

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Procurement Practices Reform Act of 2010 to ensure that the Office of Contracting and Procurement's retrospective analysis of emergency procurements addresses a period of additional emergency procurement authority after the expiration of the COVID-19 public health emergency; and to amend, on an emergency basis, the Public Emergency Extension and Eviction and Utility Moratorium Phasing Temporary Amendment Act of 2021 to clarify the scope of that act's termination of emergency procurement authority.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Analyzing Additional Emergency Procurement Activity 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 by adding a new paragraph (19) to read as follows:

"(19) To issue a report to the Mayor and the Council regarding emergency procurements conducted between July 25, 2021 and the end of the additional emergency procurement authority provided pursuant to the emergency executive order (Mayor's Order 2020-045) issued in response to the novel 2019 coronavirus (SARS CoV-2), and any extensions thereof ("Review Period"), no later than three months after the end of that authority, including:

“(A) A comprehensive listing of each emergency procurement conducted during the Review Period, including:

“(i) The date of contract award;

“(ii) The source selection method, including whether the procurement was competitively sourced;

“(iii) The name and certified business enterprise status of the awardee;

“(iv) The award amount;

“(v) The category of goods or services procured; and

“(vi) A description of the specific goods or services procured;

“(B) A breakdown of expenditures by funding source, including the extent to which funds have been reimbursed by the federal government, or are in process of reimbursement;

“(C) The value of goods or services procured by each agency during the Review Period;

“(D) A listing of inventory levels by product type as of the last day of the Review Period;

“(E) A list of any indefinite delivery, indefinite quantity contracts awarded through emergency procurement during the Review Period, including the value of orders placed against each such contract;

“(F) A description of any changes between the emergency procurement processes used during the Review Period and the emergency procurement process used during

the COVID-19 public health emergency immediately preceding the Review Period, including any changes in the receipt of goods, quality assurance, and inventory and distribution steps;

“(G) Any lessons learned or areas for improvement identified during the Review Period in the effective management of emergency procurements;

“(H) A plan for disposition of any excess supplies and equipment;

“(I) Any changes during the Review Period to plans for retaining or decommissioning warehouse space acquired during the Review Period or the COVID-19 public health emergency immediately preceding the Review Period; and

“(J) An analysis of emergency procurements with certified local, small, or disadvantaged business enterprises, as defined in section 2302 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02), including:

“(i) The total value of procurements with certified business enterprises relative to the total value of emergency procurements during the Review Period;

“(ii) The number of emergency procurement contracts awarded to certified business enterprises relative to the total number of emergency procurement contracts awarded during the Review Period;

“(iii) The number of distinct certified business enterprises that received an emergency procurement award during the Review Period; and

“(iv) An analysis of the types of goods or services the District needed during the Review Period, when no more than 2 certified business enterprises were capable of performing the contract requirements.”.

78 Sec. 3. Section 3(y)(2) of the Public Emergency Extension and Eviction and Utility
79 Moratorium Phasing Temporary Amendment Act of 2021, enacted on September 1, 2021 (D.C.
80 Act 24-168; 68 DCR 9487) is amended by striking the phrase “public health emergency” and
81 inserting the phrase “public health emergency and public emergency” in its place.

82 Sec. 4. Fiscal impact statement.

83 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
84 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
85 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-307.47a).

86 Sec. 5. Effective date.

87 This act shall take effect following approval by the Mayor (or in the event of veto by the
88 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
89 90 days, as provided for emergency acts of the Council of the District of Columbia in section
90 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
91 D.C. Official Code § 1-204.12(a)).