



OFFICE OF THE  
SECRETARY  
2016 DEC -1 PM 4:45

MURIEL BOWSER  
MAYOR

DEC - 1 2016

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
John A. Wilson Building  
1350 Pennsylvania Ave., N.W.  
Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is proposed emergency legislation, the "Task Order Agreement No. CW46793 against GSA Contract No. GS-25F-0062L with Xerox Corporation Approval and Payment Authorization Emergency Act of 2016" and the corresponding declaration resolution to approve payment for services received and to be received under Task Order Agreement No. CW46793 pursuant to GSA Contract No. GS-25F-0062L.

Council action is necessary to approve the Indefinite Delivery Indefinite Quantity (IDIQ) multiyear task order agreement in the minimum contract amount of \$1,000.00 and the maximum contract amount of \$25,000,000.00, for the period from October 1, 2016, through September 30, 2021.

The contract is necessary to provide the citywide District agencies with copier leasing and maintenance services.

The Agency Fiscal Officer has certified the availability of funding in the FY2017 budget to cover the minimum amount for the base year.

As always, I am available to discuss any questions you may have regarding the proposed contract. In order to facilitate a response to any questions you may have regarding this proposed contract, please have your staff contact Lauren Stephens, Legislative Liaison of the Office of Contracting and Procurement at (202) 724-4982. I look forward to a favorable consideration of this proposed contract.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser", written over a vertical line that extends from the word "Sincerely,".

Muriel Bowser

Enclosures

  
Chairman Phil Mendelson  
at the request of the Mayor

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8 A BILL  
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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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18 To approve, on an emergency basis, multi-year Task Order Agreement No. CW46793  
19 against GSA Contract No. GS-25F-0062L with Xerox Corporation to provide  
20 copier lease and maintenance services for multiple District agencies and to  
21 authorize payment for the services received and to be received under that contract.  
22

23 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

24 That this act may be cited as “Task Order Agreement No. CW46793 against GSA  
25 Contract No. GS-25F-0062L with Xerox Corporation Approval and Payment  
26 Authorization Emergency Act of 2016”.

27 Sec. 2. Pursuant to Section 451 of the District of Columbia Home Rule Act,  
28 approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and  
29 notwithstanding the requirements of section 202 of the Procurement Practices Reform  
30 Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02),  
31 the Council approves Task Order Agreement No. CW46793 against GSA Contract No.  
32 GS-25F-0062L with Xerox Corporation to provide copier lease and maintenance services  
33 for multiple District agencies. The Council authorizes payment in the total minimum  
34 contract amount of \$1,000.00 and the total maximum contract amount of \$25,000,000.00

1 for services received and to be received under that contract.

2           Sec. 3. The Council adopts the fiscal impact statement provided by the Chief  
3 Financial Officer as the fiscal impact statement required by section 602(c)(3) of the  
4 District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C.  
5 Official Code § 1-206.02(c)(3)).

6           Sec. 4. This act shall take effect following approval by the Mayor (or in the  
7 event of veto by the Mayor, action by the Council to override the veto), and shall remain  
8 in effect for no longer than 90 days, as provided for emergency acts of the Council of the  
9 District of Columbia in section 412(a) of the District of Columbia Home Rule Act,  
10 approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of Contracting and Procurement**



Pursuant to section 202(c) of the Procurement Practices Reform Act of 2010, as amended, D.C. Official Code § 2-352.02(c), the following contract summary is provided:

**COUNCIL CONTRACT SUMMARY**

- (A) Contract Number:** Task order Agreement No. CW46793, pursuant to General Services Administration (GSA) FSS Contract no. GS-25F-0062L
- Proposed Contractor:** Xerox Corporation
- Contract Amount (Base Period):** \$1,000.00 minimum, Not to Exceed \$25,000,000.00
- Unit and Method of Compensation:** Contractor will be paid fixed prices for equipment leases, including maintenance (prices of maintenance are subject to GSA price list changes after the first Fiscal year (FY))
- Term of Contract:** October 1, 2016 through September 30, 2021
- Type of Contract:** Indefinite Quantity Indefinite Delivery
- Source Selection Method:** GSA Federal Supply Schedule

**(B) For a contract containing option periods, the contract amount for the base period and for each option period. If the contract amount for one or more of the option periods differs from the amount for the base period, provide an explanation of the reason for the difference:**

**Base Period Amount:** \$1,000.00 minimum, Maximum \$25,000,000.00

\*This is a multi-year Task Order award with a base period beginning October 1, 2016 through September 30, 2021, with no option periods.

