



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Contracting and Procurement



July 29, 2022

The Honorable Robert C. White, Jr.  
Chairperson  
Committee on Government Operations & Facilities  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 107  
Washington, DC 20004

The Honorable Elissa Silverman  
Councilmember  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 402  
Washington, DC 20004

The Honorable Janeese Lewis George  
Councilmember  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 105  
Washington, DC 20004

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

The Honorable Brianne K. Nadeau  
Councilmember  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 102  
Washington, DC 20004

Dear Chairman Mendelson and Councilmembers White, Silverman, Nadeau, and Lewis George:

I write in response to your July 21 letter on the Medicaid managed care organizations procurement.


I want to assure you that from the beginning, OCP has worked diligently to ensure the award of these contracts meets District legal requirements, including Council review. In prior correspondence with Councilmembers, I noted how the steps in this procurement process were developed using industry best practices for procurements of this size and would be instituted to ensure the procurement was grounded in appropriate rigor and oversight. To that end, we utilized an integrated procurement team strategy that leveraged the expertise of multiple contracting professionals, a new source selection tool widely utilized in federal procurements, and worked collaboratively with the Office of the Attorney General throughout the procurement process.

Currently, there are three protests of this procurement at the Contract Appeals Board (CAB) and an appeal of a prior CAB decision is currently before the D.C. Superior Court. While these actions do not override consideration for the needs of the District and its residents, in this particular circumstance with the three pending protests, I, in partnership with the program agency and District leadership, determined it was in the best interest of the District and the beneficiaries to await the results of these three CAB decisions to minimize disruption to the beneficiaries resulting from any possible change in provider plans.



I assure you that we are dedicated to following all applicable statutes and regulations in ensuring the integrity of all procurements conducted by this office.

Respectfully,

  
George A. Schutter  
Chief Procurement Officer

Enclosure:

- Responses to Council Inquiry Regarding Managed Care Organizations



## RESPONSES TO COUNCIL INQUIRY REGARDING MANAGED CARE ORGANIZATIONS

### **Is it correct that the winning bidders were chosen in early June?**

Response: The District completed its source selection review and the Contracting Officer determined three anticipated awardees in May.

### **Why was a decision made that the new MCO contracts would not be submitted to the Council for pre-approval prior to our summer recess?**

Response: The District took a conservative approach that sought to minimize any potential disruptions to beneficiaries.

### **Who in the Executive Office of the Mayor decided or approved the decision not to submit the contracts to the Council prior to Council recess?**

Response: The decision was made by the City Administrator based on the advice of the CPO.

### **What facts or events is the Executive awaiting now before submitting the contracts to the Council?**

Response: The Executive is awaiting final disposition of the three MCO protests currently with the Contract Appeals Board before submitting the packages to Council.

### **Please provide a detailed timeline of your current best estimate of next steps to completion of this procurement, including contract submission to the Council, contract execution, and any transfer of beneficiaries.**

Response: As noted above, the Executive is awaiting final disposition of the three MCO protests currently with the Contract Appeals Board before submitting the packages to Council.

### **Given the significance of these contracts, has the Executive moved for the CAB to lift all stays on the execution of the new MCO contracts? If so, please provide the date(s) the motion(s) were filed, and whether a decision has been made on the motion(s) by the CAB. If not, who in the EOM made the decision NOT to request that the CAB allow the new MCO contracts to move forward during the pendency of any protests?**

Response: For a contract to proceed while a protest is pending, the CPO, under the Procurement Practices Reform Act, may make a Determination and Findings (D&F) that urgent and compelling circumstances exist such that the significant interests of the District do not permit waiting for the decision of the CAB. No Determinations and Findings has been filed with the CAB. After consultation with the program agency, the CPO determined that it is in the best interest of the District and District beneficiaries to await the results of the CAB decisions so as to minimize disruption to the beneficiaries resulting from any possible change in provider plans.



**Given how important it is for these contract issues to be resolved as soon as possible, has the Executive moved for the Superior Court to expedite consideration of all appeals regarding the new MCO contracts? If so, please provide the date(s) the motion(s) were filed, and whether a decision has been made on the motion(s) by the Superior Court. If not, who in the EOM made the decision NOT to request that the Superior Court expedite consideration of appeals of the new MCO contract awards?**

Response: No; the only appeal currently before D.C. Superior Court is an appeal of the CAB decision issued May 12, 2022 in CAB No. P-1154.

