



**MURIEL BOWSER**  
MAYOR

MAR 12 2019

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Avenue, N.W., Suite 504  
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is proposed emergency legislation, the "Modifications to Contract No. CW18948 with Aramark Correctional Services, LLC Approval and Payment Authorization Emergency Act of 2019" and accompanying declaration resolution, to provide food services to inmates in the District of Columbia.

Council action is necessary to approve the modifications in the not-to-exceed amount of \$2,857,936.20, for the period from January 1, 2019 through September 14, 2019.

The Chief Financial Officer has certified that funding is available for FY 2019.

In order to facilitate a response to any questions you may have regarding these proposed modifications, please have your staff contact Marc Scott, Business Operations Manager of the Office of Contracting and Procurement at (202) 724-8759.

I look forward to a favorable consideration of this contract.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser

Enclosures



Chairman Phil Mendelson  
at the request of the Mayor

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

A BILL

---

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

---

To approve, on an emergency basis, Modification Nos. 25, 26, and 27 to Contract No. CW18948 with Aramark Correctional Services, LLC to provide a food service program for inmates and to authorize payment for the goods and services received and to be received under the contract modifications.

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

That this act may be cited as the “Modifications to Contract No. CW18948 with Aramark Correctional Services, LLC 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 section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 25, 26, and 27 to Contract No. CW18948 with Aramark Correctional Services, LLC, to provide food service program for inmates, and authorizes payment in the not-to-exceed amount of \$2,857,936.20 for the goods and services received and to be received under Modification Nos. 25, 26, and 27.

1           Sec. 3. The Council adopts the fiscal impact statement provided by the Chief  
2 Financial Officer as the fiscal impact statement required by section 4a of the General  
3 Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C.  
4 Official Code § 1-301.47a).

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of Contracting and Procurement**



Pursuant to section 202(c-1) of the Procurement Practices Reform Act of 2010, as amended, D.C. Official Code § 2-352.02(c-1), the following contract summary is provided:

**COUNCIL CONTRACT SUMMARY**

**(A) Contract Number:** CW18948

**Proposed Contractor:** Aramark Correctional Services, LLC

**Contract Amount:** \$2,857,936.20  
(Modification No. 25- \$641,306.40)  
(Modification No. 26- \$347,048.10)  
(Proposed Modification No. 27-\$1,869,581.70)

**Unit and Method of Compensation:** Fixed per diem rates per meal

**Term of Contract:** January 1, 2019 through September 14, 2019  
(Modification No. 25– January 1, 2019 through February 28, 2019)  
(Modification No. 26 – March 1, 2019 through March 31, 2019)  
(Proposed Modification No. 27-April 1, 2019 through September 14, 2019)

**Type of Contract:** Requirements-Type contract based on fixed unit prices per inmate per diem, with cost reimbursement components

**Source Selection Method:** Sole Source

**(B) For a contract containing option periods, the contract amount for the base period and for each option period. If the contract amount for one or more of the option periods differs from the amount for the base period, provide an explanation of the reason for the difference:**

**Total Three (3) Year Base Period Amount:** \$ 12,657,001.94 NTE

**Council Approval (CA20-0001)**

**Explanation of difference from base period (if applicable):** This contract amount includes contract modification for an increase in the number of inmates.

**Option Period 1 Amount: \$4,093,110.50 NTE**

**Council Approval (A21-0424)**

**Explanation of difference from base period (if applicable):** This contract amount includes contract modification for an increase in the number of inmates.

**Option Period 2 Amount: \$4,126,110.00 NTE**

**Council Approval (A22-0082)**

**Explanation of difference from base period (if applicable):** This contract amount includes contract modification for an increase in the number of inmates

**Sole Source Extension Modification M0021 \$1,600,000.00**

**Period of Performance March 1, 2018 through September 30, 2018**

**Council Approval (CA22-0409)**

**Sole Source Extension Modification M0023 \$1,200,000.00**

**Period of Performance October 1, 2018 through December 31, 2018**

**Council Approval (CA22-0643)**

**Sole Source Extension Modification M0025 \$641,306.40**

**Period of Performance January 1, 2019 through February 28, 2019**

**Sole Source Extension Modification M0026 \$347,048.10**

**Period of Performance March 1, 2019 through March 31, 2019**

**Proposed Sole Source Extension Modification M0027 \$1,869,581.70**

**Period of Performance April 1, 2019 through September 14, 2019**

**(C) 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 Department of Corrections (DOC) has an immediate need for a full-continuum food services contractor to provide management and operation of the food service program, for the current estimate average daily population of about 2,100 inmates housed in the Central Detention Facility (CDF), 1901 D Street, SE and the Correctional Treatment Facility (CTF) located at 1901 E Street, SE, all located in the District of Columbia.