**(C) The date on which the letter contract or emergency contract was executed:**

October 1, 2016

**(D) The number of times the letter contract or emergency contract has been extended:**

None

**(E) The value of the goods and services provided to date under the letter contract or emergency contract, including under each extension of the letter contract or emergency contract:**

None.

**(F) The goods or services to be provided, the methods of delivering goods or services, and any significant program changes reflected in the proposed contract:**

The Office of Contracting and Procurement, the Ordering Agency on behalf of multiple District agencies, proposes to enter into a multi-year agreement with Xerox Corporation to lease copiers and applicable accessories and to obtain associated maintenance services. These services are needed to meet the daily printing, duplicating, and scanning needs of the multiple agencies that are participating in the Task Order agreement.

For the purpose of this contract, Lease Term is defined as the duration of the lease in months (not to exceed 60 months) as shown on the Ordering Agency's initial delivery order according to the Federal Supply Schedule 36 GS-25F-0062L. It is understood by all parties to this contract that this is a leasing arrangement. In that regard, the Government anticipates fulfilling the leasing agreement subject to the availability of appropriated funds and the continued needs of the Using Agency. The Using Agency, upon issuance of any delivery orders pursuant to Special Item Numbers (SIN's) 51-58, 51 58a or 51-58b, intends to use the equipment for the lease term specified in the delivery orders so long as the needs of the Using Agency for the equipment or functionally similar equipment continues to exist and adequate funds are appropriated.

Each lease hereunder shall be initiated by a delivery order which shall, either through a statement of work or other attachment specify the equipment being leased, and the terms of the transaction as required in other sections of SIN's 51-58, 51 58a or 51-58b. Agencies which need to use the Task Order are District agencies subject to the procurement authority of the Chief Procurement Officer. These using agencies will provide the OCP contracting officer with their requirements and provide the necessary funds. Then the contracting officer will issue delivery orders for these requirements pursuant to the FSS Contract and this proposed Task Order. The lease commencement is the date of acceptance as defined by FAR Subpart 12.4. The first period or initial term of the leasing agreement will be through September 30<sup>th</sup> of the fiscal year in which the order is placed, or as extended by act of Congress, unless the ordering office has multi-year funding. Ordering Agencies are advised to follow the guidance provided in Federal Acquisition Regulation (FAR) Subpart 7.4 Equipment Lease or Purchase, and to review the lease terms and conditions prior to ordering and obligating funding for a lease. Ordering Agencies are responsible for the obligation of the funding consistent with fiscal law when entering into any lease arrangement. The District may terminate or not renew leases, without termination charges, at the end of any initial base period or renewal period if (a) it no longer has a bona fide need the equipment or functionally similar equipment; or (b) there is a continuing need, but adequate funds have not been appropriated to the ordering agency in an amount sufficient to continue to make the lease payments."

**(G) The selection process, including the number of offerors, the evaluation criteria, and the evaluation results, including price, technical or quality, and past performance components:**

The District issued a Request for Task Order Bid (RFTOB) directly to Xerox pursuant to their GSA FSS GS-25F-0062L for Xerox copier lease and maintenance services. The Contracting Officer determined in the best interest of the District to adopt the entire GSA Schedule (GS-25F-0062L) and to enter in a multi-year agreement to obtain the optimum value for the copier lease and maintenance services.

