



2018 JUL -6 PM 12:02  
OFFICE OF THE  
SECRETARY

MURIEL BOWSER  
MAYOR

JUL 6 2018

The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, DC 20004

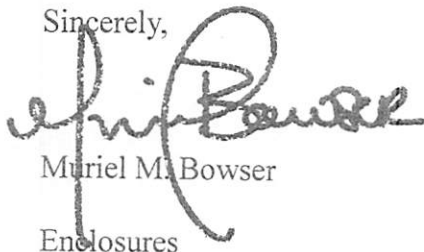
Dear Chairman Mendelson:

Enclosed for the consideration of the Council of the District of Columbia is the "Public-Private Partnership Emergency Amendment Act of 2018," and the accompanying emergency declaration, and temporary version. This bill amends the Public-Private Partnership Act of 2015 to allow to the Office of Contracting and Procurement to serve as the contracting officer for public-private partnership procurements.

On December 2, 2014 the Council unanimously adopted the Public-Private Partnership Act of 2014, approved March 11, 2015 (D.C. Law 20-228, D.C. Official Code § 2-271.01 et seq.) ("P3 Act") to create the Office of Public-Private Partnerships ("OP3"). Since being launched, OP3 has begun procurements for several critical procurements, including a modernization of the District's street light network and renovation of the Metropolitan Police Department's headquarters at the Daly Building. Without these amendments, OP3's ability to continue streamlined procurements that deliver critical infrastructure for the District with maximum competition and transparency will be hindered.


I urge the Council to take immediate action on the enclosed legislation. Director Miller Gabriel and I are available to discuss any questions you may have.

Sincerely,



Muriel M. Bowser

Enclosures

  
Chairman Phil Mendelson at  
the request of the Mayor

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5 A BILL  
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9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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13 To amend, on a temporary basis, the Public-Private Partnership Act of 2015 to allow  
14 the Office of Contracting and Procurement to serve as the contracting officer  
15 for public-private partnership procurements.  
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17 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
18 That this act may be cited as the “Public-Private Partnership Temporary Amendment  
19 Act of 2018”.

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21 Sec. 2. Section 102 of the Public-Private Partnership Act of 2014, approved March 11,  
22 2015 (D.C. Law 20-228; D.C. Official Code § 2-272.01 *et seq.*), is amended by inserting a new  
23 subsection (e) to read as follows:

24 “(e) The Office may delegate to the Office of Contracting and Procurement (“OCP”),  
25 with the agreement of OCP, the authority to serve as the contracting officer for the Office for  
26 public-private partnership agreements under this act and to carry out other contracting functions  
27 related to public-private partnerships on behalf of the Office. OCP shall carry out these  
28 functions in conformity with this act.”.

29 Sec. 3. Section 201(f) of the Procurement Practices Reform Act of 2010, effective April  
30 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(f)), is amended by striking the phrase  
31 “the requirements of this act” and inserting the phrase “the requirements of this act, except as  
32 provided in section 102(e) of the Public-Private Partnership Act of 2014, effective March 11,  
33 2015 (D.C. Law 20-228, D.C. Official Code § 2-272.01(e))” in its place.

1           Sec. 4. Applicability.

2           This act shall apply as of June 1, 2017.

3           Sec. 5. Fiscal impact statement.

4           The Council adopts the fiscal impact statement provided by the Chief Financial Officer as  
5 the fiscal impact statement required by section 4a of the General Legislative Procedures Act of  
6 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code§ 1-301.47a).

7           Sec. 6. Effective date.

8           (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
9 the Mayor, action by the Council to override the veto), a 30-day congressional review as  
10 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
11 24, 1973 (87 Stat. 788; D.C. Official Code§ 1-206.02(c)(1)), and publication in the District of  
12 Columbia Register.

13           (b) This act shall expire after 225 days of its having taken effect.


Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** July 5, 2018

**SUBJECT:** Fiscal Impact Statement - Public-Private Partnership Amendment Act  
of 2018

**REFERENCE:** Draft Introduction as shared with the Office of Revenue Analysis on  
June 27, 2018

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**Conclusion**

Funds are sufficient in the fiscal year 2018 budget and fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

**Background**

The bill clarifies<sup>1</sup> that the Office of Public-Private Partnerships (OP3) may delegate its contracting officer functions to the Office of Contracting and Procurement (OCP). OP3 already uses OCP for its expertise and experience in developing procurement rules and guidelines. The bill will give OP3 the ability to use OCP in the same manner as other agencies in the District.

The bill also changes the Council review process for public-private partnership Request for Proposals (RFP). OP3 must transmit a proposed resolution to Council in order to receive approval of a public-private partnership RFP.<sup>2</sup> The bill revises the requirement by only requiring Council approval of a draft RFP's core elements. A draft RFP's core elements include a detailed description of the scope of the proposed public-private partnership project, the criteria for evaluation and selection of a proposal, and a high-level summary of the material terms and technical requirements of the public-private partnership agreement. Council will have 45 days to review the core elements of a draft public-private partnership RFP before it is deemed approved.

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<sup>1</sup> By amending Section 201(f) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(f)).

<sup>2</sup> Section 110 of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-273.05).

The Honorable Phil Mendelson

FIS: "Public-Private Partnership Amendment Act of 2018" Draft Introduction as shared with the Office of Revenue Analysis on June 27, 2018

**Financial Plan Impact**

Funds are sufficient in the fiscal year 2018 budget and fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. No additional resources are required to implement the bill. Since OP3 is not obligated to delegate its contracting officer functions there is no cost; however, if OP3 decides to delegate functions, OCP may request that the agency provide intra-District funds to hire a full-time employee(s) to manage the contracting function. Changing the draft public-private partnership RFP review process does not have a cost to OP3.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL




ATTORNEY GENERAL  
KARL A. RACINE

PRIVILEGED AND  
CONFIDENTIAL

Legal Counsel Division

MEMORANDUM

**TO:** Judah Gluckman  
Deputy Director and Counsel  
Office of Public-Private Partnerships

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

**DATE:** July 5, 2018

**SUBJECT:** Public-Private Partnership Amendment Act of 2018  
(AE-18-359)

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This responds to an email request we received from your office on June 26, 2018, by which you transmitted the draft bills entitled the “Public-Private Partnership Emergency Amendment Act of 2018”, the “Public-Private Partnership Temporary Amendment Act of 2018”, the “Public-Private Partnership Amendment Act of 2018” (collectively, the Bill), and the “Public-Private Partnership Emergency Declaration Resolution of 2018” (Resolution), to our Office for a legal sufficiency review.

The Bill and the Resolution will declare the existence of an emergency and amend, on an emergency, temporary and permanent basis, the Public-Private Partnership Act of 2014, approved March 11, 2015, D.C. Law 20-228, D.C. Official Code § 2-271.01 *et seq.* (2017 Supp.), to allow the Office of Contracting and Procurement to serve as the contracting officer for public-private partnership procurements and for the Office of Public-Private Partnerships to submit the core elements of proposed requests for proposals to the Council for review and approval.

This Office has reviewed the Bill and the Resolution and determined that they are legally sufficient. I have attached a Certificate of Legal Sufficiency for your use. In addition, please be reminded that you must secure a fiscal impact statement from the Office of the Chief Financial Officer to accompany the Bill and Resolution. If you have any questions about this memorandum, please contact either Anne R. Hollander, Assistant Attorney General, at 724-5560, or me at 724-5524.

JMR/arh

Attachments (5)



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL  
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

**TO:** Alana Intrieri  
Executive Director  
Office of Policy and Legislative Affairs

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

**DATE:** July 5, 2018

**SUBJECT:** Public-Private Partnership Amendment Act of 2018  
(AE-18-359)

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**This is to Certify that** this Office has reviewed the “Public-Private Partnership Emergency Amendment Act of 2018”, the “Public-Private Partnership Temporary Amendment Act of 2018”, the “Public-Private Partnership Amendment Act of 2018”, and the “Public-Private Partnership Emergency Declaration Resolution of 2018”, and found them to be legally unobjectionable. If you have any questions, please call me at 724-5524.

A handwritten signature in blue ink, appearing to read 'JMR/Janet M. Robins', written over a horizontal line.

Janet M. Robins