

AN ACT

*Codification
District of
Columbia
Official Code*

2001 Edition

2002 Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the District of Columbia Procurement Practices Act of 1985 to authorize the Chief Procurement Officer to authorize payment for supplies and services received without a valid written contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vendor Payment Authorization Temporary Amendment Act of 2002".

Sec. 2. Section 105(d) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.05(d)), is amended as follows:

Note,
§ 2-301.05

(a) Paragraphs (1) and (2) are amended to read as follows:

"(1) No District employee shall authorize payment for the value of supplies and services received without a valid written contract. This subsection shall not apply to a payment required by court order, a final decision of the Contract Appeals Board, or an approval by the Chief Procurement Officer in accordance with paragraph (4) of this subsection.

"(2) Except as authorized under paragraph (4) of this subsection, any vendor who, after April 12, 1997, enters into an oral agreement with a District employee to provide supplies or services to the District government without a valid written contract shall not be paid. If the oral agreement was entered into by a District employee at the direction of a supervisor, the supervisor shall be terminated. The Mayor shall submit a report to the Council at least 4 times a year on the number of persons cited or terminated under this paragraph."

(b) New paragraphs (4) and (5) are added to read as follows:

"(4) The Chief Procurement Officer shall review and verify a request submitted by an agency director for authorization of payment for supplies or services received without a valid written contract, and shall either, approve, or disapprove, each request for authorization for payment. In conjunction with each such request, the Chief Procurement Officer, or a designee, shall:

"(A) Recommend appropriate disciplinary action for the involved District agency head, together with a requirement for remedial action to prevent a recurrence of supplies or services being received by the agency without a valid written contract; or

"(B) Take appropriate disciplinary action where the offending employee

is employed in the Office of Contracting and Procurement. If the employee is the Chief Procurement Officer, the matter shall be referred to the Mayor for appropriate action.

"(5) The Chief Procurement Officer, or a designee, may authorize payment for supplies or services received without a valid written contract when:

"(A) Supplies or services have been provided to and accepted by the District government, or the District government otherwise has obtained or will obtain a benefit resulting from the provision of supplies or services without a valid written contract;

"(B) An agency contracting officer determines that the price for the supplies or services provided without a valid written contract is fair and reasonable;

"(C) An agency contracting officer recommends payment;

"(D) The Chief Financial Officer, or a designee, certifies that funds are available; and

"(E) The request for authorization for payment for supplies or services received without a valid written contract is in accordance with any other procedures or limitations prescribed by the Chief Procurement Officer.".

Sec. 3. The fiscal impact statement is attached.

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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(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