

Government of the District of Columbia
Office of the Chief Financial Officer



2019 APR -2 PM 3:14
OFFICE OF THE
SECRETARY

Jeffrey S. DeWitt
Chief Financial Officer

APR - 2 2019

The Honorable Phil Mendelson
Chairperson
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Pursuant to D. C. Official Code §2-352.02a, enclosed for consideration by the Council of the District of Columbia is the proposed emergency legislation, corresponding emergency declaration resolution, and proposed Task Order Fourteen for CFOPD-15-C-064A with Bert Smith and Company. The proposed Task Order will increase the 12-month, maximum contract amount to \$1,154,050.

The purpose of this proposed task order is to allow Bert Smith and Company to continue to provide audit advisory services of Medicaid providers for the Department of Health Care Finance to ensure that payments to Medicaid providers comply with all federal and District laws, regulations, and rules as required by the Comprehensive Annual Financial Report (CAFR).

The Office of the Chief Financial Officer issued two task orders for the 12-month period of Option Year 3 totaling \$778,892 cumulatively, an amount less than \$1 million; thus, Council approval was not required. The proposed task order, in the amount of \$375,158, will increase the 12-month maximum amount of Option Year 3 to \$1,154,050, an amount over \$1,000,000; therefore, Council approval is required.

As always, I am available to discuss any questions you may have regarding the proposed contract action. In order to facilitate a response to any questions concerning the proposed action, please have your staff contact Dorothy Whisler Fortune, Director of the Office of Contracts for the Office of the Chief Financial Officer at (202) 442-8078.

Sincerely,

Jeffrey S. DeWitt
Chief Financial Officer

cc: Nyasha Smith, Secretary, Council of the District of Columbia



Chairman Phil Mendelson
at the request of the Chief Financial Officer

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis proposed Task Order 14 of Contract No. CFOPD-15-C-064A with Bert Smith & Company to continue to provide auditing services for Medicaid health care providers to the Office of the Chief Financial Officer on behalf of the Department of Health Care Finance and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Contract No. CFOPD-15-C-064A Extension Approval and Payment Authorization Emergency Act of 2019”.

Sec. 2. Pursuant to Section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-0371; D.C. Official Code §2-352.02), the Council approves Task Order 14 of Contract No. CFOPD-15-C-064A with Bert Smith & Company to continue to provide auditing services for Medicaid health care providers to the Office of the Chief Financial Officer on behalf of the Department of Health Care Finance and authorizes payment in the maximum not to exceed amount of \$1,154,050 for services received and to be received under the contract from September 1, 2018 through August 31, 2019.

Sec. 3. The Council adopts the fiscal impact statement provided by the Chief Financial

34 Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia
35 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
36 206.02(c)(3)).

37 Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto
38 by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer
39 than 90 days, as provided for emergency acts of the Council of the District of Columbia in
40 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
41 Stat. 788; D.C. Official Code § 1-204.12(a)).

COUNCIL CONTRACT SUMMARY

Pursuant to Section 202(c) of the Procurement Practices Reform Act of 2010, as amended; D.C. Official Code §2-352.02(c), the following contract summary is provided.

(1) The proposed contractor, contract amount, unit and method of compensation, contract term, type of contract and source selection method:

- **Prime Contractor:** Bert Smith and Company
- **Contract Amount:** (Option Year 3, 9/1/18 – 8/31/19)
 - Task Order 12 dollar value is: \$656,322.00
 - Task Order 13 dollar value is: \$122,570.00
 - Proposed Task Order Fourteen amount: \$375,158.00
 - Proposed Total 12-month maximum amount \$1,154,050.00
- **Unit and method of compensation:** United States Dollars (USD) in accordance with Section B, Pricing, of the contract.
- **Contract Term:** The contract has a base term of one (1) year and four (4), one (1) year options. This proposed task order has a completion date of one year after award.
- **Contract Type:** Requirements contract based on fixed unit prices
- **Source Selection Method:** Request For Proposal

(2) The goods or services to be provided, the methods of delivering goods or services, and any significant program changes reflected in the proposed contract:

The purpose of this proposed Task Order Fourteen is to allow Bert Smith and Company to continue to provide audit advisory services of Medicaid providers for the Department of Health Care Finance to ensure that payments to Medicaid providers comply with all Federal and District laws, regulations, and rules as required by the Comprehensive Annual Financial Report (CAFR).

In the 12-month period of Option Year 3 the Office of the Chief Financial Officer issued two task orders totaling \$778,892 cumulatively, an amount less than \$1 million; thus, Council approval was not required. The proposed Task Order Fourteen is the third task order to be issued in the 12-month period of Option Year 3. The proposed task order, in the amount of \$375,158, will increase the 12-month maximum amount of the Contract to \$1,154,050.00, an amount over \$1,000,000; therefore Council approval is required.

