



2018 DEC 13 PM 4:15

OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

DEC 13 2018

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

Dear Chairman Mendelson:

Enclosed for consideration by the Council are the “Office of Public-Private Partnerships Delegation of Authority Clarification Emergency Amendment Act of 2018” and the accompanying “Office of Public-Private Partnerships Delegation of Authority Clarification Emergency Declaration Resolution of 2018”.

The legislation would amend the Public-Private Partnership Act of 2014 (“P3 Act”) and the Procurement Practices Reform Act of 2010 to allow the Office of Contracting and Procurement (“OCP”) to carry out contracting activities for the Office of Public-Private Partnerships (“OP3”), at the request of OP3, under the standards of the P3 Act, retroactively to January 1, 2017.

The legislation will help ensure that OP3 and OCP can work together to procure critical large-scale capital public-private partnership projects for the District.

I urge the Council to take prompt and favorable action on this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

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6 A BILL
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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14 To amend, on an emergency basis, the Procurement Practices Reform Act of 2010 and the
15 Public-Private Partnership Act of 2014 to make retroactive certain provisions added to
16 those acts by the Office of Public-Private Partnerships Delegation of Authority
17 Temporary Amendment Act of 2018 that allow the Office of Public-Private
18 Partnerships to delegate its contracting authority for public-private partnership
19 agreements to the Office of Contracting and Procurement, and to require any employee
20 of the Office of Contracting and Procurement exercising such delegated authority to
21 comply with provisions of the Public-Private Partnership Act of 2014 and any
22 regulations promulgated to effectuate it.
23

24 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
25 act may be cited as the “Office of Public-Private Partnerships Delegation of Authority
26 Clarification Emergency Amendment Act of 2018”.

27 Sec. 2. Section 201(f) of the Procurement Practices Reform Act of 2010, effective April
28 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(f)), as temporarily amended by the
29 Office of Public-Private Partnerships Delegation of Authority Temporary Amendment Act of
30 2018, effective November 27, 2018 (D.C. Law 22-187; 65 DCR 11410), is amended by
31 striking the phrase “except as provided” and inserting the phrase “except, effective January 1,
32 2017, as provided” in its place.

33 Sec. 3. Section 102(e)(1) of the Public-Private Partnership Act of 2014, effective March
34 11, 2015 (D.C. Law 20-228; to be codified at D.C. Official Code § 2-272.01(e)(1)), as
35 temporarily added by the Office of Public-Private Partnerships Delegation of Authority

36 Temporary Amendment Act of 2018, effective November 27, 2018 (D.C. Law 22-187; 65 DCR
37 11410), is amended by striking the phrase “The Office may” and inserting the phrase “Effective
38 January 1, 2017, the Office may” in its place.

39 **Sec. 4. Repeal.**

40 The Office of Public-Private Partnerships Delegation of Authority Congressional Review
41 Emergency Amendment Act of 2018, effective October 24, 2018 (D.C. Act 22-490; 65 DCR
42 12062), is repealed.

43 **Sec. 5. Fiscal impact statement.**

44 The Council adopts the fiscal impact statement in the committee report as the
45 fiscal impact statement required by section 4a of the General Legislative Procedures Act
46 of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

47 **Sec. 6. Effective date.**

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

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: December 13, 2018

SUBJECT: Fiscal Impact Statement – Office of Public-Private Partnerships
Delegation of Authority Clarification Emergency Amendment Act of
2018

REFERENCE: Draft bill provided to the Office of Revenue Analysis on December 7,
2018

Conclusion

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

Background

The bill extends an emergency law¹ 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. A permanent version of the bill passed final reading and will be transmitted to the Mayor.²

Financial Plan Impact

Funds are sufficient in the 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

¹ By replacing Office of Public-Private Partnerships Delegation of Authority Congressional Review Emergency Amendment Act of 2018, enacted October 25, 2018 (D.C. Act 22-490; 65 DCR 12062) that expires January 22, 2019.

² Bill 22-911, "Office of Public-Private Partnerships Delegation and Council Review Amendment Act of 2018", passed final reading by the Council on December 4, 2018 and will be transmitted to the Mayor.

The Honorable Phil Mendelson

FIS: "Office of Public-Private Partnerships Delegation of Authority Clarification Emergency Amendment Act of 2018," Draft bill provided to Office of Revenue Analysis on December 7, 2018.

delegate functions, OCP may request that the agency provide intra-District funds to hire a full-time employee(s) to cover costs associated with managing the contracting function.

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: December 13, 2018

SUBJECT: Office of Public-Private Partnerships Delegation of Authority Clarification
Emergency Amendment Act of 2018 and an Accompanying Emergency
Declaration Resolution
(AE-18-378D)

This is to Certify that this Office has reviewed bill entitled the "Office of Public-Private Partnerships Delegation of Authority Clarification Emergency Amendment Act of 2018", and the resolution entitled the "Office of Public-Private Partnerships Delegation of Authority Clarification Emergency Declaration Resolution of 2018", and found them to be legally unobjectionable. If you have any questions, please call me at 724-5524.


Janet M. Robins