The proposed multi-year contract to purchase 36 through 60 month copier lease term will provide an expected savings of 40 to 60 percent over the span of the contract. The lease terms provides lower payments, Managed Print Solutions (MPS), leasing flexibility, and incremental funding compared to the contract structure of a 12 month lease term. The District can reduce the cost of services by 40 to 80 percent annually. See chart below:

Mid Volume Class Copiers (XEROX 5755)		
Unit Monthly Costs	XEROX	% SAVINGS vs. 12 mo base
12 Month Base Period	\$1,995.39	0.00%
24 Month Base Period	\$1,041.45	48%
36 Month Base Period	\$665.44	67%
48 Month Base Period	\$525.84	84%
60 Month Base Period	\$452.29	88%
Annual Savings per unit (device)	XEROX	% SAVINGS vs. 12 mo base
12 Month Base Period	\$0.00	0.00%
24 Month Base Period	\$11,447.28	48%
36 Month Base Period	\$15,959.40	67%
48 Month Base Period	\$17,634.60	84%
60 Month Base Period	\$18,517.20	88%

**(H) A description of any bid protest related to the award of the contract, including whether the protest was resolved through litigation, withdrawal of the protest by the protestor, or voluntary corrective action by the District. Include the identity of the protestor, the grounds alleged in the protest, and any deficiencies identified by the District as a result of the protest:**

None

**(I) The background and qualifications of the proposed contractor, including its organization, financial stability, personnel, and performance on past or current government or private sector contracts with requirements similar to those of the proposed contract:**

Xerox Corporation is the manufacturer of its equipment devices and accessories. Xerox has the necessary organization, experience, accounting and operational controls, as well as the technical

skills to perform the requirements of the contract. Xerox has a satisfactory performance record as well as the necessary financial resources to perform the contract.

In addition, the most recent list of excluded parties from both the District and the Federal procurements show that the company has not been debarred, suspended or non-compliant in their procurement opportunities.

- (J) A summary of the subcontracting plan required under section 2346 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, as amended, D.C. Official Code § 2-218.01 *et seq.* (“Act”), including a certification that the subcontracting plan meets the minimum requirements of the Act and the dollar volume of the portion of the contract to be subcontracted, expressed both in total dollars and as a percentage of the total contract amount:**

Not Applicable

- (K) Performance standards and the expected outcome of the proposed contract:**

The Office of Contracting and Procurement has received multiple requests for 36 through 60 month copier leasing and services. Xerox GSA Schedule 36 (GS-25F-0062L) lease terms will provide:

- Consistency in the devices utilized by the District.
- Savings realized from multi-year lease terms.
- Quality services in a timely fashion.
- Proper planning on both the District and suppliers provided by the lease terms incremental funding.
- Well established budget allocations.

- (L) The amount and date of any expenditure of funds by the District pursuant to the contract prior to its submission to the Council for approval:**

None

- (M) 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 D.C. Official Code §§ 47-392.01 and 47-392.02:**

Funding Certification is attached see Tab 5 of the current package.

- (N) A certification that the contract is legally sufficient, including whether the proposed contractor has any pending legal claims against the District:**

Legal Sufficiency is attached see Tab 7 of the current package.

- (O) A certification that Citywide Clean Hands database indicates that the proposed contractor is current with its District taxes. If the Citywide Clean Hands Database indicates that the**

**proposed contractor is not current with its District taxes, either: (1) a certification that the contractor has worked out and is current with a payment schedule approved by the District; or (2) a certification that the contractor will be current with its District taxes after the District recovers any outstanding debt as provided under D.C. Official Code § 2-353.01(b):**

Xerox is in compliance with its District taxes according to the Citywide Cleans Hands report dated 10/20/16. (Attached)

**(P) A certification from the proposed contractor that it is current with its federal taxes, or has worked out and is current with a payment schedule approved by the federal government:**

The Contractor has certified that Xerox is current with its federal taxes.

**(Q) The status of the proposed contractor as a certified local, small, or disadvantaged business enterprise as defined in the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, as amended, D.C. Official Code § 2-218.01 et seq.:**

The Contractor is not a certified local, small or disadvantaged business.

**(R) Other aspects of the proposed contract that the Chief Procurement Officer considers significant:**

None

**(S) A statement indicating whether the proposed contractor is currently debarred from providing services or goods to the District or federal government, the dates of the debarment, and the reasons for debarment:**

The list of parties excluded from the District of Columbia Procurement and Federal Procurement shows that Xerox Corporation has not been debarred, suspended from District or Federal procurements dated 9/20/2016.

