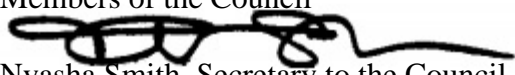


COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : July 11, 2018

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Committee of the Whole on Tuesday, July 10, 2018. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Office of Public-Private Partnerships Delegation and Council Review Amendment Act of 2018", B22-0911

INTRODUCED BY: Chairman Mendelson

CO-SPONSORED BY: Councilmember McDuffie

The Chairman is referring this legislation to the Committee of the Whole with comments from the Committee on Government Operations.

Attachment

cc: General Counsel
Budget Director
Legislative Services


Chairman Phil Mendelson

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Procurement Practices Reform Act of 2010 and the Office of Public-Private Partnerships 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 Office of Public-Private Partnership Act of 2014 and any regulations promulgated to effectuate it; to amend the Office of Public-Private Partnerships Act of 2014 to require submission to the Council of the core elements of a proposed request for proposals and to require active approval by the Council of such requests for proposals.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Office of Public-Private Partnerships Delegation and Council Review Amendment Act of 2018”.

Sec. 2. Section 201(f) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(f)), is amended by striking the phrase “requirements of this act” and inserting the phrase “requirements of this act, except as provided in section 201(e) of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228, D.C. Official Code § 2-272.01(e))”.

Sec. 3. Section 201 of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228, D.C. Official Code § 2-271.01 *et seq.*) is amended as follows”

37 (a) Section 101 (D.C. Official Code § 2-272.01) is amended as follows:

38 (1) A new paragraph (1A) is added to read as follows:

39 “(1A) “Core elements of the proposed request for proposals” means a document
40 that includes a detailed description of the scope of the proposed public-private partnership
41 project, the criteria for evaluation and selection of a proposal, and a high-level summary of the
42 material terms and technical requirements of the public-private partnership agreement. The core
43 elements of a proposed request for proposals need not include every material term, condition,
44 appendix, and technical specification that is part of the final request for proposals issued by the
45 Office.”.

46 (2) A new paragraph (16A) is added to read as follows:

47 “(16A) “Substantive change” means a change that makes the final request for
48 proposals materially inconsistent with the core elements of the proposed request for proposals
49 transmitted with the originally approved resolution.”.

50 (b) Section 102 (D.C. Official Code § 2-272.01) is amended by adding a new subsection
51 (e) to read as follows:

52 “(e)(1) The Office may delegate to the Office of Contracting and Procurement (“OCP”),
53 at the discretion of OCP, the authority to serve as the contracting officer for the Office for
54 public-private partnership agreements entered into pursuant to this act and to carry out other
55 contracting functions related to public-private partnerships on behalf of the Office.

56 “(2) Any OCP employee exercising authority delegated pursuant to this
57 subsection shall comply with the provisions of this act and any rules and regulations promulgated
58 to effectuate this act.

59 (c) Section 110 (D.C. Official Code § 2-273.05) is amended as follows:

60 (1) Subsection (a) is amended as follows:

61 (A) The lead-in language is amended by striking the phrase “a proposed
62 resolution to approve the proposed request for proposals” and inserting the phrase “a proposed
63 resolution to approve the core elements of the proposed request for proposals” in its place.

64 (B) Paragraph (1) is amended by striking the phrase “the proposed request
65 for proposals” and inserting the phrase “the core elements of the proposed request for proposals”
66 in its place.

67 (2) Subsection (b) is amended as follows:

68 (A) Paragraph (1) is amended to read as follows:

69 “(1) The core elements of a proposed request for proposals for a public-private
70 partnership project that is anticipated to cost in total \$50 million or more or extend for a term of
71 10 years or greater shall be deemed disapproved by the Council unless, during a 45-calendar day
72 review period beginning on the 1st day (excluding Saturdays, Sundays, and holidays) following
73 its receipt by the Office of the Secretary to the Council, the Council adopts a resolution to
74 approve or disapprove the core elements of a proposed request for proposals.”

75 (B) Paragraph (2) is amended as follows:

76 (i) The lead-in language is amended by striking the phrase “A
77 proposed request for proposals” and inserting the phrase “The core elements of a proposed
78 request for proposals” in its place.

79 (ii) Subparagraph (A) is amended by striking the phrase “the
80 proposed request for proposals” and inserting the phrase “the core elements of the proposed
81 request for proposals” in its place.

82 (iii) Subparagraph (B) is amended by striking the phrase “the
83 proposed request for proposals” and inserting the phrase “the core elements of the proposed
84 request for proposals” in its place.

85 (C) Paragraph (3) is amended by striking the phrase “the request for
86 proposals” and inserting the phrase “the core elements of the proposed request for proposals” in
87 its place.

88 (3) Subsection (c) is amended as follows:

89 (A) Paragraph (1) is amended by striking the phrase “be substantially
90 similar to the proposed request for proposals” and inserting the phrase “not be materially
91 inconsistent with the core elements of the proposed request for proposals” in its place.

92 (B) Paragraph (2) is amended by:

93

94 (i) Striking the phrase “the proposed request for proposals” and
95 inserting the phrase “the core elements of the proposed request for proposals” in its place; and

96 (ii) Striking the phrase “a revised proposed request for proposals”
97 and inserting the phrase “the revised core elements of the proposals request for proposals” in its
98 place.

99 (4) Subsection (d)(1) is amended by striking the phrase “a proposed request for
100 proposals” and inserting the phrase “the core elements of a proposed request for proposals” in its
101 place.

102 (d) Section 111 (D.C. Official Code § 2-273.06) is amended by striking the phrase “the
103 proposed request for proposals” and inserting the phrase “the core elements of the proposed
104 request for proposals” in its place.

105 Sec. 4. Applicability.

106 This act shall apply as of June 1, 2017.

107 Sec. 5. Fiscal impact statement.

108 The Council adopts the fiscal impact statement of the Council Budget Director as the fiscal
109 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
110 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

111 Sec. 6. Effective date.

112 This act shall take effect following approval by the Mayor (or in the event of veto by the
113 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
114 90 days, as provided for emergency acts of the Council of the District of Columbia in section
115 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
116 D.C. Official Code § 1-204.12(a)).