

AN ACT

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Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Procurement Practices Act of 1985 to authorize the Chief Procurement Officer to authorize payment for supplies and services received without a valid written contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Procurement Practices Vendor Payment Authorization Amendment Act of 2002".

Sec. 2. Section 105(d) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.05(d)), is amended as follows:

Amend
§ 2-301.05

(a) Paragraph (1) is amended to read as follows:

"(1) No District employee shall authorize payment for the value of supplies and services received without a valid written contract. This subsection shall not apply to a payment required by court order, a final decision of the Contract Appeals Board, or an approval by the Chief Procurement Officer in accordance with paragraph (4) or (5) of this subsection."

(b) Paragraph (3) is amended to read as follows:

"(3) Except as authorized under paragraph (4) or (5) of this subsection, any vendor who, after April 12, 1997, enters into an oral agreement with a District employee to provide supplies or services to the District government without a valid written contract shall not be paid. If the oral agreement was entered into by a District employee at the direction of a supervisor, the supervisor shall be terminated. The Mayor shall submit a report to the Council at least 4 times a year on the number of persons cited or terminated under this paragraph."

(c) New paragraphs (4), (5), and (6) are added to read as follows:

"(4) The Chief Procurement Officer shall review and verify a request submitted by an agency director for authorization for payment for supplies or services received without a valid written contract, and shall either approve or disapprove each request for authorization for payment; provided, that:

"(A)(i) The Chief Procurement Officer shall not approve or disapprove

the request until he or she has received written notification of the disciplinary action taken by the relevant personnel authority against the employee who authorized payment or delivery of supplies or services without a valid written contract; and

(ii) If the Chief Procurement Officer is the relevant personnel authority, he or she shall state in writing the disciplinary action taken prior to approving or disapproving the request for payment;

"(B) If the employee who authorized payment or delivery of supplies or services without a valid written contract is the Chief Procurement Officer, the matter shall be referred to the Mayor for appropriate disciplinary action and the Mayor shall state in writing the disciplinary action taken before the Chief Procurement Officer may approve or disapprove the request; and

"(C) The disciplinary action prescribed by this paragraph shall be in accordance with the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*).

"(5) The Chief Procurement Officer, or a designee, may authorize payment for supplies or services received without a valid written contract if:

"(A) Supplies or services have been provided to and accepted by the District government, or the District government otherwise has obtained or will obtain a benefit resulting from provision of supplies or services without a valid written contract;

"(B) An agency contracting officer determines that the price for the supplies or services provided without a valid written contract is fair and reasonable;

"(C) An agency contracting officer recommends payment for the supplies or services provided without a valid written contract;

"(D) The Chief Financial Officer, or a designee, certifies that appropriated funds are available; and

"(E) The request for authorization for payment for supplies or services received without a valid written contract is in accordance with any other procedures or limitations prescribed by the Chief Procurement Officer; and

"(F)(i) The amount for supplies or services provided to and accepted by the District government does not exceed \$100,000; and

"(ii) If an agency exceeds the specified threshold, the Chief Procurement Officer shall forward the request, by act transmitted by the Mayor, to the Council for review and approval.

"(6) No authorization for payment for supplies and services received without a valid written contract shall occur more than 2 times with the same vendor. After 2 authorizations for payment without a valid written contract, the request submitted by an agency director for authorization for payment pursuant to paragraph (5) of this subsection shall be submitted to the Council, by act transmitted by the Mayor, for its review and approval."

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Sec. 3. The Council adopts the fiscal impact statement contained in the committee report 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)).

Sec. 4. 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia