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Councilmember Jack Evans

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Procurement Practices Act of 1985 to provide the Inspector General with personnel authority independent of the Department of Human Resources, to provide the Inspector General with procurement authority independent of the Chief Procurement Officer, to eliminate the Inspector General's annual audit of special education attorney certifications, to require District agencies to provide notice and coordinate with the Office of the Inspector General when conducting investigations of District government employees and contractors, to provide Office of Inspector General criminal investigators with authority to arrest without a warrant where a violation of a federal or District of Columbia statute is being committed in his or her presence or for any felony violation of a federal or District of Columbia statute if the employee has probable cause to believe that the person to be arrested has committed or is committing such felony, to provide Office of Inspector General criminal investigators with authority to apply for and execute arrest warrants, to clarify the Inspector General's authority to issue subpoenas in audits and inspections, to clarify the Inspector General's duty to report evidence of criminal violations to the U.S. Attorney General, and to make other technical amendments; to amend the District of Columbia Comprehensive Merit Personnel Act of 1978 to reclassify the District of Columbia Office of the Inspector General as an independent agency, and to designate the Inspector General as the personnel authority for the agency; to amend the Fiscal Year 2010 Budget Support Act of 2009 to allow the Inspector General to acquire, use, and manage the agency's information technology and telecommunication systems independently from the Office of the Chief Technology Officer; to amend the Procurement Practices Reform Act of 2010 to require the Inspector General to exercise independent procurement authority consistent with District procurement law and regulations; and to amend section 23-501(2) of Title 23 of the District of Columbia Code to include Office of Inspector General criminal investigators within the definition of law enforcement officer.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the "Comprehensive Inspector General Independence and Empowerment Amendment Act of 2016".

38 Sec. 1. Section 208 of the District of Columbia Procurement Practices Act of 1985,
39 effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 1-301.115a), is amended as
40 follows:

41 (a) Subparagraph (a)(1)(A-ii) is amended to strike the phrase “to end May 19, 2014 and
42 every 6 years thereafter” at the end of the second sentence.

43 (b) A new subsection (a)(2A) is added as follows:

44 “(2A) The Inspector General shall:

45 (A) Independently of the Department of Human Resources but consistent with the
46 District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March
47 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), serve as the personnel
48 authority for all employees of the Office of the Inspector General, including exercising full
49 authority to hire, retain, and terminate personnel, and to establish their compensation and
50 reimbursement consistent with the District’s wage grade and non-wage grade schedules and an
51 approved budget and financial plan; and

52 (B) Independently of the District of Columbia Office of Contracting and
53 Procurement but consistent with the Procurement Practices Reform Act of 2010, effective April
54 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01 *et seq.*), exercise procurement
55 authority to carry out the purposes and duties of the Office of the Inspector General, including
56 contracting and contract oversight.”.

57 (c) Subsection (a)(3) is amended as follows:

58 (1) Paragraph (A) is repealed.

59 (2) Paragraph (E) is amended to read as follows:

60 “(1) Compile for submission to the Authority (or, with respect to a fiscal year
61 which is not a control year, the Mayor and the Council), at least once every fiscal year, a report
62 setting forth the scope of the Inspector General’s operational audit of all procurement activities
63 for the District government, and a summary of all findings and determinations made as a result
64 of the findings.

65 (2) Included in the report shall be any comments and information necessary to
66 keep the Authority, the Mayor and the Council informed of the adequacy and effectiveness of
67 procurement operations, the integrity of the procurement process, and adherence to the
68 provisions of Chapter 3A of Title 2 of the D.C. Code.

69 (3) The report shall contain any recommendations deemed advisable by the
70 Inspector General for improvements to procurement operations and compliance with the
71 provisions of this chapter.

72 (4) The Inspector General shall make each report submitted under this paragraph
73 available to the public, except to the extent that the report contains information determined by
74 the Inspector General to be privileged.”.

75 (3) Paragraph J is repealed.

76 (d) Subsection (a-1) is amended as follows:

77 (1) Paragraph (2) is amended by striking the phrase “and effectiveness” and
78 inserting “effectiveness, and accountability” in its place.

79 (e) Subsection (b) is amended as follows:

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

81 “In determining the procedures to be followed and the extent of the examinations
82 of invoices, documents, and records, the Inspector General shall give due regard to the

83 provisions of Chapter 3A of Title 2 of the D.C. Code. The Inspector General shall comply with
84 standards established by the U.S. Comptroller General for audits of federal establishments,
85 organizations, programs, activities, and functions; standards established by the Council of the
86 Inspectors General on Integrity and Efficiency for investigations and inspections; and generally
87 accepted procurement principles, practices, and procedures, including federal and District case
88 law, decisions of the U.S. Comptroller General, and decisions of federal contract appeals boards.
89 The Inspector General shall take appropriate steps to assure that work performed by auditors,
90 inspectors and investigators within or for the Office of the Inspector General shall comply with
91 the standards and procedures determined through application of this subsection.”.

