

Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to approve Purchase Orders PO625875, PO621742-V2, PO630568, PO637947, PO658141-V2, PO679865, and PO687321 issued to Milestone Therapeutic Services, Inc. to provide occupational and physical therapy for students with individualized education programs, and to authorize payment for the goods and services received and to be received under the purchase orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Milestone Therapeutic Services, Inc. Purchase Orders Approval and Payment Authorization Emergency Declaration Resolution of 2023”.

Sec. 2. (a) There exists an immediate need to approve Purchase Orders PO625875, PO621742-V2, PO630568, PO637947, PO658141-V2, PO679865, and PO687321 issued to Milestone Therapeutic Services, Inc. to provide occupational and physical therapy for students with individualized education programs (“services”), and to authorize payment for the goods and services received and to be received under the purchase orders.

(b) The District of Columbia Public Schools (“DCPS”) executed a letter contract, Contract No. GAGA-2020-C-0016, with Milestone for a base period of November 19, 2019, through September 30, 2020, with four option periods. The definitized contract was

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 for retroactive approval, as intended. The purchase orders referenced in
45 subsection (a) of this section have been submitted to the Council for its retroactive
46 approval in lieu of a valid contract, for expenditures exceeding \$1 million in each 12-
47 month period thus far, between November 19, 2019, through June 30, 2023.

48 (e) Payment has already been made to Milestone for Purchase Orders PO625875,
49 PO621742-V2, PO630568, PO637947, PO658141-V2, and PO679865.

50 (f) Payment has stopped upon discovery of the lack of Council approval of the
51 contracted services, and services are at risk of disruption as a result.

52 (g) DCPS seeks approval to continue payment to Milestone for services rendered,
53 and to be rendered under Purchase Orders PO687321, to prevent disruption of services
54 during the remainder of the current school year, ending in June 2023.

55 (h) The services described in subsection (a) of this section are vital to DCPS
56 students with individualized education programs, and cannot be interrupted before the
57 end of the current school year without great adverse impacts to said students.

58 (i) On June 24, 2020, DCPS issued Purchase Order PO625875 for services during
59 the period from November 19, 2019 through September 30, 2020 in the not-to-exceed
60 amount of \$915,314.

61 (j) On September 28, 2020, DCPS issued Purchase Order PO621742-V2 for
62 services during the period from November 19, 2019 through September 30, 2020 in the
63 not-to-exceed amount of \$991,610.

64 (k) On September 28, 2020, DCPS issued Purchase Order PO630568 for services
65 during the period from November 19, 2019 through September 30, 2020 in the not-to-
66 exceed amount of \$483,140.

67 (l) On December 29, 2020, DCPS issued Purchase Order PO637947 for services
68 during the period from October 1, 2020 through September 30, 2021 in not-to-exceed
69 amount to \$3,182,655.

70 (m) On April 12, 2022, DCPS issued Purchase Order PO658141-V2 for services
71 during the period from October 1, 2021 through September 30, 2022 in the not-to-exceed
72 amount to \$3,313,638

73 (n) On December 27, 2022, DCPS issued Purchase Order PO679865 for services
74 during the period from October 1, 2022 through February 28, 2023 in the not-to-exceed
75 amount of \$999,999.

76 (o) On May 5, 2023, DCPS issued Purchase Order 687321 for services during the
77 period from February 1, 2023 through June 30, 2023 in the not-to-exceed amount of
78 \$1,354,386.30.

79 (p) Council approval is required by section 451(b) of the District of Columbia
80 Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-

81 204.51(b)) since the purchase order expenditures are in excess of \$1 million during
82 separate 12-month periods.

83 (q) Approval is necessary to allow the continuation of these vital services.
84 Without this approval, Milestone Therapeutic Services, Inc. cannot be paid for goods and
85 services provided in excess of \$1 million for services rendered during the following
86 periods: November 19, 2019 through September 30, 2020; October 1, 2020 through
87 September 30, 2021; October 1, 2021 through September 30, 2022; or October 1, 2022
88 through June 30, 2023.

89 Sec. 3. The Council of the District of Columbia determines that the
90 circumstances enumerated in section 2 constitute emergency circumstances making it
91 necessary that the Milestone Therapeutic Services, Inc. Purchase Orders Approval and
92 Payment Authorization Emergency Act of 2023 be adopted after a single reading.

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