon the District's request; and

A description of the Prime Contractor's recent efforts to locate SBEs or, if insufficient SBEs are available, certified business enterprises, and to award subcontracts to them.

### **SUBCONTRACTING PLAN COMPLIANCE REPORTING**

If the Contractor has an approved subcontracting plan required by law under this Contract, the Contractor shall submit to the Director/ACCO and the Director DSLBD, no later than the 21st of each month following execution of the Contract, a Subcontracting Plan Compliance Report to verify its compliance with the subcontracting requirements for the preceding month. The monthly Subcontracting Plan Compliance Report shall include the following information:

- (a) The dollar amount of the Contractor procurement;
- (b) A brief description of the goods procured or the services contracted for;
- (c) The name of the business enterprise from which the goods were procured or contracted;
- (d) Whether the subcontractors to the Contract are certified business enterprises;
- (e) The dollar percentage of the Contract awarded to the SBEs, or if insufficient SBEs, to other certified business enterprises.
- (f) A description of the activities the Contractor engaged in in order to achieve the Sub-contracting requirements set forth in its plan; and
- (g) A description of any changes to the activities the Contractor intends to make by the next month to achieve the requirements set forth in its plan.

#### **ENFORCEMENT AND PENALTIES FOR BREACH OF SUBCONTRACTING PLAN**

If, during the performance of this Contract, the Contractor fails to comply with its approved subcontracting plan, and the Director/ACCO determines the Contractor's failure to be a material breach of the Contract, the Director/ACCO shall have cause to terminate the Contract under the default clause of the Standard Contracts Provisions.

There shall be a rebuttable presumption that a Contractor willfully breached its approved subcontracting plan if the Contractor (i) fails to submit any required monitoring or compliance report or (ii) submits a monitoring or compliance report with the intention to defraud.

A Contractor that is found to have willfully breached its approved subcontracting plan for utilization of certified business enterprises in the performance of a Contract shall be subject to the imposition of penalties, including monetary fines of \$15,000 or 5% of the total amount of the work that the Contractor was to subcontract to certified business enterprises, whichever is greater, for each such breach.

#### **FOR ADDITIONAL INFORMATION AND/OR QUESTIONS REGARDING DSLBD REQUIREMENT PLEASE CONTACT:**

**VONETTA B. MARTIN, MPA  
BUSINESS DEVELOPMENT & COMPLIANCE SPECIALIST  
BUSINESS OPPORTUNITIES & ACCESS TO CAPITAL  
DC DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT  
441 4<sup>TH</sup> STREET, NW – SUITE 970N  
WASHINGTON, DC 20001  
PHONE: (202) 741-0836 – FAX: (202) 724-3786  
[Vonetta.martin@dc.gov](mailto:Vonetta.martin@dc.gov)**

<http://www.dslbd.dc.gov>

## **PART II**

The above referenced Request for Proposals (RFP) is hereby amended as follows:

1) **L.5 EXPLANATION TO PROSPECTIVE OFFERORS:**

**THE AMOUNT OF TIME FOR SUBMITTING QUESTIONS HAS CHANGED FROM FIVE (5) DAYS TO TEN (10) DAYS PRIOR TO THE CLOSING OF THIS SOLICITATION.**

2) **L.4.3 PROPOSAL SUBMISSION DATE AND TIME, AND LATE SUBMISSIONS, LATE MODIFICATIONS, WITHDRAWAL OR MODIFICATION OF PROPOSALS AND LATE PROPOSALS.**

**SHOULD READ:**

**DEPARTMENT OF MENTAL HEALTH  
CONTRACTS AND PROCUREMENT SERVICES, 2<sup>ND</sup> FLOOR  
64 NEW YORK AVENUE, NE SUITE 222  
WASHINGTON, DC 20002  
ATTN: SAMUEL J. FEINBERG, CPPO, CPPB  
DIRECTOR, CONTRACTS AND PROCUREMENT ADMINISTRATION  
AGENCY CHIEF CONTRACTING OFFICER**

3) **L.15 ORDER OF PRECEDENCE:**

**SHALL BE DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:**

Any conflict in language or any inconsistencies in this Contract shall be resolved by giving precedence to the document in the highest order of priority which contains language addressing the issue in question. The following sets forth in descending order of precedence documents that are hereby incorporated into this contract by reference and made a part of the Contract:

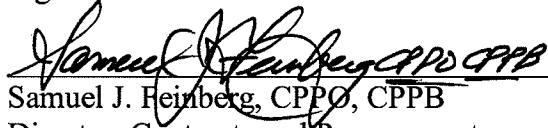
- I.15.1 Dixon Settlement Agreement dated September 8, 2011 in Dixon, et al. v. Gray et al., CA 74-285 (TFH) (Dixon Settlement Agreement)
- I.15.2 Wage Determination No. 05-2103, Rev. 10, dated June 15, 2010
- I.15.3 Standard Contract Provisions for Use with District of Columbia Government Supply and Services Contracts dated March 2007.
- I.15.4 Sections A through M of this Contract No. RM-013-RFP-078-BY4-DJW

- I.15.5 Best and Final Offer
- I.15.6 Request for Proposal submission dated February 11, 2013
- I.15.7 Request for Proposal dated January 9, 2013

**ALL OTHER TERMS AND CONDITIONS OF THE REQUEST FOR PROPOSALS (RFP) REMAIN UNCHANGED.**

Only one copy of this amendment is being sent to prospective Offerors. Offerors shall sign below and attach a signed copy of this amendment to each Proposal to be submitted to the place specified for receipt of Proposals. Proposals shall be mailed or delivered in accordance with the instructions provided in the original RFP. In the event your Proposal has been previously deposited with the Department of Mental Health, Contracts and Procurement Administration (DMH/CPA), submit this signed Amendment in a sealed envelope, identified on the outside by the RFP number and submission date. This signed Amendment must be received by the DMH/CPA on or before **Monday February 11, 2013 at 2:00 P.M. EST** the date and time for closing. **Failure to acknowledge receipt of Amendment One (1) for Solicitation Number RM-013-RFP-078-BY4-DJW may be cause for rejection of any Proposal submitted in response to the subject RFP.**

Signed:

  
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Samuel J. Feinberg, CPPO, CPPB  
Director, Contracts and Procurement  
Agency Chief Contracting Officer

Amendment Number One (1) is hereby acknowledged and is considered a part of the Proposal **RM-013-RFP-078-BY4-DJW**

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Authorized Representative

\_\_\_\_\_  
Print or Type Name of Offeror