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SECRETARY

**MURIEL BOWSER**  
MAYOR

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

Dear Chairman Mendelson:

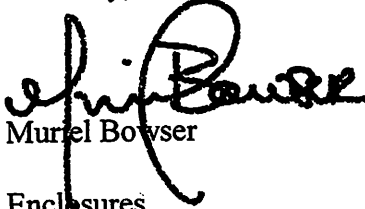
Enclosed for consideration by the Council are the "Office of Public-Private Partnerships Delegation of Authority Clarification Emergency Amendment Act of 2018" and the accompanying "Office of Public-Private Partnerships Delegation of Authority Clarification Emergency Declaration Resolution of 2018".

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,

  
Muriel Bowser

Enclosures

  
Chairman Phil Mendelson  
at the request of the Mayor

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6 A PROPOSED RESOLUTION  
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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14 To declare the existence of an emergency with respect to the need to amend the Procurement  
15 Practices Reform Act of 2010 and the Public-Private Partnership Act of 2014 to make  
16 retroactive certain provisions added to those acts by the Office of Public-Private  
17 Partnerships Delegation of Authority Temporary Amendment Act of 2018 that allow the  
18 Office of Public-Private Partnerships to delegate its contracting authority for public-  
19 private partnership agreements to the Office of Contracting and Procurement, and to  
20 require any employee of the Office of Contracting and Procurement exercising such  
21 delegated authority to comply with provisions of the Public-Private Partnership Act of  
22 2014 and any regulations promulgated to effectuate it; and to repeal the Office of Public-  
23 Private Partnerships Delegation of Authority Congressional Review Emergency  
24 Amendment Act of 2018.  
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26 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
27 resolution may be cited as the “Office of Public-Private Partnerships Delegation of Authority  
28 Clarification Emergency Declaration Resolution of 2018”.

29 Sec. 2. (a) The Office of Public-Private Partnerships (“OP3”), located within the Office  
30 of the City Administrator, was established to facilitate public-private partnership projects in the  
31 District independent of the authority of the Chief Procurement Officer (“CPO”) and the  
32 Procurement Practices Reform Act of 2010 (“PPRA”).

33 (b) OP3 has worked with the CPO to leverage the Office of Contracting and  
34 Procurement’s (“OCP”) considerable expertise in all aspects of contracting and procurement,  
35 including development of requests for proposals through a Memorandum of Understanding.

36 (c) The PPRA gives the CPO authority to conduct procurements and award contracts on

37 behalf of an independent agency, such as OP3, so long as the CPO follows the requirements of  
38 the PPRA. However, the OP3 enabling statute specifically exempts OP3 procurements from the  
39 PPRA.

40 (d) OCP has been working in partnership with OP3 to carry out certain contracting  
41 functions, and has been carrying out those functions under OP3's enabling statute.

42 (e) The Council recently approved the Office of Public-Private Partnerships Delegation  
43 of Authority Temporary Amendment Act of 2018 to ensure that the existing partnership  
44 between OCP and OP3 can continue.

45 (f) In order to ensure that this authority extends back to when OCP and OP3 first began  
46 their contracting administration partnership, and to avoid any legal questions regarding that  
47 authority, it is important to amend existing law to make clear that the grant of authority is  
48 retroactive.

49 (g) In addition, to ensure statutory consistency, it is important to repeal the Office of  
50 Public-Private Partnerships Delegation of Authority Congressional Review Emergency  
51 Amendment Act of 2018.

52 Sec. 3. The Council of the District of Columbia determines that the circumstances  
53 enumerated in section 2 constitute emergency circumstances making it necessary that the  
54 Office of Public-Private Partnerships Delegation of Authority Clarification Emergency  
55 Amendment Act of 2018 be adopted after a single reading.

56 Sec. 4. This resolution shall take effect immediately.