**(T) Any determination and findings issues relating to the contract's formation, including any determination and findings made under D.C. Official Code § 2-352.05 (privatization contracts):**

Determination and Findings for Federal Supply Schedule	9/9/16
Determination and Findings for Multi-Year Procurement	9/23/16
Determination and Findings for Price Reasonableness	9/23/16
Determination and Findings for Contractor Responsibility	9/23/16

**(U) Where the contract, and any amendments or modifications, if executed, will be made available online:**

[www.ocp.dc.gov](http://www.ocp.dc.gov)



(V) **Where the original solicitation, and any amendments or modifications, will be made available online:**  
[www.ocp.dc.gov](http://www.ocp.dc.gov)



**Government of the District of Columbia**

## **CERTIFICATE OF CLEAN HANDS**

**XEROX CORPORATION  
40A XEROX SQ  
ROCHESTER, NY 14644-0001**

**EIN : \*\*\*\*\*8020**

**As reported in the Citywide Clean Hands system, the above referenced individual or entity has no outstanding liability with the District of Columbia. As of the date herein, you have complied with the following official DC code and therefore are issued this Certificate of Clean Hands.**

**TITLE 47. TAXATION, LICENSING, PERMITS, ASSESSMENTS AND FEES  
CHAPTER 28. GENERAL LICENSE LAW  
SUBCHAPTER II. CLEAN HANDS BEFORE RECEIVING A LICENSE OR PERMIT  
D.C. Code § 47-2862 (2006)  
§ 47-2862. Prohibition against issuance of license or permit.**

A handwritten signature in black ink, appearing to read "Bobby Tucker", written over a horizontal line.

**Authorized By Bobby Tucker  
Chief Collection Division**

**Date: Thursday this 20th day of October 2016 09:29 AM**

**Tracking#: 578631**

**This document is a certified, complete and true copy.**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CHIEF FINANCIAL OFFICER  
GOVERNMENT OPERATIONS CLUSTER



MEMORANDUM

**TO:** Derrick White  
Contracting Officer  
Office of Contracting and Procurement

**FROM:** *for* Phil Peng *APL 10/7/16*  
Agency Fiscal Officer  
Office of the Chief Technology Officer (OCTO)

**DATE:** October 6, 2016

**SUBJECT:** Funding Certification: Xerox - Citywide Contract  
Task Order – CW46793 /GS-25F-0062L (Citywide multi-year)  
Amount: \$1,000.00  
Period of Performance: 10/1/2016 – 9/30/2021

By this memorandum, the Office of the Chief Financial Officer (OCFO) certifies that the Office of the Chief Technology Officer (OCTO) has funding in the FY17 Approved Operating Budget for the subject contract. The dollar amount and funding attributes are shown in the chart below:

Fund	Program	OBJ	FY17 NPS Budget
Local (0100)	1030 – Property Management	706	\$1,000.00

If you have any questions concerning this funding certification, please contact Phil Peng, Agency AFO, at 727-8472

cc: Mohamed Mohamed, ACFO, GOC  
Michael Bolden, Director of Financial Operations, GOC  
Rhonda Woods, Chief Management Operations Officer, GOC  
Abdi Yusuf, Budget Director, OCTO  
Mekete Seleshi, Financial Manager, OCTO  
Archana Vemulapalli, CTO, OCTO  
Haider Ali, Deputy CTO, OCTO  
Carol Washington, Chief of Staff, OCTO  
Tehsin Faruk, Director of Strategic Investment Services, OCTO

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General

ATTORNEY GENERAL  
KARL A. RACINE



Legal Counsel Division

**MEMORANDUM**

**TO:** Lolita S. Alston  
Director  
Office of Legislative Support

**FROM:** Janet M. Robins  
Deputy Attorney General  
Legal Counsel Division

**DATE:** November 23, 2016

**SUBJECT:** Legal Sufficiency Review of Draft Bill "Task Order Agreement No. CW46793 against GSA Contract No. GS-25F-0062L with Xerox Corporation Approval and Payment Authorization Emergency Act of 2016" and Draft Emergency Declaration Resolution (AE-16-700)

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**This is to Certify that** this Office has reviewed the above-referenced draft bill and resolution and found them to be legally unobjectionable. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

A handwritten signature in blue ink, appearing to read "Janet M. Robins". The signature is written in a cursive, flowing style.

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Janet M. Robins