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Chair Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis, Contract No. DCHBX-2013-0007 to provide communication and marketing services and to authorize payment for the services received under the contract.

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

That this act may be cited as the "Modification to Contract No. DCHBX-2013-C-0007 Approval and Payment Authorization Emergency Act of 2014".

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), Modification to Contract No. DCHBX-2013-C-0007 with Weber Shandwick to provide communication and marketing services is approved in the total not-to-exceed amount of \$3,611,067.10 for services received and to be received under that contract.

Sec. 3. The Council adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the

1 District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C.
2 Official Code § 1-206.02(c)(3)).

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA



Pursuant to section 202(c) of the Procurement Practice Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-3.01), the following contract summary is provided:

COUNCIL CONTRACT SUMMARY

- (A) **The contract number, proposed contractor, contract amount, unit and method of compensation, contract term, and type of contract:**

Contract Number: DCHBX-2013-X-0007

Proposed Contractor: Weber Shandwick

Contract Amount: \$3,611,067.10

Unit and Method of Compensation: Monthly

Term of Contract: July 24, 2013 thru July 23, 2014 with four (4) one year option periods

Type of Contract: Fixed Price with a Cost Reimbursable Component

- (B) **The goods or services to be provided, the method of delivering goods or services, and any significant program changes reflected in the proposed contract:**

The services to be provided includes the planning, development, design and execution of an integrated outreach, education and multi-media marketing campaign to:

1. Inform and educate individuals and small businesses in the District of Columbia about the new District-based health insurance exchange (HBX).



2. Outline their rights and responsibilities under the Patient Protection and Affordable Care Act (ACA).
3. Present the new health insurance coverage options available and the ways in which they can enroll in a plan of their choice.

Activities under the contract will occur within four (4) basic categories according to pre-established timeframes for execution and delivery. The four (4) functional categories with a brief description of services to be provided are:

- A. **Marketing Communications Strategy Support** – Based on market research and evidence of how different populations can best be reached and encouraged to enroll and retain coverage (and ensuring that materials are culturally and linguistically appropriate), the contractor will assist with the development of communications, outreach and education strategies; develop an overall creative approach and theme for both the consumer and small business campaigns; and provide overall management of plan development, execution and evaluation.
 - B. **Advertising Creative Services** – These services include account management, creative concept development, copywriting, film/video/photography, editing, production and all advertising (TV, radio, online/digital, transit, outdoor and out-of-home, etc., per the approved media plan), voiceovers, translation of print, radio and other media for appropriate multicultural outlets, handling all talent fees, studio and location expenses. The contractor will also conduct up to six (6) focus groups to test marketing and communications strategies to reach the identified target populations in the most effective and cost-efficient manner.
 - C. **Media Planning and Buying** – The contractor will conduct research to include media audience, ratings/readership, value-added opportunities (*e.g.* on-air interviews, brochure distribution at media events, etc.) and will conduct the media buys as determined by the COTR.
 - D. **Public Relations** – The contractor will develop and execute a public relations plan that parallels the goals and objectives of the integrated marketing campaign. Examples of other public relation services to be provided include message development, branding, strategic media relations advice, pitching stories to all forms of media, preparing and disseminating press releases, planning and executing events to launch campaign to promote specific milestones such as open enrollment, developing press kits, etc.
- (C) **The selection process, including the number of Offerors, the evaluation criteria, and the evaluation results, including the price and technical components:**

The evaluation team assembled consisted to three (3) members. The Evaluation team members were Richard Sorian, Director of Communications, Education and Outreach,

DC Health Link; Linda Wharton-Boyd, Director of External Relations, DC Health Link; and Michael Kharfen, Bureau Chief, Partnerships, Capacity Building & Community Outreach, HIV/AIDS, Hepatitis, STD & TB Administration, DC Department of Health. Eight (8) proposals were submitted prior to the deadline. Only three (3) of the eight proposals evaluated were determined to be in the competitive range.

	Offeror	Points
1	Edelman	3
2	Fuse	2
3	Golin Harris	3
4	New Partners/Purple Strategies	4
5	Octane	4
6	Reingold	3
7	Vanguard	3
8	Weber Shandwick	4

Only those proposals those proposals that scored at least 4 were considered to be in the competitive range. Request for best and final offers were request from 1) New Partners/Purple Strategies; 2) Octane and 3) Weber Shandwick.

Two requests for Best and Final Offers (BAFO) were issued. The initial BAFO was issued to the three firms determined to be in the competitive range. After receipt of the initial BAFOs from the Offerors, New Partners/Purple Strategies (NP/PS) was eliminated from competition because its offer included what was considered an excessive number of subcontractors. It was determined that due to New Partners/Purple Strategies prior commitments; they would not be able to dedicate proper time and attention to the District's needs. The 2nd BAFO was only issued to Octane and Weber Shandwick.

