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3   _____
                                                       Chairman Phil Mendelson
4   at the request of the Mayor
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7
8   A PROPOSED RESOLUTION
9
10   _____
11
12   IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
13
14   _____
15
16
17   To declare the existence of an emergency with respect to the need to approve Purchase
18   Orders PO625875, PO621742-V2, PO630568, PO637947, PO658141-V2,
19   PO679865, and PO687321 issued to Milestone Therapeutic Services, Inc. to
20   provide occupational and physical therapy for students with individualized
21   education programs, and to authorize payment for the goods and services received
22   and to be received under the purchase orders.
23
24   RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That

25   this resolution may be cited as the "Milestone Therapeutic Services, Inc. Purchase Order~~s~~

26   ~~Approval and~~ Payment Authorization Emergency Declaration Resolution of 2023".

27   Sec. 2. (a) There exists an immediate need to **permit payment on ~~approve~~**

28   Purchase Orders **~~PO625875, PO621742-V2, PO630568, PO637947, PO658141-V2,~~**

29   **~~PO679865, and~~** PO687321 issued to Milestone Therapeutic Services, Inc. to provide

30   occupational and physical therapy for students with individualized education programs

31   ("services") **from February 1, 2023 through June 30, 2023**~~, and to authorize payment~~

32   ~~for the goods and services received and to be received under the purchase orders.~~

33   (b) The District of Columbia Public Schools ("DCPS") executed a letter contract,

34   Contract No. GAGA-2020-C-0016, with Milestone for a base period of November 19,

35   2019, through September 30, 2020, with four option periods. The definitized contract was

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36   not submitted to the Council for its approval at that time, but Milestone provided

37   services, and the District paid for services, on the basis of the terms of the definitized

38   contract document.

39   (c) The contract's option periods one, two, and three were executed as well,

40   without submission to the Council for their approval, and Milestone provided services,

41   and the District paid for services throughout these periods, as they would have if the

42   contract and option periods had been approved.

43   (d) The contract cannot be located by DCPS or Milestone, and thus cannot be

44   submitted to the Council for retroactive approval under section 451 of the Home Rule

45   Act, as intended.

46   (e) Payment has already been made to Milestone for Purchase Orders PO625875,

47   PO621742-V2, PO630568, PO637947, PO658141-V2, and PO679865. ~

48   (f) **The Chief Financial Officer** ~~Payment has~~ stopped **payment on this**

49   **contract** upon discovery of the lack of Council approval of the contracted services~~, and~~

50   ~~services are at risk of disruption as a result.~~.

51   (g) **On May 5, 2023, DCPS issued Purchase Order 687321 for services**

52   **provided and to be provided during the period from February 1, 2023, through**

53   **June 30, 2023, in the not-to-exceed amount of $1,354,386.30.** DCPS seeks ~~approval~~ to

54   continue payment to Milestone ~~for services rendered, and to be rendered~~ under

55   Purchase ~~Orders~~ PO687321, to prevent disruption of services during the remainder of the

56   current school year, ending in June 2023.

57   (h) The services described in subsection (a) of this section are vital to DCPS

58   students with individualized education programs, and cannot be interrupted before the

59   end of the current school year without great adverse impacts to said students.

60   ~~(i) On June 24, 2020, DCPS issued Purchase Order PO625875 for services~~

61   ~~during the period from November 19, 2019 through September 30, 2020 in the not-~~

62   ~~to-exceed amount of $915,314.~~

63   ~~(j) On September 28, 2020, DCPS issued Purchase Order PO621742-V2 for~~

64   ~~services during the period from November 19, 2019 through September 30, 2020 in~~

65   ~~the not-to-exceed amount of $991,610.~~

66   ~~(k) On September 28, 2020, DCPS issued Purchase Order PO630568 for~~

67   ~~services during the period from November 19, 2019 through September 30, 2020 in~~

68   ~~the not-to-exceed amount of $483,140.~~

69   ~~(l) On December 29, 2020, DCPS issued Purchase Order PO637947 for~~

70   ~~services during the period from October 1, 2020 through September 30, 2021 in not-~~

71   ~~to-exceed amount to $3,182,655.~~

72   ~~(m) On April 12, 2022, DCPS issued Purchase Order PO658141-V2 for~~

73   ~~services during the period from October 1, 2021 through September 30, 2022 in the~~

74   ~~not-to-exceed amount to $3,313,638~~

75   ~~(n) On December 27, 2022, DCPS issued Purchase Order PO679865 for~~

76   ~~services during the period from October 1, 2022 through February 28, 2023 in the~~

77   ~~not-to-exceed amount of $999,999.~~

78   ~~(o) On May 5, 2023, DCPS issued Purchase Order 687321 for services~~

79   ~~during the period from February 1, 2023 through June 30, 2023 in the not-to-exceed~~

80   ~~amount of $1,354,386.30.~~

81   ~~(q) Approval is necessary to allow the continuation of these vital services.~~

82   ~~Without this approval, Milestone Therapeutic Services, Inc. cannot be paid for~~

83   ~~goods and services provided in excess of $1 million for services rendered during the~~

84   ~~following periods: November 19, 2019 through September 30, 2020; October 1, 2020~~

85   ~~through September 30, 2021; October 1, 2021 through September 30, 2022; or~~

86   ~~October 1, 2022 through June 30, 2023.~~

87   **(i) Exempting the Chief Financial Officer from the prohibitions of the**

88   **District Anti-Deficiency Act of 2002, effective April 4, 2002 (D.C. Law 14-285; D.C.**

89   **Official Code § 47-355.01 *et seq.*), is necessary for the Chief Financial Officer to**

90   **approve disbursement of funds to pay for services rendered and to be rendered**

91   **under PO687321.**

92   Sec. 3. The Council of the District of Columbia determines that the

93   circumstances enumerated in section 2 constitute emergency circumstances making it

94   necessary that the Milestone Therapeutic Services, Inc. Purchase Orders ~~Approval and~~

95   Payment ~~Authorization~~ Emergency Act of 2023 be adopted after a single reading.

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