92 (2) Paragraph (2) is amended by striking the second sentence.

93 (3) A new paragraph (3) is added to read as follows:

94 “The Inspector General shall have primary investigative authority for all
95 administrative and criminal investigations relating to the programs, operations, employees, and
96 contractors of District government departments, agencies, instrumentalities, boards, and
97 commissions. All District government departments, agencies, and instrumentalities, including
98 agencies which are subordinate to the Mayor, independent agencies, boards, and commissions,
99 shall provide advance notice to and coordinate with the Inspector General on any investigation of
100 an administrative and/or criminal allegation undertaken by the entity involving a District
101 government employee or contractor.”.

102 (f) Subsection (b-1) is amended as follows:

103 (1) Paragraph (2)(A) is amended by striking the word “investigation” and
104 inserting the word “review” in its place.

105 (g) Subsection (d) is repealed.

106 (h) Subsection (f) is amended to strike the phrase “Attorney General” and insert the
107 phrase “United States Attorney General” in its place.

108 (i) Subsection (f-1) is amended as follows:

109 (1) Paragraph (2) is amended to read as follows:

110 “To make an arrest without a warrant if the employee has probable cause to
111 believe that a violation of a federal or District of Columbia statute is being committed in his or
112 her presence or for any felony violation of a federal or District of Columbia statute if the
113 employee has probable cause to believe that the person to be arrested has committed or is
114 committing such felony.”.

115 (2) Paragraph (3) is amended by striking the phrase “a warrant for the search of
116 premises or the seizure” and inserting “arrest warrants and warrants for the search of premises
117 and seizure” in its place.

118 Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of
119 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01 *et seq.*), is
120 amended as follows:

121 (a) Section 301 (D.C. Official Code § 1-603.01) is amended as follows:

122 (1) Subsection (17)(AA) is repealed.

123 (b) Section 406 (D.C. Official Code § 1-604.06) is amended as follows:

124 (1) Subsection (b) is amended as follows:

125 (A) Paragraph (23) is amended by striking the phrase “; and” and inserting
126 a semicolon in its place.

127 (B) Paragraph (24) is amended by striking the period at the end of the
128 sentence and inserting the phrase “; and” in its place.

129 (C) A new Paragraph (25) is added to read as follows:

130 “(25) For employees of the Office of the Inspector General, the personnel
131 authority is the Inspector General.”.

132 Sec. 3. Section 1102 of the Fiscal Year 2010 Budget Support Act of 2009, effective
133 March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 1-301.181 *et seq.*), is amended to read as
134 follows:

135 “Sections 1-1402 and 1-1403 shall not apply to the Council of the District of Columbia,
136 the Office of the District of Columbia Auditor, or the Office of the Inspector General; provided,
137 that the Council or the Inspector General may enter into written agreements with the Office of
138 the Chief Technology Officer to coordinate the operations of their respective electronic
139 communications.”.

140 Sec. 4. The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C.
141 Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), is amended as follows:

142 (a) Section 201 is amended as follows:

143 (1) Subsection (b) is amended as follows:

144 (A) Paragraph 10 is amended by striking the phrase “; and” at the end and
145 inserting a semicolon in its place.

146 (B) Paragraph 11 is amended by striking the period at the end and
147 inserting a semicolon in its place.

148 (C) A new paragraph (12) is added to read as follows:

149 “(12) The Office of the Inspector General.”.

150 (2) Subsection (c) is amended to read as follows:

151 “(c) The Office of the Attorney General may contract for the services of
152 accountants, lawyers, and other experts when it determines and states in writing that good reason
153 exists why the services should be procured independently of the Chief Procurement Officer.”.

154 Sec. 5. Section 23-501(2) of Title 23 of the District of Columbia Official Code is
155 amended as follows:

156 (a) Strike the phrase “or the Fire Marshal” and insert the phrase “the Fire Marshal” in its
157 place.

158 (b) Insert the phrase “; or an employee of the District of Columbia Office of the Inspector
159 General who is so designated in writing by the Inspector General” at the end of paragraph (2).

160 Sec. 6. Fiscal impact statement.

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

164 Sec. 7. Effective date.

165 This act shall take effect following approval by the Mayor (or in the event of veto by the
166 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
167 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
168 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
169 Columbia Register.