**(D) The date on which a competitive procurement for these goods or services was last conducted, the date of the resulting award, and a detailed explanation of why a competitive procurement is not feasible:**

Request for Proposal (RFP) Solicitation DCFL-2013-R-1301 for Department of Corrections Food Services Program to the open market with set-aside CBE designation was publicly advertised on July 17, 2012, closing date August 29, 2012.

Four (4) proposals were received in response to the solicitation. After completion of technical evaluation by the panel and the contracting officer's independent assessment and after BAFOs the

contracting officer determined that Aramark Correctional Services offered the best value for the required services.

Currently, OCP and DOC are seeking approval of Modification No. 25 which extended the contract from January 1, 2019 through February 28, 2019, Modification No. 26 which extended the contract from March 1, 2019 through March 14, 2019, and proposed Modification No. 27 which will extend the contract from March 15, 2019 through September 14, 2019. The total amount for which approval is requested is \$2,857,936.20.

- (E) 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. Include the identity of the protestor, the grounds alleged in the protest, and any deficiencies identified by the District as a result of the protest:**

None

- (F) 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:**

While not without controversy, Aramark has served the corrections industry for nearly 40 years, helping 500 correctional facilities around the country maintain safe, stable environments for millions of offenders, officers and staff every day. They manage or operate correctional facilities, and do business with federal penitentiaries. They provide meals to offenders in state and county correctional facilities.

The contractor has adequate financial resources and reserves to perform the services required under this contract. This is evident from the contractor's financial history as reported by Dun and Bradstreet Business Report.

Aramark Correctional Services has a satisfactory record of integrity and business ethics as indicated by the search results of the federal excluded parties system. The District has no information indicating that the Aramark Correctional Services, is debarred, suspended, or involved in any activity that would disqualify the company from consideration for contract award due to lack of integrity and business ethics. Aramark Correctional Services' performance evaluation on the current contract is rated satisfactory.

- (G) The period of performance associated with the proposed change, including date as of which the proposed change is to be made effective:**

Modification No. 25 – January 1, 2019 through February 28, 2019

Modification No. 26 – March 1, 2019 through March 31, 2019

Proposed Modification No. 27 – March April 1, 2019 through September 14, 2019

**(H) The value of any work or services performed pursuant to a proposed change for which the Council has not provided approval, disaggregated by each proposed change if more than one proposed change has been aggregated for Council review:**

Modification No. 25 - \$641,306.40  
Modification No. 26 - \$347,048.10  
Proposed Modification No. 27 - \$1,869,581.70

**(I) The aggregate dollar value of the proposed changes as compared with the amount of the contract as awarded:**

The aggregate amount for Modification Nos. 25 and 26 and proposed Modification No. 27 is \$2,857,936.20.

**(J) The date on which the contracting officer was notified of the proposed change:**

February 2019

**(K) The reason why the proposed change was sent to Council for approval after it is intended to take effect:**

DOC's Food Service Program provides food for inmates at the Central Treatment Facilities and the Central Detention Facilities. Extending the contract in Modification Nos. 25 and 26 were actions that cumulatively were not in excess of one million dollars. Proposed Modification No. 27, which is necessary to continue these critical services, will be issued after Council approval.

**(L) The reason for the proposed change:**

DOC's Food Service Program provides food for inmates at the Central Treatment Facilities and the Central Detention Facilities. Extending the contract in Modification Nos. 25 and 26 and in proposed Modification No. 27 ensures that services are not interrupted at DOC while all aspects of the competitive procurement are completed.

**(M) The legal, regulatory, or contractual authority for the proposed change:**

27 DCMR Chapters 3600 and 3601

**(N) A summary of the subcontracting plan required under section 2346 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, as amended, D.C. Official Code § 2-218.01 *et seq.* ("Act"), including a certification that the subcontracting plan meets the minimum requirements of the Act and the dollar volume of the portion of the contract to be subcontracted, expressed both in total dollars and as a percentage of the total contract amount:**

For extension period of March 1, 2019 through September 14, 2019, the subcontracting amount at 35% is \$757,310.40.

**(O) Performance standards and the expected outcome of the proposed contract:**

It is the District's expectation that Aramark Correctional Services LLC will continue to perform the management and operation of the inmate food service program and operate a cafeteria-style officer's dining room food service CDF and CTF correctional staff. All services to be performed by the contractor shall be in accordance with the requirements, terms and conditions of the current contract.

Based on the CA's Performance Evaluation, the contractor received a "Fair" rating on adherence to the specific contract requirements and effectiveness of service delivery and interaction. Aramark has had staffing issues due to DOC's required background checks and drug testing. Aramark has been working with the subcontractor to obtain employees that can pass both requirements.

