

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT OPERATIONS AND FACILITIES
ROBERT C. WHITE, JR., CHAIR

MEMORANDUM

TO: Chairman Phil Mendelson
FROM: Councilmember Robert C. White, Jr.,
Chair, Committee on Government Operations and Facilities
DATE: September 15, 2022
RE: Requests for the Legislative Meeting on September 20, 2022



I request that the following measures appear on the consent agenda for the Legislative Meeting on September 20, 2022:

Emergency Legislation

- **Inspector General Oversight Consistency Emergency Declaration Resolution of 2022**
- **Inspector General Oversight Consistency Emergency Amendment Act of 2022**
- **Inspector General Oversight Consistency Temporary Amendment Act of 2022**

These emergency and temporary measures will extend the existing authorization of the Inspector General's oversight of the District of Columbia Housing Authority, which otherwise would expire on October 7th, under prior approved temporary legislation. As noted when the Council considered these measures previously, the Office of the Inspector General was initially established with the authority to have access to all books, accounts, records, reports, findings relating to contracts and procurement, and all other papers, things, or property belonging to or in use by any department or agency under the direct supervision of the Mayor necessary to facilitate the Inspector General's work.

The Office of the Inspector General Powers and Duties Amendment Act of 1999, effective April 5, 2000 (D.C. Law 13-71; D.C. Official Code 1-301.115a) further expanded the authority of the Office of the Inspector General to include the ability to initiate audits and investigations of all District government agencies, including independent agencies.

Later in 1999, the Council passed the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code 1-301.115a), which permitted the Inspector General to undertake reviews and investigations of the District of Columbia Housing Authority ("Authority"), and make determinations or render opinions, but specifically "as requested by the Council".

The legislative record of the 1999 act does not include substantive comment on the requirement for an investigation of the Authority to be proceeded by a request of the Council or the potential conflict with recently passed legislation expanding the authority of the Inspector General to independent agencies.

The unique requirement to have a request by the Council for investigations of the Authority puts at risk the confidentiality and independence of the Inspector General's work, including the ability to set the scope of the Office's investigations.

The Office of the Inspector General identified the need for an investigation of the Authority in September 2021, but undertaking that investigation required a request by the Council. Members of the Council’s Committee on Housing and Executive Administration recently sent a series of letters to the Inspector General requesting investigations of varying scope into the operations of the Authority, highlighting the implementation challenges associated with the existing statute.

Inspector General Daniel W. Lucas, through a letter dated October 25, 2021, noted that the statutory framework presented “an inherent conflict with our statutory requirement to conduct independent investigations” and requested a change to the statute to remove the requirement of a Council request prior to initiating an investigation of the Authority.

Emergency and temporary legislation remains necessary to ensure the Inspector General can proceed with any investigation that may be necessary into the operations of the Authority now or into the future. Permanent legislation has been introduced and is anticipated to be considered by the end of the year.

Ceremonial Resolutions

Wrongful Conviction Day Ceremonial Recognition Resolution of 2022

October 2nd, 2022, is International Wrongful Conviction Day. Since 1989, over 3,200 wrongful convictions have been exposed across the United States; 24 of which in the District. This resolution recognizes the immeasurable personal, social, and emotional costs of wrongful convictions. Psychological research shows that those who are wrongfully convicted suffer mental health consequences such as post-traumatic stress disorder, suicidal thoughts, anxiety, depression, institutionalization, and personality changes. Despite the District offering monetary recourse, there is no amount of money that can repair the harmful effects of a wrongful conviction. This resolution recognizes and supports organizations that work to identify and eliminate wrongful incarcerations.

National Voter Registration Day Ceremonial Recognition Resolution of 2022

September 20th, 2022, is National Voter Registration Day. According to the Board of Elections 499,789 District residents are registered to vote; meaning over 70% of District residents are registered to vote, while 32.26% of residents voted in the last primary. We have a lot to be proud of in the registration space: the District is one of 20 jurisdictions that allow same-day voting and Election Day registration (meaning you can both register and vote on election day), and the District is one of three jurisdictions where incarcerated people never lose their right to vote, even while they are incarcerated. Despite this, this resolution acknowledges the importance of continuing to engage our residents in the elections process and to encourages them to exercise their right to vote.

Emergency Contract Legislation at the Request of the Executive

- **Modification Nos. 13 and 14 to Contract No. CW64063 with Health IT 2 Business Solutions, LLC dba CODICE Approval and Payment Authorization Emergency Declaration Resolution of 2022**
- **Modification Nos. 13 and 14 to Contract No. CW64063 with Health IT 2 Business Solutions, LLC dba CODICE Approval and Payment Authorization Emergency Act of 2022**

This emergency contract legislation would approve proposed Modification Nos. 13 and 14 to fully exercise option year three of Contract No. CW64063 for mission-oriented business integrated services (MOBIS). This is an ID/IQ agreement on the DC Supply Schedule (DCSS) for Health IT dba CODICE to continue to support District agencies with healthcare administrative services, and to authorize payment for the goods and services received and to be received under the contract.

In the past, the Council passively approved contracts with Health IT dba CODICE for base year and option years one to two in the not-to-exceed amount of \$10,000,000 each. The period of performance for Contract No. CW64063 spanned from March 18, 2019, to March 17, 2022. On March 17, 2022, option year two with Health IT dba CODICE ended, and the Office of Contracting and Procurement (OCP) allowed continued services subsequently through August 15, 2022, noting Council approval was not required because the value of the continued service was less than \$1 million.

The proposed legislation authorizes two modifications to the passive contract for option year three. First, Modification No. 13 would exercise a partial for option year three of Contract No. CW64063 from March 18, 2022, through August 15, 2022, in the not-to-exceed amount of \$950,000. This is already in effect by OCP without Council approval since this modification is less than \$1 million.

The second Modification No. 14 would exercise the remainder of option year three retroactively from August 16, 2022, through March 17, 2023, for a total not-to-exceed amount of \$10 million. Ultimately, the total period of performance is 12 months from 3/18/2022 to 3/17/2023, increasing the value of the contract by more than \$1 million during a 12-month period.

Now, OCP seeks Council approval of the two modifications that together constitute a full exercise of option year three. Emergency legislation is necessary to allow the continuation of these vital services and to provide the contractor with payment for its services rendered. The modifications needed for continued services would exceed \$1 million dollars, and therefore, requiring Council review.