

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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District of
Columbia
Official Code*

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To amend, on a temporary basis, the District of Columbia Procurement Practices Act of 1985 to modify the procedures for debarring or suspending a person or business from consideration for an award of District contracts or subcontracts by establishing a Debarment and Suspension panel to consider the best interest of the District in the consideration of each debarment or suspension action, and to authorize persons or businesses currently debarred or suspended to do business with the District until a debarment or suspension decision has been issued consistent with the procedures established by this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Debarment Procedures Temporary Amendment Act of 2003”.

Sec. 2. Section 804 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-308.04), is amended as follows:

Note,
§ 2-308.04

(a) Subsections (a), (b), (c), (d), and (e) are amended by striking the phrase “CPO” wherever it appears and inserting the phrase “Debarment and Suspension Panel” in its place.

(b) Subsection (a) is amended as follows:

(1) Paragraph (1)(A) is amended by adding the phrase “or the present responsibility of the person or business is such that a debarment would not be warranted” before the final semicolon.

(2) Paragraph (3)(B) is amended by adding the phrase “unless the present responsibility of the person or business is such that a debarment would not be warranted” before the final period.

(c) Subsection (c) is amended as follows:

(1) Paragraph (1) is amended as follows:

(A) Add the phrase “the relevant facts and” after the word “State”.

(B) Strike the word “and” after the semicolon.

(2) Add new paragraphs (1A) and (1B) to read as follows:

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“(1A) Describe the present responsibility of the contractor;

“(1B) Describe whether the debarment is in the best interests of the District; and”.

(d) Subsection (g) is amended by striking the phrase “enable the CPO” and inserting the phrase “enable the Debarment and Suspension Panel” in its place.

(e) Add new subsections (h), (i), and (j) to read as follows:

“(h) For the purposes of this section, the phrase “Debarment and Suspension Panel” means a panel consisting of the Chief Procurement Officer and a representative from the Office of the Chief Financial Officer, the Office of the Deputy Mayor for Planning and Economic Development, the Deputy Mayor for Operations, the Director of the Office of Labor Relations and Collective Bargaining, and from each agency which, in the judgment of the Mayor, would be directly and significantly affected by the proposed debarment. The Mayor shall designate the members of the panel and the panel chair. Legal advice to the panel in its deliberations on debarment decisions shall be provided by the Office of the Corporation Counsel.

“(i) Each debarment or suspension initiated between April 1, 2003 and the effective date of the Debarment Procedures Emergency Amendment Act of 2003, passed on an emergency basis on September 16, 2003 (Enrolled version of Bill 15-420), shall be suspended immediately upon the effective date of the Debarment Procedures Emergency Amendment Act of 2003, except to the extent the debarment or suspension applies to a business division whose predominant work is the production and placement of street asphalt. Each person or business currently debarred or suspended shall be permitted to resume doing business with the District pending the re-hearing of the case of the person or business pursuant to this section. Within 60 days after the effective date of the Debarment Procedures Act of 2003, the Mayor shall convene a Debarment and Suspension Panel to re-hear the evidence in each debarment or suspension, including debarments or suspensions applying to a business division whose predominant work is the production and placement of street asphalt, and the re-hearing shall be held consistent with the procedures and requirements of the Debarment Procedures Emergency Amendment Act of 2003.

“(j) A Debarment and Suspension Panel convened under this section shall render a final decision in the debarment or suspension proceeding within 120 days after the effective date of the Debarment Procedures Emergency Amendment Act of 2003.”.

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 4. Effective date.

(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