

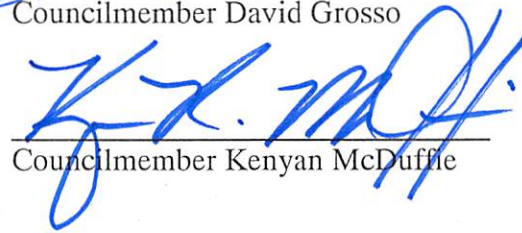


1 
2 Councilmember Mary Cheh


Councilmember David Grosso

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6 Councilmember Anita Bonds


Councilmember Kenyan McDuffie

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10 A PROPOSED RESOLUTION

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14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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18 To declare the sense of the Council that the District of Columbia is committed to government
19 transparency and consistency with regard to contracting and procurement; and to call
20 upon the Mayor to more accurately document interactions with lobbyists, especially
21 regarding contracts, to update and standardize the solicitation and bid review process
22 across government agencies, and to take steps to combat the perception of favoritism in
23 the contracting process to mitigate the potential for interference in the contracting
24 process.

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26 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
27 resolution may be cited as the "Contract Interference Mitigation Resolution of 2017".
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29 Sec. 2. The Council finds that:

30 (1) Councilmember Cheh released findings and recommendations related to the
31 Committee on Transportation and the Environment's ("Committee") inquiry into the handling of
32 two contract awards by the Department of General Services, the resignation of the Director of the
33 Department of General Services, and the City Administrator's subsequent firing of two personnel
34 connected to the contract awards.

35 (2) The Committee had difficulty evaluating communications between and among
36 members of the Executive and outside sources seeking to influence District law, regulations,
37 policy, contracts, or financial arrangement.

38 (3) The Committee's inquiry uncovered a number of inconsistencies in the
39 process governing how the Department of General Services and the Office of Contracting and
40 Procurement issue Requests for Proposals ("RFPs"), review contractor bids, and award contracts.

41 (4) The actions of the Executive give the impression of favoritism for a specific
42 government contractor, which causes harm to the District of Columbia in the form of diminished
43 competition for contracts.

44 Sec. 3. It is the sense of the Council that:

45 (1) We declare that the Executive should more accurately document interactions
46 with lobbyists and maintain complete and accurate records of the timing and content of meetings
47 with lobbyists and entities seeking to influence District law, regulations, policy, contracts, or
48 financial arrangements.

49 (2) We declare that the Executive should take particular care to combat the
50 perception of favoritism toward a particular contractor.

51 (3) We declare that the Executive should identify best practices for government
52 contracting and offer recommendations on updates to District contracting law and policies that
53 follow these standards.

54 (4) We declare that the Executive should seek to standardize the kind and quality
55 of disclosure required from bidders in the RFP evaluation process.

56 (5) We declare that the Executive should determine the utility, if any, of having
57 RFP solicitations require bidders to provide information on their litigation history and history of
58 requesting change orders after being awarded a contract.

59 (6) We declare that the Executive should clarify standards for findings of
60 responsibility and non-responsibility ensuring that they are sufficiently clear, precise, and
61 consistent across agencies, leaving due deference to the contracting officer.

62 (7) We declare that the executive should update rules governing requests for Best
63 and Final Offers (“BAFO”) to clarify what a BAFO must include, and the process to be followed
64 with bidders to explain why a BAFO is being issued.

65 (8) We declare that the Executive should clarify which agencies have authority to
66 determine legal sufficiency and the appropriate next steps for the requesting agency when the
67 authorized entity finds a contract legally insufficient.

68 (9) We reaffirm the value of government transparency and consistency to mitigate
69 interference with the contracting process and contract awards.

70 Sec. 4. The Secretary to the Council shall transmit copies of this resolution, upon its
71 adoption, to the Mayor.

72 Sec. 5. This resolution shall take effect immediately.