

A RESOLUTION

25-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 16, 2023

To declare the existence of an emergency with respect to the need to provide that D.C. Official Code § 47-355.02(3) shall not apply to the Chief Financial Officer's approval of payments to Milestone Therapeutic Services, Inc. for the provision of occupational and physical therapy services for students with individualized education programs under PO687321.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Milestone Therapeutic Services, Inc. Purchase Order Payment Authorization Emergency Declaration Resolution of 2023".

Sec. 2. (a) There exists an immediate need to permit payment on Purchase Order PO687321 issued to Milestone Therapeutic Services, Inc. to provide occupational and physical therapy for students with individualized education programs ("services"), from February 1, 2023 through June 30, 2023.

(b) The District of Columbia Public Schools ("DCPS") executed a letter contract, Contract No. GAGA-2020-C-0016, with Milestone for a base period of November 19, 2019, through September 30, 2020, with four option periods. The definitized contract was not submitted to the Council for its approval at that time, but Milestone provided services, and the District paid for services, on the basis of the terms of the definitized contract document.

(c) The contract's option periods one, two, and three were executed as well, without submission to the Council for their approval, and Milestone provided services, and the District paid for services throughout these periods, as they would have if the contract and option periods had been approved.

(d) The contract cannot be located by DCPS or Milestone, and thus cannot be submitted to the Council for retroactive approval under section 451 of the Home Rule Act, as intended.

(e) Payment has already been made to Milestone for Purchase Orders PO625875, PO621742-V2, PO630568, PO637947, PO658141-V2, and PO679865.

(f) Payment was stopped upon discovery of the lack of Council approval of the contracted services, and services are at risk of disruption as a result.

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(g) On May 5, 2023, DCPS issued Purchase Order PO687321 for services provided and to be provided during the period from February 1, 2023, through June 30, 2023, in the not-to-exceed amount of \$1,354,386.30. DCPS seeks to continue payment to Milestone under Purchase Order PO687321 to prevent disruption of services during the remainder of the current school year, ending in June 2023.

(h) The services described in subsection (a) of this section are vital to DCPS students with individualized education programs and cannot be interrupted before the end of the current school year without great adverse impacts to said students.

(i) Exempting the Chief Financial Officer from the prohibitions of the District Anti-Deficiency Act of 2002, effective April 4, 2002 (D.C. Law 14-285; D.C. Official Code § 47-355.01 *et seq.*), is necessary for the Chief Financial Officer to approve disbursement of funds to pay for services rendered and to be rendered under PO687321.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Milestone Therapeutic Services, Inc. Purchase Order Payment Authorization Emergency Act of 2023 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.