The following are the scores received after the 2nd BAFO was evaluated

	Criteria	Octane	Weber Shandwick
1	Personnel	12	15
2	Experience of Firm	24	24
3	Comprehensiveness of Proposed Plan	12	20
4	Creativity	16	16
5	Price	15	12
		\$2,344,933.00	\$2,725,151.10
	Total Score	79	87

The Letter Contract was awarded to Weber Shandwick on July 24, 2013 in the amount of \$2,725,151.10. The Letter contract was modified on December 19, 2013 in the amount of \$885,916.00 to add the DC United and the Cable services component to the Media Buys on a cost reimbursable basis. The contract modification increased the total contract amount to \$3,611,067.10.

(D) The background and qualifications of the proposed contractor, including its organization, financial stability personnel, and prior performance on contracts with District government:

The proposed contractor Weber Shandwick is a seasoned marketing and communications firm that meets all of the qualifications stipulated in the RFP issued by the Health Benefit Exchange Authority (HBX). The company has been the marketing partner for the Massachusetts Health Connector for the past seven (7) years, the nation's first exchange, and has provided a full range of marketing support to the Maryland Health Connector and is CMS's (Center for Medicare and Medicaid Services) partner for the federal Health Insurance Marketplace.

Weber Shandwick has demonstrated sufficient fiscal stability, personnel and other resources to manage the project effectively; and has proposed a staffing plan and a price for services that is reasonable and responsible for the delivery of the specific services detailed in the RFP and in their proposal.

Weber Shandwick's proposal was the most comprehensive and detailed, offering specific methods and strategies for achieving the objectives of the initiative.

The proposed contractor also plans to sub-contract some aspects of the work to a CBE specifically qualified to deliver specialized services that will enhance the outcome of the project. Weber Shandwick also provided evidence of the sub-contractors' qualifications and offers a reasonable sub-contracting plan that includes effective management and seamless/integrated execution of those services within the total project.

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

The overall outcome of this contract is for the Contractor to provide the HBX with an Outreach, Education and Marketing Campaign. The campaign will inform individuals and small businesses about new Affordable Care Act (ACA) requirements, their rights and responsibilities, and new options for selecting affordable health insurance coverage through the District of Columbia Health Benefit Exchange Authority (HBX) to support its role and responsibilities as specified in the ACA and the Health Benefit Exchange Authority Establishment Act of 2010.

The Outreach, Education and Marketing Campaign will provide support for the following:

1. Marketing Communications Strategy Support
2. Advertising Creative Services
3. Media Planning and Buying
4. Public Relations

- (F) 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 Chief Financial Officer has certified in the enclosed funding certification memorandum that funding in the amount of \$3,629,067.10 is available within the appropriate budget authority for the agency for fiscal years 2013 (\$1,822,619.66) and 2014 (\$1,806,447.66). (Attachment A)

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

The contract has been reviewed for legal sufficiency and deemed legally sufficient. (Attachment B)

- (H) A certification that the proposed contractor is current with the District and federal taxes or has worked out and is current with a payment schedule approved by the District or federal government:**

The proposed contractor is in compliance with District and Federal tax laws. See the enclosed compliance statement provided the Department of Employment Services and the Office of Tax and Revenue. (Attachment C)

- (I) 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.*):**

- (J) Other aspects of the proposed contract that the HBX Contracting Officer considers significant:**

Weber Shandwick is not a certified local, small or disadvantaged business enterprise.

- (K) A statement including 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:**

Weber Shandwick has no record of debarment or suspension actions on the federal and District Excluded Parties Lists Systems (EPLS). (Attachment D)

- (L) Where the contract, if executed will be available online:**

The contract will be available on the HBX website at www.hbx.dc.gov.

DISTRICT OF COLUMBIA

Office of Tax and Revenue
1101 4th Street SW ste W600
Collection Division
Washington, DC 20024



2014 MAY 29 AM 10:07
OFFICE OF THE
SECRETARY

OFFICE OF TAX AND REVENUE
TAX VERIFICATION RESPONSE

REQUESTOR: NICOLE F. MATTHEWS

AGENCY HBX

VENDOR NAME CMGRP, INC FEIN: 22-2752668

TO BE COMPLETED BY THE OFFICE OF TAX & REVENUE

- The prospective contractor is in compliance with the filing and payment requirements of the District of Columbia Tax laws DCIBX-2013-C-0007
- The prospective contractor/individual is not liable for the tax filing requirements of the District of Columbia.
- The prospective contractor is not in compliance with the tax filing and payment requirements of the District of Columbia Tax Law. The contractor may obtain details of the tax deficiency and make arrangements to correct this by contacting the Revenue Officer whose signature appears below.
- The prospective contractor has recently been registered with the District of Columbia and has not incurred any liabilities so far.
- Our records indicate that the prospective contractor is not registered to do business in the District of Columbia. Please contact the Office of Tax and Revenue, Customer Service Office at (202) 727-4829 to request a form FR-500 (Combined Registration Application) which must be fully completed and submitted to the address indicated on the form Office of Tax and Revenue, PO Box 470 Washington, DC 20044-0470 or register online at: https://www.taxpayerservicecenter.com/FR500_instructions.jsp.

