

# ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

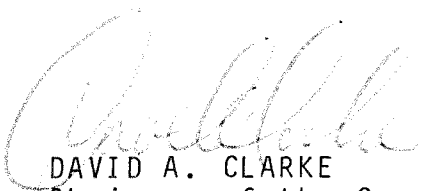
NOTICE

D.C. LAW 10-79

"Privatization Procurement and Contract  
Procedures Amendment Act of 1993".

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. 10-285 on first, amended first and second readings, September 21, 1993, October 5, 1993 and November 2, 1993, respectively. On November 19, 1993, Bill No. 10-285 was vetoed by the Mayor. The Council overrode the Mayor's veto on December 7, 1993. As a result of the Council's override, Bill No. 10-285 was re-enacted and assigned Act No. 10-153. The Act was published in the December 24 1993, edition of the D.C. Register, (Vol. 40 page 8696) and transmitted to Congress on December 17, 1993 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 10-79, effective March 19, 1994.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 25,26

February 1,2,3,4,7,8,9,10,11,22,23,24,25,28

March 1,2,3,4,7,8,9,10,11,14,15,16,17,18

AN ACT

Codification

District of Columbia Code

D.C. ACT 10-153

(1994 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 7, 1993

To amend the District of Columbia Procurement Practices Act of 1985 and the Nursing Home and Community Residence Facility Residents' Protection Act of 1985 to establish policies and procedures for any contract, including any lease or other agreement for privatization or contracting-out, with the private sector to provide goods or services to or on behalf of the District of Columbia that currently are provided by employees, departments, or agencies of the District government.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Privatization Procurement and Contract Procedures Amendment Act of 1993".

Sec. 2. 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.), is amended as follows:

(a) Section 104(a) (D.C. Code § 1-1181.4(a)) is amended as follows:

Section  
1-1181.4

(1) By striking the word "Nothing" and inserting in its place the phrase "Except as provided in this subsection, nothing"; and

(2) By adding at the end of the subsection the following sentence to read as follows:

"Any contract, including a lease or other agreement, or any contracting policies and procedures relating to such contracts, to provide goods and services to or on behalf of the District government that currently are provided by employees, agencies, or branches of the District government shall comply with the privatization contracts and procedures requirements of section 105b."

(b) A new section 105b is added to read as follows:"

New  
Section  
1-1181.5b

"Sec. 105b. Privatization contracts and procedures requirements.

(a) Any contract, including a lease or other agreement, or any contracting policies and procedures relating to such contracts, to provide goods and services to or on behalf of the District government that currently are provided by employees, departments, or agencies of the District government shall provide that:

(1) A cost analysis comparing the in-house costs of providing the service with the costs associated with contracting for the service shall be completed for each contract proposed pursuant to this section;

(2) Contracting out will provide savings over the duration of the contract of at least 10%;

"(3) Any contractor who is awarded a contract that displaces District government employees shall offer comparable employment to the displaced employees at rates of wages and benefits comparable to the wages and benefits paid to District government employees;

"(4) Any solicitation for proposed contracts issued pursuant to this section shall include information concerning the procedure by which current District government employees may exercise the right to bid on the contracts;

"(5) An assessment of the economic impact on the District shall be completed for each contract proposed pursuant to this section;

"(6) Prior notification shall be provided to affected District government employees 6 months prior to any adverse impact on the employees or on the date the contract is signed, whichever is sooner; and

"(7) For these contracts which provide services essential to the health or safety of District residents, a determination and findings that the contracting out will not adversely affect the recipients.

"(b) The Mayor shall submit to the Council the cost analysis comparing the in-house costs of providing goods and services with the costs associated with any contract for goods and services for any contract described in subsection (a)(1) of this section made by any agency of the District government which is subordinate to the Mayor.

"(c) The Mayor shall submit to the Council any assessment of the economic impact on the District made pursuant to subsection (a)(5) of this section.

"(d) Prior to the award of any contract, and unless otherwise prohibited by statute or the District Charter, the Mayor, and all independent agencies and entities of the District government, shall submit to the Council any contract, including a lease or other agreement, or any other contracting policies and procedures relating to such contracts, to provide goods and services to or on behalf of the District that currently are provided by employees, departments, or agencies of the District government for a 45-day review period, during which the Council may approve or disapprove the contract. If the Council takes no action during the 45-day review period, the contract will be deemed approved.

"(e) No cost analysis or economic impact assessment shall be submitted to the Council under this section during any time that the Council is on recess, according to its rules, nor shall any time period provided in this section or in the Council's rules continue to run during any time that the Council is on recess."

Sec. 3. The Nursing Home and Community Residence Facility Residents' Protection Act of 1985, effective February 24, 1986 (D.C. Law 6-108; D.C. Code § 32-1401 *et seq.*), is amended by adding a new section 501a to read as follows:

New  
Section  
32-1462

"Sec. 501a. Privatization contracts, leases, provider agreements, and procedures requirements.

