

A RESOLUTION

**Proposed
Resolution
20-633**

**See Emergency
D.C. Act 20-282
20 DCStat 3051**

To declare the existence of an emergency with the respect to the need to amend the Procurement Practices Reform Act of 2010 to exempt from the act the procurements of goods and services directly related to the production of permanent supportive housing units for which the District has obligated funding and procurements by the District of Columbia Health Benefit Exchange Authority and Captive Insurance Agency , to clarify the applicability of Council review for certain contracts as required by the District of Columbia Home Rule Act, and to make technical changes; and to amend the Health Benefit Exchange Authority Establishment Act of 2011 to make conforming amendments and require publication of the procurement policies and procedures of the District of Columbia Health Benefit Exchange Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Procurement Practices Reform Exemption Emergency Declaration Resolution of 2014”.

**Procurement
Practices
Reform
Exemption
Emergency
Declaration
Resolution of
2014**

Sec. 2. (a) The Department of Housing and Community Development (“DHCD”) and the Department of Human Services (“DHS”) have encountered difficulties procuring permanent supportive housing and related services in a timely manner and releasing an initial Consolidated Request for Proposals, which involves the District of Columbia Housing Finance Agency, District of Columbia Housing Authority, DHS, along with DHCD and the Department of Mental Health, to provide funding for the production of permanent supportive housing units for individuals and families who are homeless or at risk of homelessness.

(b) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), prevents consolidated procurements from being combined into one contract.

(c) The Patient Protection and Affordable Care Act of 2010, approved March 23, 2010 (124 Stat. 588; 42 U.S.C. § 18001, note), as amended by the federal Health Care and Education Reconciliation Act, approved March 30, 2010 (124 Stat. 1029; 42 U.S.C. § 1305, note), (collectively, the “Act”) made significant changes in the laws regulating the sale of private health insurance.

(d) The Act calls for the creation of state-based health insurance exchanges that will allow individuals, families, and small business owners to shop for coverage, compare policies, and choose the health plan that best meets their needs and budget. States are given the option of creating their own exchanges or having the federal government establish exchanges in the states.

(e) Clarifying that the District of Columbia Health Benefit Exchange Authority (“Authority”) is exempt from the requirements of the Procurement Practices Reform Act of

2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2- 351.01 *et seq.*), will allow the Authority to continue its statutory mandate within the deadline set forth in the Act.

(f) The Procurement Practices Reform Exemption Emergency Amendment Act of 2014 would amend the Procurement Practices Reform Act of 2010 to exempt procurements related to the production of permanent supportive housing and procurements of the District of Columbia Health Benefit Exchange Authority, as well as other technical and clarifying changes related to exemptions.

(g) The Council passed Bill 20-150, the Permanent Supportive Housing Application Streamlining Emergency Act of 2013, and Bill 20-194, the Health Benefit Exchange Authority Establishment Emergency Amendment Act of 2013, as well as accompanying Congressional review emergency legislation and temporary legislation in early 2013.

(h) The temporary bills containing procurement exemptions for permanent supportive housing and the Health Benefit Exchange Authority expire on February 3, 2014, and February 22, 2014, respectively.

(i) On January 7, 2014, the Council passed Bill 20-152, the Procurement Practices Reform Exemption Amendment Act of 2013, which contains provisions identical to those found in the Procurement Practices Reform Exemption Emergency Amendment Act of 2014, in addition to a sunset provision for certain aspects. This bill is currently undergoing congressional review.

(j) The Procurement Practices Reform Exemption Emergency Amendment Act of 2014, which contains modified procurement exemptions similar to those found in the previous emergency and temporary legislation discussed above, as well as the accompanying permanent legislation, prevents a gap in authority for procurements directly related to the production of permanent supportive housing and procurements by the District of Columbia Health Benefit Exchange Authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Procurement Practices Reform Exemption Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. The resolution shall take effect immediately.