Aubrey Welcome
Collection Manager

05/28/2014
Date

Pita-gaye Marshall
Pita-gaye Marshall
Revenue Officer

(202) 442-6813
Telephone Number

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF EMPLOYMENT SERVICES
Office of Unemployment Compensation/Tax Division



2014 MAY 28 AM 10:16

ORIGINAL
OFFICE OF THE
SECRETARY

TAX VERIFICATION RESPONSE - DOES

CONTRACT SPECIALIST: HEALTH BENEFIT EXCHANGE AUTHORITY

AGENCY: NICOLE F. MATTHEWS

VENDOR NAME: CMGRP INC

D.C.DOES SUI ACCOUNT #: 136631

FEDERAL ID #: 222752668

TO BE COMPLETED BY THE DEPARTMENT OF EMPLOYMENT SERVICES TAX DIVISION
THE DEPARTMENT OF EMPLOYMENT SERVICES CERTIFIES THAT:

The prospective Contractor is "IN COMPLIANCE" with the tax filing and payment requirements of the District of Columbia Unemployment Tax Laws or is in compliance with an established payment plan.

The prospective Contractor is "NOT IN COMPLIANCE" with the tax filing and payment requirements of the District of Columbia Unemployment Tax Laws. The Contractor may obtain details of the tax deficiency and make arrangements to correct this deficiency by contacting the tax enforcement officer whose name and telephone number follow:

Tax Enforcement Officer: Cynthia Miller

Phone #: (202) 698-5122

Comments

T. Rose Morales Jacks

5/27/2014

SIGNATURE

DATE

UI Tax Officer

(202)-698-3564

TITLE

TELEPHONE/FAX NUMBER

This response/certification is valid for 90 days from the date specified above.

ATT: Compliance Officer

Office of Unemployment Compensation - Tax Division - 4058 Minnesota Avenue, NE, Washington, DC 20019

For more information, please go to the DOES Web Site at <http://www.does.dc.gov/>

Tax Verification Response - DOES

Page 1 of 1

Rev: 5/2014

GOVERNMENT OF THE DISTRICT OF COLUMBIA

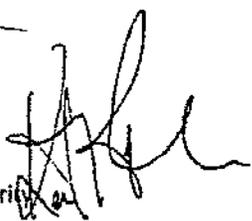
DC Health Benefit Exchange Authority



MEMORANDUM:

TO: Paula Walker
Contracting Officer
DC Health Benefit Exchange Authority

THRU: Delicia Moore 
Associate Chief Financial Officer
Human Support Services Center

FROM: Keith Fletcher 
Agency Fiscal Officer
DC Health Benefit Exchange Authority

DATE: March 05, 2014

SUBJECT: Certification of Funding Availability for the Fiscal Year 2014 Contract # DCHBX-13-0007 – Weber Shandwick

This memorandum certifies that funding in the amount of \$1,806,447.44 is available in FY2014 for the contract between the Health Benefits Exchange Authority (DCHBX), and CMGRP DBA KRC Research (Weber Shandwick). Weber Shandwick has been contracted to provide communications and marketing services to DCHBX. The total contract amount for FY2013 and FY2014 is \$3,629,067.10. PO for \$1,822,619.66 was issued in FY2013. The contract periods run through July 23rd, 2014 with an option to exercise the option year.

Contract/ Vendor	Agency	Funding Source	Implementation/ Operations	PO Number	Amount	Date	Fiscal Yr.
CMGRP DBA KRC Research (Weber Shandwick)	HBX	6000	Operations	PO488883	\$1,806,447.44	07/24/2013-07/23/2014	2014
CMGRP DBA KRC Research (Weber Shandwick)	HBX	6000	Operations	PO481208	\$1,822,619.66	07/24/2013-07/23/2014	2013
TOTAL					\$3,629,067.10		

If you have any questions, please feel free to contact Keith Fletcher at (202) 741-0930.
Office of the Chief Financial Officer
cc: File-



LEGAL SUFFICIENCY MEMORANDUM

To: Executive Office of the Mayor
Office of Policy and Legislative Affairs

From: Mary Beth Senkewicz
Associate General Counsel and Policy Advisor

Re: Letter Contract Weber Shandwick

Date: April 17, 2014

A handwritten signature in black ink, appearing to read "MBS", is written over the "From:" line of the memorandum.

The proposed action is to approve the letter contract dated July 24, 2013, as amended by letter dated December 19, 2013, between Weber Shandwick and the Health Benefit Exchange Authority. The contract is for Communications and Marketing Services to support DC's District-based Health Insurance Exchange, created under the Affordable Care Act.

An RFP, solicitation number DCHBX-2013-0007 was issued on June 3, 2013. The response to the solicitation indicated that Weber Shandwick was capable of performing the contract. Weber Shandwick was awarded the contract.

I have reviewed the letter contract, the RFP and solicitation response and certify that the letter contract is legally sufficient.

