

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 make retroactive certain provisions added to those acts by the Office of Public-Private Partnerships Delegation of Authority Temporary Amendment Act of 2018 that 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; and to repeal the Office of Public-Private Partnerships Delegation of Authority Congressional Review Emergency 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 (“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

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.