


COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

MEMORANDUM

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TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman 

DATE: September 14, 2023

RE: **Request to Place Emergency Measures on the Agenda for the September 19, 2023 Legislative Meeting**

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This memorandum is to request that the following measures be placed on the agenda for the September 19, 2023 Legislative Meeting, at the request of the Mayor:

- **PR 25-343, Contract No. CW101161 with Maxim Healthcare Staffing Services, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2023**
- **Bill 25-400, Contract No. CW101161 with Maxim Healthcare Staffing Services, Inc. Approval and Payment Authorization Emergency Act of 2023**

This legislation would retroactively approve payments under the contract between Maxim Healthcare Staffing Services, Inc. (Maxim) and the Office of the State Superintendent of Education (OSSE) in the amount of \$10,269,900. This contract was entered into for the 12-month period from August 2, 2022, through August 1, 2023. Maxim provides COVID-19 positive case response and immunization support services for students who attend DC public charter schools.

According to testimony from OSSE, the Public Charter School Board determined that COVID-19 immunization services were necessary for school year 2023-2024 and requested a contract through OSSE from the Office of Contracting and Procurement. Given the uncertainty surrounding COVID-19 cases at the time, it is understandable that exigent circumstances led to the unanticipated contract need. However, this contract came to the Council for approval on June 30, 2023 – 11 months after execution of the contract and only a month before the end of the period of performance. The Committee of the Whole held a roundtable on August 3, 2023 to understand why this contract was not submitted on time. What is clear from the testimony is that understaffing at the Office of Contracting and Procurement forced a selection of priorities, and once this contract became retroactive it languished. What is less clear is, after all necessary re-submittals of various insurance and clean hands documentation by the vendor, why it then took almost ten weeks for various Executive Office of the Mayor offices to grant final approval before Council submission. The Executive Office of the Mayor needs to better manage retroactive contract packages to make them less retroactive.

At this point, the period of performance has concluded, but this legislation is necessary to authorize payment for completed performance. Copies of the measures are attached. Please call me or Evan Cash, Committee and Legislative Director, if you have any questions at (202) 724-7002.

cc: All Councilmembers  
Council Officers  
Office of Policy and Legislative Affairs