



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Councilmember Robert C. White, Jr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Procurement Practices Reform Act of 2010 to ensure that the Office of Contracting and Procurement's retrospective analysis of emergency procurements addresses a period of additional emergency procurement authority after the expiration of the COVID-19 public health emergency; and to amend the District of Columbia Public Emergency Act of 1980 to set an end date for emergency procurement authority related to the COVID-19 pandemic.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

Act may be cited as the “Analyzing Additional Emergency Procurement Activity Amendment Act of 2021”.

Sec. 2. Section 204(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371, D.C. Official Code § 2-352.04(b)), is amended by adding a new paragraph (19) to read as follows:

“(19) To issue a report to the Mayor and the Council regarding emergency procurements conducted between July 25, 2021 and the end of the additional emergency procurement authority provided pursuant to the emergency executive order (Mayor’s Order 2020-045) issued in response to the novel 2019 coronavirus (SARS CoV-2), and any extensions thereof (“Review Period”), no later than three months after the end of that authority, including:

34 “(A) A comprehensive listing of each emergency procurement conducted
35 during the Review Period, including:

36 “(i) The date of contract award;
37 “(ii) The source selection method, including whether the
38 procurement was competitively sourced;
39 “(iii) The name and certified business enterprise status of the
40 awardee;
41 “(iv) The award amount;

42 “(v) The category of goods or services procured; and
43 “(vi) A description of the specific goods or services procured;

44 “(B) A breakdown of expenditures by funding source, including the extent
45 to which funds have been reimbursed by the federal government, or are in process of
46 reimbursement;

47 “(C) The value of goods or services procured by each agency during the
48 Review Period;

49 “(D) A listing of inventory levels by product type as of the last day of the
50 Review Period;

51 “(E) A list of any indefinite delivery, indefinite quantity contracts awarded
52 through emergency procurement during the Review Period, including the value of orders placed
53 against each such contract;

54 “(F) A description of any changes between the emergency procurement
55 processes used during the Review Period and the emergency procurement process used during

56 the COVID-19 public health emergency immediately preceding the Review Period, including
57 any changes in the receipt of goods, quality assurance, and inventory and distribution steps;
58 “(G) Any lessons learned or areas for improvement identified during the
59 Review Period in the effective management of emergency procurements;
60 “(H) A plan for disposition of any excess supplies and equipment;
61 “(I) Any changes during the Review Period to plans for retaining or
62 decommissioning warehouse space acquired during the Review Period or the COVID-19 public
63 health emergency immediately preceding the Review Period; and
64 “(J) An analysis of emergency procurements with certified local, small, or
65 disadvantaged business enterprises, as defined in section 2302 of the Small and Certified
66 Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C.
67 Law 16-33; D.C. Official Code § 2-218.02), including:
68 “(i) The total value of procurements with certified business
69 enterprises relative to the total value of emergency procurements during the Review Period;
70 “(ii) The number of emergency procurement contracts awarded to
71 certified business enterprises relative to the total number of emergency procurement contracts
72 awarded during the Review Period;
73 “(iii) The number of distinct certified business enterprises that
74 received an emergency procurement award during the Reivew Period; and
75 “(iv) An analysis of the types of goods or services the District
76 needed during the Review Period, when no more than 2 certified business enterprises were
77 capable of performing the contract requirements.”.

78 Sec. 3. Section 5(b)(2) of the District of Columbia Public Emergency Act of 1980,
79 effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304(b)(2)) is amended by
80 striking the phrase “District of Columbia government;” and inserting the phrase “District of
81 Columbia government; provided further, that, with respect to the public health emergency and
82 public emergency declared in the Mayor’s orders dated March 11, 2020, and any extensions
83 thereof, the additional authority provided pursuant to this paragraph for entering into contracts
84 and incurring obligations shall expire on November 5, 2021;” in its place.

85 Sec. 4. Fiscal impact statement.

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

89 Sec. 5. Effective date.

90 This act shall take effect following approval by the Mayor (or in the event of veto by the
91 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
92 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
93 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
94 Columbia Register.