

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-265

"Establishment of Council Contract Review Criteria, Alley Closing, Budget Support, and Omnibus Regulatory Reform Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill 12-144 on first and second readings, April 7, 1998 and June 2, 1998, respectively. Following the signature of the Mayor on June 23, 1998, pursuant to Section 404(e) of "the Act", the bill became Act 12-397 and it was published in the February 26, 1999 edition of the D.C. Register (Vol. 46, page 2096). The Act was transmitted to Congress on February 23, 1999 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 the Act is now D.C. Law 12-265, effective April 27, 1999.



LINDA W. CROPP
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Feb. 23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

Apr. 12,13,14,15,19,20, 21,22,26

AN ACT
D.C. ACT 12-397

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 23, 1998

To amend the District of Columbia Procurement Practices Act of 1985 to establish criteria for Council review and approval of proposed multiyear contracts and contracts for expenditures in excess of \$1 million during a 12-month period; to amend the Closing of a Portion of a Public Alley in Square 5259, S.O. 92-45, Act of 1996 to allow the closing of an alley when a covenant has been filed by an applicant instead of the owners of the lots abutting the alley, and to change the expiration date of the act; to amend section 47-1812.10(a)(3) of the District of Columbia Code to change the amount of time in which a tax may be assessed, or a court proceeding for collection may be brought against a taxpayer from 12 years to 6 years; to amend section 207(a) of the Health and Hospitals Public Benefit Corporation Act of 1996 to exempt state health agency functions from the requirement that the Mayor transfer functions and certain balances of various entities to the District of Columbia Health and Hospitals Public Benefit Corporation and to the Corporation's Fund, respectively; and to amend section 203 of the Omnibus Regulatory Reform Amendment Act of 1998 to correct a typographical error with respect to the applicability of insurance premium taxes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Establishment of Council Contract Review Criteria, Alley Closing, Budget Support, and Omnibus Regulatory Reform Amendment Act of 1998".

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:

**Section
1-1181.5a**

"Sec. 105a. Criteria for Council review of multiyear contracts and 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. 151; D.C. Code § 1-1130) ("FRMAA"), which amended section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Code § 1-1130) ("Home Rule Act"), prior to

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the award of a multiyear contract or a contract in excess of \$1,000,000 during a 12-month period, the Mayor (or executive independent agency) shall submit the proposed contract to the Council for review and approval in accordance with the criteria established in this section.

"(b)(1) A proposed multiyear contract shall be deemed disapproved by the Council unless, during the 45-calendar-day review period beginning on the first day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council, the Council adopts a resolution to approve the proposed multiyear contract.

"(2) A proposed contract in excess of \$1,000,000 during a 12-month period shall be deemed approved by the Council if one of the following occurs:

"(A) During the 10-calendar-day period beginning on the first day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council, no member of the Council introduces a resolution to approve or disapprove the proposed contract; or

"(B) If a resolution has been introduced in accordance with subparagraph (A) of this paragraph, the Council does not disapprove the contract during the 45-calendar-day period beginning on the first day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council.

"(c)(1) Proposed contracts submitted pursuant to this section shall contain a summary, including, but not limited to, the following:

"(A) The proposed contractor, contract amount, unit and method of compensation, contract term, and type of contract;

"(B) The goods or services to be provided, including a description of the economic impact of the proposed contract, the social impact of the proposed contract, the methods of delivering goods or services, and any significant program changes reflected in the proposed contract;

"(C) The selection process, including the number of offerors, the evaluation criteria, and the evaluation results, including price and technical components;

"(D) The background and qualifications of the proposed contractor, including its organization, financial stability, personnel, and prior performance on contracts with the District government;

"(E) Performance standards and expected outcomes of the proposed contract;

"(F) A certification that the proposed contract is within the appropriated budget authority for the agency for the fiscal year and is consistent with the financial plan and budget adopted in accordance with section 201 and 202 of FRMAA (109 Stat. 108 and 109; D.C. Code § 47-392.1 and § 47-392.2);

"(G) A certification that the proposed contract is legally sufficient and has been reviewed by the Office of the Corporation Counsel, including whether the proposed contractor has any currently pending legal claims against the District;

"(H) A certification that the proposed contractor is current with its District and federal taxes or has worked out and is current with a payment schedule approved by

the District or federal government;

"(I) The status of the proposed contractor as a certified local, small, or disadvantaged business enterprise.

