

A RESOLUTION

22-719

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 18, 2018

To declare the existence of an emergency with respect to the need to amend the Procurement Practices Reform Act of 2010 and the Public-Private Partnership Act of 2014 to allow the Office of Public-Private Partnerships to delegate its contracting authority for public-private partnership agreements to the Office of Contracting and Procurement as of January 1, 2017, and to require any employee of the Office of Contracting and Procurement exercising such delegated authority to comply with provisions of the Public-Private Partnership Act of 2014 and any regulations promulgated to effectuate it; and to repeal the Office of Public-Private Partnerships Delegation of Authority Congressional Review Emergency Amendment Act of 2018 and the Office of Public-Private Partnerships Delegation of Authority Temporary Amendment Act of 2018.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Office of Public-Private Partnerships Delegation of Authority Clarification Emergency Declaration Resolution of 2018”.

Sec. 2. (a) The Office of Public-Private Partnerships (“OP3”), located within the Office of the City Administrator, was established to facilitate public-private partnership projects in the District independent of the authority of the Chief Procurement Officer (“CPO”) and the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*) (“PPRA”).

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

(c) The PPRA gives the CPO authority to conduct procurements and award contracts on behalf of an independent agency, such as OP3, so long as the CPO follows the requirements of the PPRA. However, the OP3 enabling statute specifically exempts OP3 procurements from the PPRA.

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

(e) The Council recently passed the Office of Public-Private Partnerships Delegation of Authority Temporary Amendment Act of 2018, effective November 27, 2018 (D.C. Law 22-

187; 65 DCR 11410), to ensure that the existing partnership between OCP and OP3 can continue. However, this temporary legislation does not specify the date as of which OCP may exercise authority on behalf of OP3.

(f) In order to ensure that this authority extends back to when OCP and OP3 first began their contracting administration partnership, and to avoid any legal questions regarding that authority, it is important to amend existing law to make clear that the grant of authority is effective as of January 1, 2017.

(g) In addition, to ensure statutory consistency, it is important to repeal the Office of Public-Private Partnerships Delegation of Authority Congressional Review Emergency Amendment Act of 2018, effective October 25, 2018 (D.C. Act 22-490; 65 DCR 12062), and the Office of Public-Private Partnerships Delegation of Authority Temporary Amendment Act of 2018, effective November 27, 2018 (D.C. Law 22-187; 65 DCR 11410).

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

Sec. 4. This resolution shall take effect immediately.