"(a) Any contract, lease, or provider agreement relative to any facility covered by this act, or any policies or procedures relating to such contracts, leases, or provider agreements, to provide goods and services to or on behalf of the District of Columbia that currently are provided by employees, departments, or agencies of the District of Columbia shall provide that:

"(1) A cost analysis comparing the in-house costs of providing the service with the costs associated with contracting for the service shall be completed for each contract proposed pursuant to this section;

"(2) Contracting out will provide savings over the duration of the contract of at least 10%;

"(3) Any contractor who is awarded a contract that displaces District government employees shall offer comparable employment to the displaced employees at rates of wages and benefits comparable to the wages and benefits paid to District government employees;

"(4) Any solicitation for proposed contracts issued pursuant to this section shall include information concerning the procedure by which current District government employees may exercise the right to bid on the contracts;

"(5) An assessment of the economic impact on the District shall be completed for each contract proposed pursuant to this section;

"(6) Prior notification shall be provided to affected District government employees 6 months prior to any adverse impact on the employees or on the date the contract is signed, whichever is sooner; and

"(7) For those contracts which provide services essential to the health or safety of District residents, a determination and findings that the contracting out will not adversely affect the recipients."

"(b) The Mayor shall submit to the Council the cost analysis comparing the in-house costs of providing goods and services with the costs associated with any contract for goods and services for any contract described in subsection (a)(1) of this section made by any agency of the District government which is subordinate to the Mayor.

"(c) The Mayor shall submit to the Council any assessment of the economic impact on the District of Columbia for any contract that is described in subsection (a)(5) of this section made by any agency which is subordinate to the Mayor.

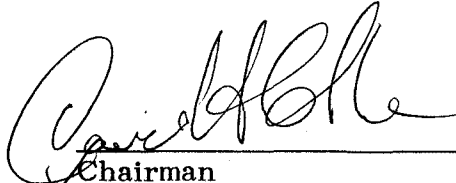
"(d) Prior to the award of any contract, and unless otherwise prohibited by statute or the District Charter, the Mayor, and all independent agencies and entities of the District government, shall submit to the Council any contract, including a lease or other agreement, or any other contracting policies and procedures relating to such contracts, to provide goods and services to or on behalf of the District that currently are provided by employees, departments, or agencies of the District government for a 45-day review period, during which the Council may approve or disapprove the contract. If the Council takes no action during the 45-day review period, the contract will be deemed approved.

"(e) No cost analysis or economic impact assessment shall be submitted to the Council under this section during any time that the Council is on recess, according to its rules, nor shall any time period provided in this section or in the Council's rules continue to run during any time that the Council is on recess."

Sec. 4. (a) The District of Columbia Village Expenditure Prohibition Emergency Act of 1993, Council override of Mayoral veto July 13, 1993 (D.C. Act 10-45; 40 DCR 5444), is repealed.

(b) The District of Columbia Expenditure Prohibition Temporary Act of 1993, Council override of Mayoral veto July 21, 1993 (D.C. Act 10-60; 40 DCR 5506), is repealed.

Sec. 5. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) 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 either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

VETOED

\_\_\_\_\_  
Mayor  
District of Columbia

November 19, 1993

COUNCIL OVERRIDE, 12-7-93



# COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period

## RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-285

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 9-21-93

VOICE VOTE: Approved

Recorded vote on request

Absent: Evans

ROLL CALL VOTE: — RESULT \_\_\_\_\_ (\_\_\_\_/\_\_\_\_/\_\_\_\_)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

### CERTIFICATION RECORD

Angela Ford  
Secretary to the Council

November 4, 1993  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Amended First Reading, 10-5-93

VOICE VOTE: Approved, Brazil voted no

Recorded vote on request

Absent: Cropp and Smith

ROLL CALL VOTE: — RESULT \_\_\_\_\_ (\_\_\_\_/\_\_\_\_/\_\_\_\_)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

### CERTIFICATION RECORD

Angela Ford  
Secretary to the Council

November 4, 1993  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 11-2-93

VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot

ROLL CALL VOTE: — RESULT \_\_\_\_\_ (\_\_\_\_/\_\_\_\_/\_\_\_\_)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

### CERTIFICATION RECORD

Angela Ford  
Secretary to the Council

November 4, 1993  
Date



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-285

Item on Consent Calendar

ACTION & DATE: Council Override, 12-7-93

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Chavous, Cropp, Nathanson, Smith and Thomas

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 16 rows listing members: CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Signature of Secretary to the Council

Secretary to the Council

Date: December 10, 1993

Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 16 rows listing members: CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 16 rows listing members: CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date