(3) The selection process, including the number of offerors, the evaluation criteria, and the evaluation results, including price, technical or quality, and past-performance components:

Pursuant to DC Code §2-303.04, and 27 DCMR Section 1600, the competitive sealed proposal method was used to procure these services. The solicitation was advertised in the Washington Times and all subsequent amendments were issued and made available on the web to prospective offerors. The solicitation was issued to the open market on April 2, 2015. Five proposals were received on May 11, 2015. Based on overall ranking and successful negotiations, it is recommended to award to the highest ranking proposers Bert Smith and Company, Myers and Stauffer and Williams, Adley and Company. The Technical Proposal was worth 80 points and the Price Proposal was worth 20 points for a total of 100 points. The proposals were evaluated based on technical approach and methodology, technical expertise, experience and past performance, and price.

- (3A) A description of any bid protest related to the award of the contract, including whether the protest was resolved through litigation, withdrawal of the protest by the protestor, or voluntary corrective action by the District, and the identity of the protestor, grounds alleged in the protest and any deficiencies identified by the District as a result of the protest:**

There was no bid protest related to the award of the contract

- (4) The background and qualifications of the proposed contractor, including its organization, financial stability, personnel, and performance on past or current government or private-sector contracts with requirements similar to those of the proposed contract:**

The proposal received from Bert Smith and Company was evaluated by a Source Selection Evaluation Board (SSEB) and it concluded that the technical proposal received satisfied fully the requirements of the solicitation. The Contractor has a long-standing working relationship with the District. The Contractor has been in business for well over 60 years and has consistently been ranked as one of the top CPA firms amongst their peers in the industry in the District. Bert Smith and Company has consistently received good performance reviews for work provided to the District. The personnel that Bert Smith and Company has provided to perform the services have been approved by the District and based on a DUNS Report dated February 26, 2019, Bert Smith and Company has demonstrated its financial stability.

- (4A) A summary of the subcontracting plan required under D.C. Code § 2-218.01 et seq., including a certification by the District that the subcontracting plan meets the minimum requirements and the dollar volume of the portion of the contract to be subcontracted, in both total dollars and as a percentage of the total contract amount:**

Bert Smith and Company is a Certified Business Enterprise (CBE) and is not require to submit a subcontracting plan.

- (5) Performance standards and expected outcomes of the proposed contract:**

The contract shall be performed as defined in Section C of the contract.

- (5A) The amount and date of any expenditure of funds by the District pursuant to the contract before its submission to the Council for approval:**

The Council of the District of Columbia approved, pursuant to PR21-0690, the cumulative amount of \$2,369,750 for the 12-month Base Year for funding of Task Orders 1, 2, 3, and 4. Subsequently, the Office of the Chief Financial Officer approved the amount of \$67,680 for funding of Task Order 5 in the Base Year, an amount less than \$1 million; thus, Council approval was not required.

The Office of the Chief Financial Officer approved the cumulative amount of \$969,903.19 for the 12-month Option Year 1 for funding of Task Orders 6, 7, 8, and 9. This cumulative amount was less than \$1 million; thus, Council approval was not required.

The Council of the District of Columbia approved, pursuant to CA22-0324, Task Order 10 in the amount of \$1,233,296.00 for the 12-month Option Year 2. Subsequently, the Office of the Chief Financial Officer approved the amount of \$45,000.00 for funding Task Order 11 in Option Year 2, an amount less than \$1 million; thus Council approval was not required.

The Office of the Chief Financial Officer approved the cumulative amount of \$778,892.00 for the 12-month Option Year 3 for funding of Task Orders 12 and 13. This cumulative amount was less than \$1 million; thus, Council approval was not required.

- (6) A certification that the proposed contract is within the appropriated budget authority for the agency for the fiscal year and is consistent with the financial plan and budget adopted in accordance with D.C. Official Code §§ 47-392.01 and 47-392.02:**

The funding certification is included in this Council package.

- (7) A certification that the proposed contract is legally sufficient, including whether the proposed contractor has any currently pending legal claims against the District:**

Legal Sufficiency is provided in this Council package.

- (8) A certification that the Citywide Clean Hands Database indicates that the proposed contractor is current with its District taxes. If the Citywide Clean Hands Database indicates that the proposed contractor is not current with its District taxes, (1) a certification that the contractor has worked out and is current with a payment schedule approved by the District or (2) a certification that the contractor will be current with its District taxes after the District recovers any outstanding amount pursuant to D.C. Official Code §2-353.01(9).**

The Clean Hands compliance on Bert Smith and is included in this Council package.

- (8A) A certification that the proposed contract that it is current with its federal taxes, or has worked out and is current with a payment schedule approved by the federal government:**

The Contractor has certified that it is current with its federal taxes

- (9) The status of the proposed contractor as a certified local, small, or disadvantaged business enterprise, as defined in the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*):**

Bert Smith and Company is a Certified Business Enterprise (CBE). Its certification is included in this Council package.

- (10) Other aspects of the proposed contract that the CPO considers significant:**

There are no other significant aspects considered as part of this Task Order.

- (11) A statement indicating whether the proposed contractor is currently debarred from providing services or goods to the District or federal government, the dates of the debarment, and the reasons for debarment:**

Bert Smith and Company does not appear on the Federal Excluded Parties List System (EPLS) or the District Excluded Parties List.