"(J) Other aspects of the proposed contract that the Chief Procurement Officer deems significant; and

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

"(2) For the purposes of subsection (c)(1)(I), the term:

"(A) "Local business enterprise" means a business enterprise with its principal office located physically in the District of Columbia and which is licensed pursuant to Chapter 28 of Title 47 of the District of Columbia Code or subject to the tax levied under subchapter X of Chapter 18 of Title 47 of the District of Columbia Code.

"(B) "Small business enterprise" means a local business enterprise, or a business enterprise that has satisfied the requirements established in subparagraph (C)(ii), which is independently owned, operated, and controlled and which has had average annualized gross receipts or average numbers of employees (for the 3 years preceding certification) not exceeding the following limits:

"Construction:

Heavy (Street and Highways,
Bridges, etc.) \$23 million

Building (General Construction, etc.) \$21 million

Specialty Trades \$13 million

"Goods and Equipment \$ 8 million

"General Services \$19 million

"Professional Services:

Personal (Hotels, Beauty,
Laundry, etc.) \$5 million

Business Services \$10 million

Health and Legal Services \$10 million

Health Facilities Management \$19 million

"Manufacturing Services \$10 million

"Transportation and Hauling Services \$13 million

"Financial Institutions \$300 million in assets.

"(C) "Disadvantaged business enterprise" means:

"(i) A local business enterprise, or a business enterprise that is owned, operated, and controlled by economically disadvantaged individuals; and

"(ii) The District of Columbia Minority Business Opportunity Commission, established by section 4 of the Minority Contracting Act of 1976, effective March

29, 1977 (D.C. Law 1-95; D.C. Code § 1-1143), has determined that the business enterprise meets 4 of the following criteria:

- "(I) The principal office of the business is located in the Washington Standard Metropolitan Statistical Area;
- "(II) More than 30% of the assets of the business are located in the District;
- "(III) More than 50% of the employees of the business are residents of the District;
- "(IV) The owners of more than 50% of the business are residents of the District;
- "(V) More than 30% of the total sales or other revenues are derived from the transactions of the business in the District; or
- "(VI) Other factors evidencing close economic ties to the District.

"(d) After the effective date of the Council Contract Approval Emergency Amendment Act of 1995, effective July 28, 1995 (D.C. Act 11-125; 42 DCR 4319), no proposed multiyear contract or lease and no proposed contract or lease worth over \$1,000,000 for a 12-month period may be awarded until after the Council has reviewed and approved the proposed contract or lease as provided in this section.

"(e) After the effective date of the Council Contract Approval Emergency Amendment Act of 1995, effective July 28, 1995 (D.C. Act 11-125; 42 DCR 4319), any employee or agency head who shall knowingly or willfully enter into a proposed multiyear contract or a proposed contract or lease in excess of \$1,000,000 without prior Council review and approval in accordance with this section shall be subject to suspension, dismissal, or other disciplinary action under the procedures set forth in 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), and to independent agency heads.

"(f)(1) 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 Emergency Amendment Act of 1995, effective July 28, 1995 (D.C. Act 11-125; 42 DCR 4319), without prior Council approval, can be paid more than \$1,000,000 for the products or services provided.

"(2) No contractor who knowingly or willfully performs on a multiyear contract based on a multiyear contract with the District after the effective date of the Council Contract Approval Emergency Amendment Act of 1995, effective July 28, 1995 (D.C. Act 11-125; 42 DCR 4319), without prior Council approval of the multiyear contract, can be paid in more than one calendar year for the products or services provided.