**(P) The amount and date of any expenditure of funds by the District pursuant to the contract prior to its submission to the Council for approval:**

Modification No. 25 - \$641,306.40

Modification No. 26 - \$347,048.10

**(Q) 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 Agency Fiscal Officer has certified the availability of funds in DOC's current fiscal year budget for Inmate Food Services from January 1, 2019 through September 14, 2019.

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

The proposed modification has been determined to be legally sufficient by the Office of the Attorney General (OAG).

**(S) A certification that 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, either: (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 debt as provided under D.C. Official Code § 2-353.01(b):**

A certification has been issued by the Citywide Clean Hands database indicates that the proposed contractor is current with its District taxes.

**(T) A certification from the proposed contractor 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 federal taxes.



- (U) 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, as amended, D.C. Official Code § 2-218.01 *et seq.*:**

The contractor is not a Certified Business Enterprise.

- (V) Other aspects of the proposed contract that the Chief Procurement Officer considers significant:**

None

- (W) 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:**

The proposed contractor is not debarred or suspended according to the SAM's system (federal) or the Office of Contracting and Procurement excluded parties list.

- (X) Any determination and findings issues relating to the contract's formation, including any determination and findings made under D.C. Official Code § 2-352.05 (privatization contracts):**

Sole Source Determination and Findings

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

[www.ocp.dc.gov](http://www.ocp.dc.gov).

- (Z) Where the original solicitation, and any amendments or modifications, will be made available online:**

[www.ocp.dc.gov](http://www.ocp.dc.gov).



**Government of the District of Columbia**

## **CERTIFICATE OF CLEAN HANDS**

**ARAMARK CORRECTIONAL SVCS, LLC  
1101 MARKET ST  
PHILADELPHIA, PA 19107-2934**

**EIN : \*\*\*\*\*8485**

**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: Friday this 15th day of February 2019 12:40 PM**

**Tracking#: 949995**

**This document is a certified, complete and true copy.**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ASSOCIATE CHIEF FINANCIAL OFFICER  
PUBLIC SAFETY & JUSTICE CLUSTER**



**MEMORANDUM**

**TO:** George A. Schutter, Chief Procurement Officer  
Office of Contracting and Procurement

**FROM:** David Garner, Associate Chief Financial Officer  
Public Safety and Justice Cluster

**DATE:** February 21, 2019

**SUBJECT:** Certification of Funding Availability for Aramark Food Services – Inmate Food Service (Contract Number: CW18948)

*David Garner 2/22/2019*

---

The Office of the Chief Financial Officer (OCFO) certifies available funding in the Department of Corrections Fiscal Year 2019 operating budget in the amount of \$3,059,898.00 for Inmate Food Service for the period of January 1, 2019 through September 14, 2019. Future orders above the funds available are contingent upon the identification of additional funding.

If you have any questions concerning this certification, please contact Michael Bey, Sr. Budget Analyst at (202)671-2140.

Attachment

cc: Quincy L. Booth, Director, Department of Corrections

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



ATTORNEY GENERAL  
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

**TO:** Alana Intrieri  
Executive Director  
Office of Policy & Legislative Affairs

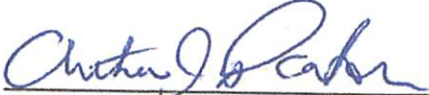
**FROM:** Arthur J. Parker  
Acting Deputy Attorney General  
Legal Counsel Division

**DATE:** February 22, 2019

**SUBJECT:** Legal Sufficiency Review of the Draft Bill, the "Modifications to Contract No. CW18948 with Aramark Correctional Services, LLC Approval and Payment Authorization Emergency Act of 2019" and the Accompanying Emergency Declaration Resolution (AE-19-183)

---

**This is to Certify that** this Office has reviewed the above-referenced draft bill and resolution and found them to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5565.

  
\_\_\_\_\_  
Arthur J. Parker

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



Procurement Section

**MEMORANDUM**

**TO:** Alana Intrieri  
Director  
Office of Policy and Legislative Affairs

**FROM:** Robert Schildkraut  
Chief, Procurement Section  
Commercial Division

**DATE:** March 5, 2019

**SUBJECT:** Approval of Sole Source Extension Over One Million Dollars  
Food Service Program for District Inmates  
Contract No.: CW18948  
Contractor: Aramark Correctional Services, LLC  
Total Sole Source Contract Amount: \$2,857,936.20 (Modifications No. 25, No. 26, and No. 27)

---

**This is to Certify that** this Office has reviewed the above-referenced Contract action and that we have found it to be legally sufficient subject to the Contracting Officer receiving an approved First Source Agreement from the Office of Wage and Hour. If you have any questions in this regard, please do not hesitate to call me at (202) 724-4018.

A handwritten signature in black ink, appearing to read 'Robert Schildkraut', written over a horizontal line.

**Robert Schildkraut**