

**SUPPLEMENT B
DEPARTMENT OF BUDGET AND MANAGEMENT
ACTION AGENDA**

ITEM: 1-S (Cont.)

REQUESTING AGENCY REMARKS: A notice of the availability of the Invitation for Bids (IFB) was advertised on *eMarylandMarketplace.com* (eMM) and the DHR website. A total of 302 vendors were notified through eMM, of which 79 are certified small businesses and 58 are certified minority businesses. Copies of the solicitation notice were also mailed directly to 50 prospective vendors (this could overlap with vendors notified by eMM), of which all are Maryland businesses and 16 are minority businesses. A copy of the solicitation was also sent to the Governor's Office of Minority Affairs.

A total of 226 bids were submitted by 46 bidders in response to the IFB. The IFB was to serve 19 of 24 Maryland jurisdictions; the other five jurisdictions, Allegany, Anne Arundel, Garrett, Kent and Montgomery counties, have local arrangements in place to provide In-Home Aide services and did not participate in the solicitation. Bidders were permitted to submit separate bids for any or all of the 19 jurisdictions. Multiple bids were received for all jurisdictions. Of the 46 Bidders, 35 Bidders (12 of which are incumbent Contractors) that provided 164 responsive bids were determined to be responsible Bidders and are recommended for awards.

Sixty-two (62) bids from 11 Bidders were determined to be not responsible. One Bidder, effective April 30, 2010, will cease to provide personal care and chore services to DHR clients. The remaining ten Bidders did not meet the experience and/or license requirement(s) needed to participate in the solicitation process. Of the 11 Bidders rejected, one filed a bid protest on March 17, 2010. DHR denied the protest on March 25, 2010. The Bidder had until April 5, 2010 to file an appeal of the protest denial with the Maryland State Board of Contract Appeals (MSBCA), which it did not do. Therefore, as of April 6, 2010, this protest is no longer in affect. However, as described below two other protests still remain.

On March 22, 2010, DHR received notice from the MSBCA that another Bidder had attempted to file what it claimed to be an appeal with MSBCA; however, the Bidder had not filed a protest with the DHR Procurement Officer by the March 19, 2010 protest deadline. Accordingly, this protest is late and DHR is in the process of filing a Motion to Dismiss. On April 5, 2010, DHR received a third untimely protest. This third protest was on the IFB requirements, and should have been received prior to the bid due date of January 7, 2010. This untimely protest will also be denied by DHR.

DHR is requesting that the BPW approve the award of these 35 contracts notwithstanding the second and third protests noted above, based upon the determination by DHR that persons who are elderly, and/or who have disabilities in the 19 jurisdictions throughout the State need these services to prevent or delay institutionalization and/or to remedy abuse, neglect or self-neglect. The execution of these 35 contracts without delay is necessary to protect substantial State interests per COMAR 21.10.02.11A(1).

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All responsive and responsible IHAS Bidders will be awarded contracts, as stated in the IFB. Therefore, if either of the untimely protesters were to be successful, it will also receive a contract award and be placed into the roster pool based upon its bid price. Successful Bidders are not guaranteed work but go on a rank-ordered pool to each Local Department of Social Services (LDSS) as described below.

The number of Contractors serving each Jurisdiction is as follows:

Baltimore City	26	Dorchester	6	St. Mary's	5
Baltimore County	24	Frederick	7	Talbot	5
Calvert	6	Harford	7	Washington	5
Caroline	6	Howard	10	Wicomico	8
Carroll	8	Prince George's	12	Worcester	7
Cecil	4	Queen Anne's	5		
Charles	6	Somerset	7		

The vendors selected will provide chore services (meal planning and preparation, regular housekeeping tasks, shopping and packing and unpacking clients' possessions, when needed), personal care, nursing assessments, and respite care to elderly and/or adults with disabilities, to prevent institutional placement, abuse, neglect and self-neglect. In-Home Aide services will be provided as needed, on request of the Local Departments of Social Services (LDSS).

Each LDSS will have a rank-ordered pool of Contractors to draw from to provide services. The rank-orders are based on the vendors' bid amounts, with the lowest bid amount ranked #1, the next lowest bid amount ranked as #2 on the list, and so forth (see Attachment 2). The vendor ranked #1 on the list for a particular jurisdiction will have the first opportunity to provide in-home aide services whenever the client need arises in that jurisdiction. The second ranked vendor will be given the second opportunity to serve clients in that jurisdiction, and so on. One jurisdiction (Wicomico County) received tie bids from two vendors (Bay Shore Services, Inc. and FEM Nursing Services, Inc.). Both vendors are Maryland-based corporations and MDOT certified MBEs. A drawing was conducted in accordance with COMAR 21.05.02.14, resulting in Bay Shore Services, Inc. being selected to be the first vendor to be contacted to provide services for Wicomico County after the lowest Bidder, then FEM Nursing Services, Inc. would be contacted third.

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These are indefinite quantity, not-to-exceed contracts, paid on an hourly basis for services rendered. Contractors will only be paid for work actually performed. It is highly unlikely that any one Contractor will serve all the clients in any one jurisdiction. The total budgeted amount for In-Home Aide Services for the five-year term of the contracts for all 19 jurisdictions is \$12,362,760. These contracts in total will not exceed this budgeted amount. The budgeted amount for each jurisdiction is as follows:

• Baltimore City -	\$4,586,925
• Baltimore County -	\$2,083,300
• Calvert County -	\$ 91,810
• Caroline County -	\$ 190,755
• Carroll County -	\$ 591,670
• Cecil County -	\$ 213,790
• Charles County -	\$ 199,660
• Dorchester County -	\$ 262,070
• Frederick County -	\$ 342,035
• Harford County -	\$ 404,350
• Howard County -	\$ 55,835
• Prince George's County -	\$1,557,995
• Queen Anne's County -	\$ 108,100
• Somerset County -	\$ 220,200
• St. Mary's County -	\$ 272,195
• Talbot County -	\$ 229,985
• Washington County -	\$ 452,020
• Wicomico County -	\$ 330,140
• Worcester County -	\$ 169,925
• TOTAL	\$12,362,760

There was no Minority Business Enterprise (MBE) goal established for this IFB. Of the 35 recommended awardees, nine are MDOT Certified MBEs (of which three have dual certification as a MBE and small business), and five others are certified small businesses.

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FUND SOURCE: 100% General

APPROPRIATION CODE: N00G0004

RESIDENT BUSINESS: Yes for all

MD TAX CLEARANCES: See Attachment 1

Board of Public Works Action - The above referenced Item was:

APPROVED DISAPPROVED DEFERRED WITHDRAWN

WITH DISCUSSION

WITHOUT DISCUSSION