"(g) Subsection (c) of this section shall not apply to contracts to implement a federal

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program where the federal government requires the use of federal contracting procedures as a condition for the receipt of federal assistance.

"(h) Review and approval by the Council of the annual capital program of federal highway aid projects shall constitute the Council review and approval, required by section 451 of the Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Code § 1-1130), of individual federal-aid highway contracts that make up the annual program."

Sec. 3. The Closing of a Portion of a Public Alley in Square 5259, S.O. 92-45, Act of 1996, effective May 3, 1996 (D.C. Law 11-115; 43 DCR 1027) is amended as follows:

"(a) Section 2(b) is amended by striking the phrase "owners of the lots abutting the alley to be closed" and inserting the word "applicant" in its place.

"(b) Section 4(b) is amended by striking the phrase "2 years" and inserting the phrase "4 years" in its place.

Sec. 4. Section 47-1812.10(a)(3) of the District of Columbia Code is amended by striking the phrase "12 years" and inserting the phrase "6 years" in its place.

Section
47-1812.10

Sec. 5. Section 207(a) of the Health and Hospitals Public Benefit Corporation of 1996, effective April 9, 1997 (D.C. Law 11-212; D.C. Code § 32-262.7), is amended as follows:

Section
32-262.7

"(a) Paragraph (4)(B) is amended by striking the "." at the end of the sentence and inserting the phrase ", except that the transfer of functions, assets, property and obligations pursuant to this section shall not include any state health agency functions or any assets, property, or records that support the state health functions. The Department of Health shall be responsible for all state health agency functions," in its place.

"(b) Paragraph (5)(B) is amended as follows:

"(1) By striking the phrase "in home medical, nursing care, and social service referrals for the chronically ill provided by the Long Term Care Administration" and inserting the phrase "the Bureau of School Nursing" in its place; and

"(2) By striking the "." at the end of the sentence and inserting the phrase ", except that the transfer of appropriations, allocations, and other funds pursuant to this section shall not include any appropriations, allocations, or funds that support state health agency functions." in its place.

Sec. 6. Sections 4 and 5 of this act shall apply as of October 1, 1997.

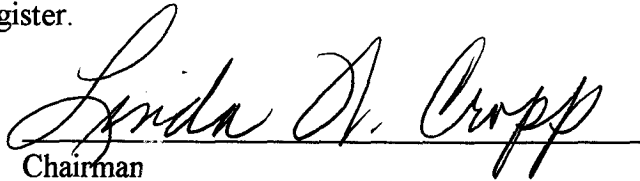
Sec. 7. Section 203 of the Omnibus Regulatory Reform Amendment Act of 1998, effective April 29, 1998 (D.C. Law 12-86; to be codified at D.C. Code §§ 35-105 and 47-2608, note), is amended by striking the phrase "January 1, 1998," and inserting the phrase "January 1, 1999," in its place.

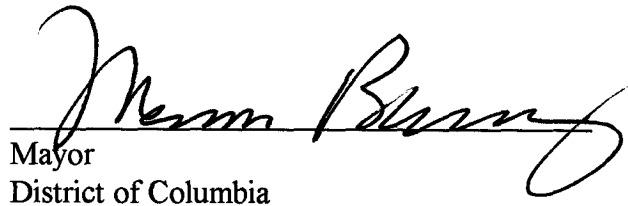
Note, Sections
35-105,
47-2608

Sec. 8. Enactment of sections 2 and 7 of this act will have no adverse fiscal impact upon

the District government.

Sec. 9. This act shall take effect following approval by the Mayoral (or in the event of a 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 Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), 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. Code § 1-233(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: June 23, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-144

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

ADOPTED FIRST READING, 4-7-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ALL PRESENT

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Phyllis K
Secretary to the Council

June 8, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

ADOPTED FINAL READING, 6-2-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

THOMAS

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

Phyllis K
Secretary to the Council

June 8, 1998
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. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date