

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11-88

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

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. 11-459 on first and second readings, October 10, 1995 and November 7, 1995 respectively. The legislation was deemed approved without the signature of the Mayor on November 29, 1995, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-166 and published in the December 8, 1995, edition of the D.C. Register (Vol. 42 page 6801) and transmitted to Congress on December 13, 1995 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 11-88, effective February 13, 1996.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Dec.	13,14,15,18,19,20,21,22,27
Jan.	3,4,5,8,9,22,23,24,25,26,29,30,31
Feb.	1,2,5,6,7,8,9,12

ENROLLED ORIGINAL

AN ACT
D.C. ACT 11-166

*Codification
District of
Columbia
Code
1996 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 29, 1995

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

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".

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:

**Note, Section
1-1181.5a**

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

"(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. 97; to be codified at D.C. Code § 1-1130), prior to the award of a contract, in excess of \$1,000,000 during a 12-month period, the Mayor is required to submit the contract to the Council for 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 submits the contract to the Council, no member of the Council introduces a resolution to approve or disapprove the 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 beginning on the date the Mayor submits the contract to the Council.

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

ENROLLED ORIGINAL

"(1) If the contract is a proposal to extend an existing contract or to enter into a new contract with a 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 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 provides a rationale for the difference in price;

"(2) If the 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 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 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 the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; to be codified at D.C. Code §§ 47-392.1 and 47-392.2), a certification that the contract is consistent with the applicable approved financial plan and budget;

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

"(6) A copy of the request for proposal, if any;

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

"(8) A statement as to whether the 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 1991, effective March 17, 1993 (D.C. Law 9-217; D.C. Code § 1-1152.1); and

"(9) A statement as to whether the contractor is located within an economic development zone as described in the Economic Development Zone Incentives Amendment Act of 1988, effective October 20, 1988 (D.C. Law 7-177; D.C. Code § 5-1401 *et seq.*).

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

"(e) After the effective date of the Council Contract Approval Modification Emergency Amendment Act of 1995, any employee or agency head who shall knowingly or willfully enter into a contract or lease in excess of \$1,000,000 without prior Council approval in accordance with this section shall be subject to suspension, dismissal, or other disciplinary action under

ENROLLED ORIGINAL

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).

"(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 Emergency Amendment Act of 1995 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."

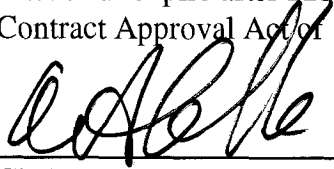
Sec. 3. Fiscal impact statement.

Pursuant to section 602(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; to be codified at D.C. Code § 1-233(c)(3)), as amended by section 301(d)(1) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 97; Pub. L. 104-8), the Council states that this legislation will have no fiscal impact for the first 4 fiscal years for which this act is in effect.

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(c)), 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.

ENROLLED ORIGINAL

(b) This act shall expire after 225 days of its having taken effect or on the effective date of the Council Contract Approval Act of 1995, whichever occurs first.



Chairman
Council of the District of Columbia

DEEMED APPROVED WITHOUT SIGNATURE
UPON EXPIRATION OF THE 10-DAY MAYORAL
REVIEW PERIOD.

NOT SIGNED

Mayor
District of Columbia
November 29, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-459

Docket No. _____

☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FIRST READING, 10-10-95

☒ VOICE VOTE

APPROVED

☒ RECORDED VOTE ON REQUEST

ABSENT

BRAZIL, CROPP AND RAY

☐ 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

ADOPTED FINAL READING, 11-7-95

☒ ACTION & DATE

APPROVED

☒ VOICE VOTE☒ RECORDED VOTE ON REQUEST

ABSENT

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.				
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X-indicates no

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NV-Present not voting

CERTIFICATION RECORD

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Date

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

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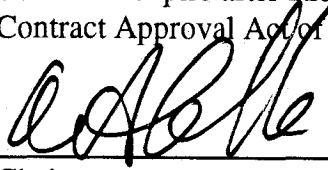
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(b) This act shall expire after 225 days of its having taken effect or on the effective date of the Council Contract Approval Act of 1995, whichever occurs first.



Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

The Honorable Marion Barry, Jr.
Mayor of the District of Columbia
441 4th Street, N.W., 11th Floor
Washington, D.C. 20001

Re: Transmittal of Bill 11-459, "Council Contract Approval Modification
Temporary Amendment Act of 1995".

Date of Council Action: 11-07-95

Dear Mayor Barry:

The above named enacted bill is hereby transmitted in accordance with Section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198.

Sincerely,

A handwritten signature in black ink, appearing to read "D. A. Clarke".

David A. Clarke
Chairman of the Council

Enclosure



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-459

Docket No. _____

☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FIRST READING, 10-10-95

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT

BRAZIL, CROPP AND RAY

☐ 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

Angela [Signature]
Secretary to the Council

November 9, 1995
Date

☒ ITEM ON CONSENT CALENDAR☒ ACTION & DATE

ADOPTED FINAL READING, 11-7-95

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT

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.				
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Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Angela [Signature]
Secretary to the Council

November 9, 1995
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.				
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CERTIFICATION RECORD

Secretary to the Council

Date