

# ENROLLMENT(S)

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# COUNCIL OF THE DISTRICT OF COLUMBIA

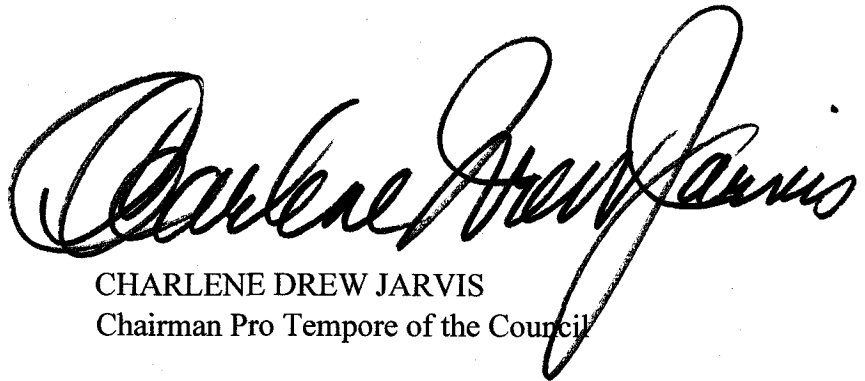
## NOTICE

### D.C. LAW 11-193

#### **"Oak Hill Youth Center Educational Contracting Temporary 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. 11-727, 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. 11-349, and published in the August 16, 1996, edition of the D.C. Register (Vol. 43 page 4373) and transmitted to Congress on January 13, 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 11-193, 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

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 11-349

*Codification  
District of  
Columbia  
Code  
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 22, 1996

To provide, on an temporary basis, that the Mayor may contract for services to operate an education program at the Oak Hill Youth Center without adhering to the District's procurement laws and to establish procedures for the contracting of such services.

*New  
Subchapter  
I-A,  
Chapter 11A,  
Title 1*

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Oak Hill Youth Center Educational Contracting Temporary Act of 1996".

Sec. 2. Contracting authority of the Mayor for educational services at the Oak Hill Youth Center.

*Note,  
New Section  
1-1181.6b*

(a) Notwithstanding the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1181.1 *et seq.*) ("Procurement Practices Act"), the Mayor may contract for the development and operation of an on site residential education program ("Program") with literacy, remedial academic, specialized educational, and post-high school instruction for resident youth at the Oak Hill Youth Center.

(b) The Program shall include diagnostic evaluations, innovative technological approaches to individualized instruction, functional competencies curriculum, and positive disciplinary methods.

Sec. 3. Policy, criteria, and standards for contracting government services for the Oak Hill Youth Center.

*Note,  
New Section  
1-1181.6c*

(a) In contracting for services pursuant to section 2, the Mayor shall use the most competitive process practicable, under then existing circumstances, to facilitate the establishment of the Program.

(b) In contracting for services pursuant to section 2, the Mayor may make a written determination and findings that the contract will meet the following criteria:

(1) A cost savings to the District government, or improved quality or quantity of service at the same or lower cost, will result for the duration of the contract, including all option

years of the contract;

(2) Performance criteria for the contracted service can be specified with reasonable exactness;

(3) Cost, efficiency of operation, and quality and quantity of the contracted service can be measured with reasonable accuracy; and

(4) For a service which is essential to the health or safety of District residents, contracting for the service will not adversely affect the recipients.

(c) The Mayor may base any determination and findings pursuant to subsection (b) of this section on a written cost/benefit analysis prepared by the Department of Human Services. At a minimum, this analysis shall include comparison of the following:

(1) Current total cost to the District government versus projected total cost to the District government after contracting with a private vendor, if quality and quantity of service remain substantially the same; and

(2) Current quality and quantity versus projected quality and quantity of service after contracting with a private vendor, if current total cost to the District government remains substantially the same.

(d) The Mayor may issue rules necessary to implement the provisions of this act, including rules that address the following:

(1) Cost factors to be considered in evaluating the total cost to the District government of a service currently provided by the government if the service continues to be projected by the government, such as the costs of equipment, facilities, maintenance, personnel, and utilities;

(2) Cost factors to be considered in evaluating the total cost to the District government if a service currently provided by the government is contracted for with a private vendor, such as the additional cost of improving any capital assets to be transferred to a contractor, the additional cost of any one-time severance of District government employees, the additional cost of contract administration, the value of any improvement to District government programs resulting from contracted programs which serve the District government, and any tax revenue to the District based on income earned by a contractor; and

(3) Methods to be used to identify and measure quality and quantity of service so that accurate cost comparisons can be made between District government and private sector performance.

(e) When the Mayor contracts for a service pursuant to section 2, the Mayor may make reasonable efforts to assist affected District government employees and to promote employment opportunities for District residents. If not already required by a collective bargaining agreement, the Mayor may make reasonable efforts to accomplish the following:

(1) Consult with union representatives concerning affected District government employees;

**ENROLLED ORIGINAL**

(2) Provide alternative employment in the District government to affected District employees who are qualified; and

(3) Encourage the contractor performing the service to make bona fide offers of employment to all other qualified District residents before extending offers to qualified nonresidents.

(f) Any solicitation for proposed contracts issued pursuant to this act may include information concerning the procedure for which current District government employees may exercise the right to bid on the contracts.

(g) The Director of the Department of Human Services shall publish a notice of solicitation in the District of Columbia Register and 2 newspapers of general circulation at least 30 days prior to the awarding of any contract for goods or services under this act.

**Sec. 4. Council review of contracts.**

Pursuant to section 451(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 803; D.C. Code §1-1130(b)), the Mayor shall submit to the Council of the District of Columbia for approval any proposal to contract for services covered by this act involving expenditures in excess of \$1,000,000 during a 12-month period.

**Note,  
New Section  
1-1181.6d**

**Sec. 5. Procurement Practices Act procedures.**

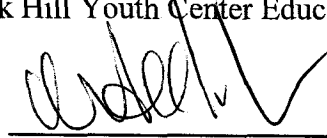
Nothing in this act shall be construed to prevent the Mayor from relying upon the procedures of the Procurement Practices Act as a guide in determining how best to promote competition and greater efficiencies in contracting for the services specified in section 2.

**Note,  
New Section  
1-1181.6e**

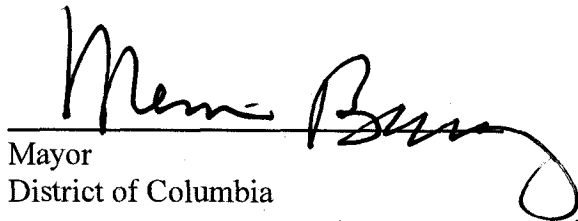
**Sec. 6. (a)** This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override of the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial 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.

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(b) This act shall expire after the 225th day of its having taken effect or on the effective date of the Oak Hill Youth Center Educational Contracting Act of 1996, whichever occurs first.



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

Docket No.

B11-727

☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FIRST READING, 6-4-96

☒ VOICE VOTE

APPROVED

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

July 15, 1996

Date

☒ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FINAL READING, 7-3-96

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

CHAVOUS

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 no

AB-Absent

NV-Present not voting

## CERTIFICATION RECORD

Secretary to the Council

July 15, 1996

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