(11A) Any determination and findings issued in relation to the contract's formation, including any made using the privatization procedures under D.C. Code § 2-352.05:

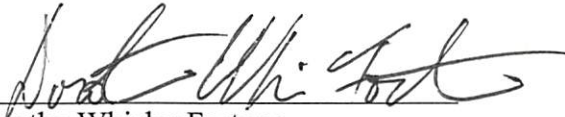
All determination and findings issued in relation to the contract formation are included in this Council package.

(12) Where the contract, and any amendments or modifications, if executed, will be made available online:

The contract shall be available online at the following website address:
<https://dc.cobblestonesystems.com/public>

(13) Where the original solicitation, and any amendments and modifications will be made available online:

The original solicitation and any amendments and modification shall be available online at the following website address: <https://sites.google.com/a/dc.gov/ocfo-procurements>



Dorothy Whisler Fortune
Director
Office of Contracts



Government of the District of Columbia

CERTIFICATE OF CLEAN HANDS

**BERT W SMITH JR AND CO CHARTERED
1090 VERMONT AVE NW STE 920
WASHINGTON, DC 20005-4976**

EIN : ***4722**

As reported in the Citywide Clean Hands system, the above referenced individual or entity has no outstanding liability with the District of Columbia. As of the date herein, you have complied with the following official DC code and therefore are issued this Certificate of Clean Hands.

TITLE 47. TAXATION, LICENSING, PERMITS, ASSESSMENTS AND FEES
CHAPTER 28. GENERAL LICENSE LAW
SUBCHAPTER II. CLEAN HANDS BEFORE RECEIVING A LICENSE OR PERMIT
D.C. Code § 47-2862 (2006)
§ 47-2862. Prohibition against issuance of license or permit.

Authorized By Marc Aronin
Chief, Collection Division

Date: Tuesday this 19th day of February 2019 04:17 PM

Tracking#: 951841

This document is a certified, complete and true copy.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health Care Finance



Office of the Chief Financial Officer

MEMORANDUM

TO: Dorothy Fortune
Director and Chief Procurement Officer
Office of Contracts

THRU: Delicia Moore *Delicia Moore*
Associate Chief Financial Officer
Human Support Services Cluster

FROM: Darrin Shaffer *Darrin A. Shaffer*
Agency Fiscal Officer
Department of Health Care Finance

DATE: MAR 27 2019

SUBJECT: Certification of Funding for Bert Smith & Co. – Task Order #12-14 /CFO-PD-15-064A

This memorandum certifies that funding in the amount of \$1,154,050.00 is available to the Department of Health Care Finance to support the contract with Bert Smith & Co for the cost associated with audit Task Orders 12-14. \$1,154,050.00 is available in FY 2019, which ends September 30, 2019.

The proposed contract is within the appropriated budget authority for the agency. The proposed contract is consistent with the financial plan and budget adopted in accordance with D.C. Code §47.392.01 and §47.392.02.

The allocation is as follows:

Vendor: Bert Smith & Co.

Contract Number: CFO-PD-15-064A

Fiscal Year 2019 Funding:

Agency	Fund	Index	Object	Grant	Amount
HT0	0100	LC141	0409	N/A	\$405,684.76
HT0	0110	DC141	0409	N/A	\$167,722.50
HT0	0112	CD141	0409	N/A	\$61,320.24
HT0	8250	C41A9	0409	91MMAD/19	\$519,322.50

FY 2019 Total:

\$1,154,050.00

Should you have any questions, please contact me on (202) 442-9079.

cc: Crystal Farmer-Linder, Contract Specialist, OCFO
Frederick Hoeflinger, Reimbursement Officer, OCFO/DHCF

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICER



Office of the General Counsel

MEMORANDUM

TO: Jeffrey S. DeWitt
Chief Financial Officer

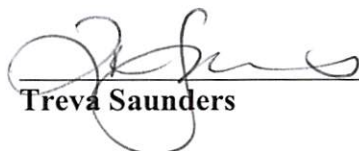
THRU: David Tseng
General Counsel

FROM: Treva Saunders
Associate General Counsel,
Personnel and Procurement

DATE: March 28, 2019

SUBJECT: **Certification of Legal Sufficiency**
Contract No.: CFOPD-15-C-064A
Contract Action: Proposed Task Order #14 (Tipping Contract)
Contractor: Bert Smith & Company
Contract NTE Amount: \$1,154,050
Contract Purpose: To provide auditing services for Medicaid healthcare providers to the Office of the Chief Financial Officer on behalf of the Department of Healthcare Finance.

This is to Certify that this Office has reviewed the above-referenced contract and that we have found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to contact me at 442-7127.



Treva Saunders


GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICER



Office of the General Counsel

MEMORANDUM

TO: Jeffrey S. DeWitt
Chief Financial Officer

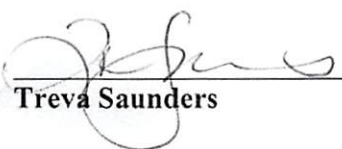
THRU: David Tseng 
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FROM: Treva Saunders
Associate General Counsel,
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Treva Saunders