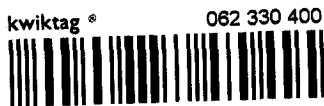


ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

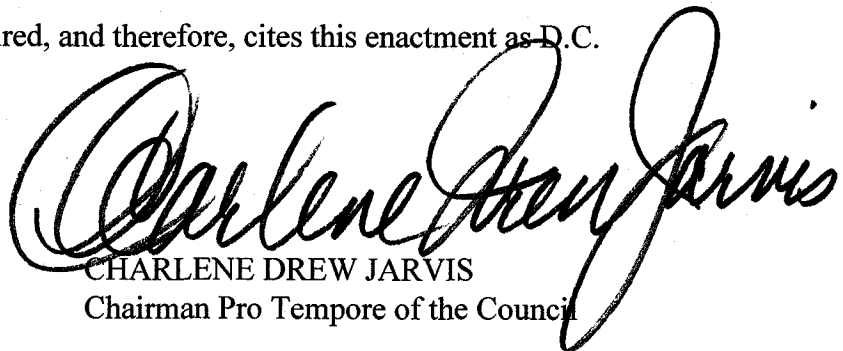
NOTICE

D.C. LAW 11-190

"Council Contract Approval Modification Temporary Amendment Act of 1995 Temporary Amendment Act of 1996".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-745 on first and second readings, June 4, 1996 and July 3, 1996, respectively. Following the signature of the Mayor on July 22, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-343, and published in the August 9, 1996, edition of the D.C. Register (Vol. 43 page 4279) and transmitted to Congress on January 31, 1997, for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-190, effective April 9, 1997.



CHARLENE DREW JARVIS
Chairman Pro Tempore of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb.	3,4,5,6,7,10,11,12,13,24,25,26,27,28
Mar.	3,4,5,6,10,11,12,13,14,17,18,19,20,21
Apr.	7,8

AN ACT
D.C. ACT 11-343

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 1996

To amend, on a temporary basis, the District of Columbia Procurement Practices Act of 1985 to establish additional criteria for Council review and approval of contracts for expenditures in excess of \$1 million during a 12-month period, and to further expedite the review and approval of federal-aid highway contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Council Contract Approval Modification Temporary Amendment Act of 1995 Temporary Amendment Act of 1996".

Sec. 2. Section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Code § 1-1181.5a), is amended to read as follows:

"Sec. 105a. Criteria for Council review of contracts in excess of \$1 million.

*Note, Section
1-1181.5a*

"(a) Pursuant to section 304(a)(3) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 151; D.C. Code § 1-1130) ("FRMAA"), which amended section 451 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 803; D.C. Code § 1-1130) ("District Charter"), prior to the award of a contract in excess of \$1,000,000 during a 12-month period, the Mayor (or executive independent agency) shall submit the proposed contract to the Council for review and approval in accordance with the criteria established in this section.

"(b) The proposed contract shall be deemed approved if one of the following occurs:

"(1) During the 10-calendar-day period beginning on the date the Mayor (or executive independent agency) submits the contract to the Council, no member of the Council introduces a resolution to approve or disapprove the proposed contract; or

"(2) If a resolution has been introduced in accordance with paragraph (1) of this subsection, the Council does not disapprove the contract during the 45-calendar-day period

ENROLLED ORIGINAL

beginning on the date the Mayor (or executive independent agency) submits the proposed contract to the Council.

"(c) Proposed contracts submitted pursuant to this section shall contain the following:

"(1) If the proposed contract is a proposal to extend an existing contract or to enter into a new contract with a proposed contractor who has contracted with the District for the same product or services under a prior contract, there shall be a statement that includes the following:

"(A) Whether the proposed contractor is willing to continue to provide the product or services at the price and terms of the existing or prior contract; and

"(B) Whether the price agreed to exceeds the price of the existing or prior contract for the same terms, and if the price exceeds the price of the existing or prior contract, a rationale for the difference in price;

"(2) If the proposed contract is a proposal to modify an existing contract for a product or service, there shall be a statement that provides a rationale for the modification of the existing contract and a summary of the changes;

"(3) A statement indicating whether the amount of the proposed contract is within the appropriated authority for the agency for the fiscal year as set forth in the District of Columbia Appropriations Act;

"(4) If the proposed contract is for any fiscal year in which the District has adopted a financial plan and budget in accordance with sections 201 and 202 of FRMAA (109 Stat. 108; §§ 47-392.1 and 47-392.2), a certification that the proposed contract is consistent with the applicable approved financial plan and budget;

