

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency, due to congressional review, 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, 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.

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 Congressional Review 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 (“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.

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) To ensure that the existing partnership between OCP and OP3 can continue, the
41 Office of Public-Private Partnerships Delegation of Authority Emergency Amendment Act of
42 2018 must be approved on an emergency basis to make explicit the authority of OCP to conduct
43 procurements on behalf of OP3 through an amendment to the PPRA and the OP3 enabling
44 statute.

45 (e) Bill 22-893, the “Office of Public-Private Partnerships Delegation of Authority
46 Emergency Amendment Act of 2018” was adopted by the Council on July 10, 2018 (D.C. Act
47 22-435) and will expire on October 31, 2018. Bill 22-894, the temporary version of the same
48 measure, was adopted on second reading by the Council on September 18, 2018, and is expected
49 to be transmitted soon to Congress for its 30-day review.

50 (f) A permanent version of the provision is contained in Bill 22-911, the “Office of
51 Public-Private Partnerships Delegation and Council Review Amendment Act of 2018.” It is
52 scheduled for a hearing on October 18, 2018.

53 (g) This congressional review emergency act is necessary to prevent a gap in the law.

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

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