

Councilmember Kenyan McDuffie

Chairman Phil Mendelson

Councilmember Robert White

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Procurement Practices Reform Act of 2010 to require compliance with contracting and procurement law as ordered by the Contract Appeals Board and to mitigate the impact and disruption to District residents because of non-timely or noncompliance of ordered reevaluations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fidelity in Compliance of Contracting and Procurement Emergency Amendment Act of 2021”.

Sec. 2. Section 204(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.04(b)) is amended as follows:

(a) Paragraph (16) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (17)(C) is amended by striking the phrase “by the District.” and inserting the phrase “by the District; and” in its place.

(c) A new paragraph (18) is added to read as follows:

“(18) To complete the reevaluation as outlined and mandated by the Contract Appeals Board case [CAB No. P-1128] no later than June 30th, 2021.”

Sec. 3. With respect to the Contract Appeals Board ruling in CAB No. P-1128 and order of reevaluation, if one of the four offerors’ proposals in the competitive range is noncompliant with procurement law and deemed nonresponsive, the District shall, notwithstanding any other provision of law, immediately award to the remaining three (3) offerors’ in the competitive range.

Sec. 4. Section 8 of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.07), is amended as follows:

(a) Paragraph (11) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (12) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(c) A new paragraph (14) is added to read as follows:

“(14) Maintain no less than three (3) managed care organizations annually and thereby comply with the results of the reevaluation as determined in DC Official Code 2-352.04

(b)(18), provided, that where the Department maintains less than three (3) managed care organizations, it shall offer the lowest actuarially sound rate for the Medicaid and Alliance program managed care organization contracts during Fiscal Years 2022 to 2025.”

Sec. 5. Fiscal Impact Statement

56 The Council adopts the fiscal impact statement in the committee report as the fiscal
57 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
58 approved October 16, 2006 (120 Stat 2038; D.C. Official Code § 1-301.47a).

59 Sec. 6. Effective date.

60 This act shall take effect following approval by the Mayor (or in the event of veto by the
61 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
62 90 days, as provided for emergency acts of the Council of the District of Columbia in section
63 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
64 D.C. Official Code § 1-204.12(a))