"(5) A certification that the proposed contractor is current with its District and federal taxes or has worked out and is current with a payment schedule approved by applicable governmental entities (including withholding taxes, income and property taxes, or regulatory fees or fines) and includes a statement concerning the proposed contractor's indebtedness to the District involving loans or taxes;

"(6) A copy of the request for proposal, if any, to which the proposed contractor responded;

"(7) A statement indicating whether the proposed contractor is currently debarred from providing services to any governmental entity (federal, state, or municipal), the dates of the debarment, and the reasons for debarment;

"(8) A statement as to whether the proposed contractor is a certified local, small, or disadvantaged business enterprise as defined in section 3 of the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1992, effective March 17, 1993 (D.C. Law 9-217; D.C. Code § 1-1152.1);

"(9) A statement as to whether the proposed contractor is located within an economic development zone as described in the Economic Development Zone Incentives Amendment Act of 1988, effective October 29, 1988 (D.C. Law 7-177; D.C. Code § 5-1401 *et*

seq.);

"(10) A statement whether the proposed contract is in accordance with procurement laws and regulations applicable to the procuring agency, including whether the proper type of procurement was selected, whether policies and procedures governing source selection and cost or price determination have been followed, whether the proposed procurement fulfills an agency mission, and whether the proposed procurement represents the best practice currently available to the District for fulfillment of the particular mission;

"(11) A statement indicating whether the proposed contractor has any currently pending legal claim against the District government; and

"(12) All information related to the proposed contract which has been or is required to be submitted to the District of Columbia Financial Responsibility and Management Assistance Authority.

"(d) After the effective date of the Council Contract Approval Modification Temporary Amendment Act of 1995 Emergency Amendment Act of 1996, no proposed contract or lease worth over \$1,000,000 for a 12-month period may be awarded until after the Council has reviewed and approved the proposed contract or lease as provided in this section.

"(e) After the effective date of the Council Contract Approval Modification Temporary Amendment Act of 1995 Emergency Amendment Act of 1996, any employee or agency head who shall knowingly or willfully enter into a proposed contract or lease in excess of \$1,000,000 without prior Council review and approval in accordance with this section shall be subject to suspension, dismissal, or other disciplinary action under the procedures set forth in section 1601(d)(1) and (18) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-617.1(d)(1) and (18)). This subsection shall apply to subordinate agency heads appointed according to section 1001 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-611.1) and to independent agency heads.

"(f) No contractor who knowingly or willfully performs on a contract with the District by providing a product or service worth in excess of \$1,000,000 for a 12-month period based on a contract made after the effective date of the Council Contract Approval Modification Temporary Amendment Act of 1995 Emergency Amendment Act of 1996 without prior Council approval can be paid more than \$1,000,000 for the products or services provided.

"(g) Subsection (c) of this section shall not apply to contracts to implement a federal program where the federal government requires the use of federal contracting procedures as a condition for the receipt of federal assistance.

"(h) Review and approval by the Council of the annual capital program of federal highway aid projects shall constitute the District Charter-required Council review and approval of individual federal-aid highway contracts that make up the annual program."

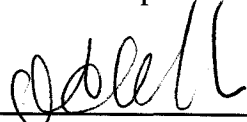
Sec. 3. Enactment of the Council Contract Approval Modification Temporary

ENROLLED ORIGINAL

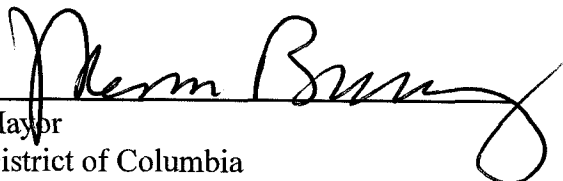
Amendment Act of 1995 Temporary Amendment Act of 1996 will have no adverse fiscal impact upon the District government.

Sec. 4. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 22, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-745

Docket No. _____

☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATEADOPTED FIRST READING, 6-4-96
APPROVED☒ VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT

BRAZIL, EVANS, LIGHTFOOT AND SMITH

☐ ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

☒ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FINAL READING, 7-3-96

☒ VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT

CHAVOUS

☐ ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates no AB - Absent NV - Present not voting

CERTIFICATION RECORD

Secretary to the Council

Date

☐ ITEM ON CONSENT CALENDAR☐ ACTION & DATE☐ VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT

☐ ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date