

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Office of Contracting and Procurement



Responses to Fiscal Year 2023 Performance Oversight Questions

On behalf of

NANCY HAPEMAN

Acting Director and Chief Procurement Officer

To

The Committee on Public Works and Operations

The Honorable Brianne K. Nadeau, Chairperson

February 15, 2024

Council of the District of Columbia

John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, DC 20004

AGENCY ORGANIZATION

1. ***Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel and note the date that the information was collected on the chart.***

Response: Please see attachment *Question 1_OCP Full Organizational Chart FY24 as of Feb 6, 2024.*

2. ***Please provide an explanation of the roles and responsibilities for each division and subdivision.***

Response:

The **Procurement Division** procures goods and services on behalf of the agencies and programs under OCP's authority according to District laws and regulations. The procurement staff is organized into the following units:

- Government Operations
- Public Safety and Citywide Acquisitions
- Education
- Health Services
- Human Services
- Transportation Infrastructure
- Information Technology
- Public Works/Energy and Environment

The **Systems, Data, and Performance Division** provides technical and consultative support to agencies, vendors and OCP contracting staff, while preserving data integrity and advancing the agency's transparency efforts. The division is responsible for managing OCP's systems, such as the Procurement Automated Support System (PASS), collecting and managing the agency's data, generating effective reporting, and facilitating the agency's performance management process.

The **Office of the General Counsel** provides legal services to the procurement staff including: legal advice, litigation support to the Office of the Attorney General, responses to Freedom of Information Act (FOIA) requests, and draft regulations and legislation.

The **Operations Division**, led by the Chief Operating Officer, manages the following functions:

- The **Office of Procurement Integrity & Compliance (OPIC)** conducts internal audits and reports its findings to various stakeholders within the agency; serves as the primary lead for OCP in support of the Annual Comprehensive Financial Report (ACFR) and Single Audits; and performs operational assessments of

procurement processes and functions for agencies and teams under the authority of the District's Chief Procurement Officer.

- The **Office of Communications** is the agency's central hub of information for OCP's key stakeholders including customer agencies, Council, the business community, and District residents.
- The **Human Resources Division** provides human resource management services to attract, develop and retain a well-qualified and diverse workforce.
- The **Support Services** team provides agency acquisition services and facilities management.

The **Learning and Development Division** facilitates general procurement education and the District Procurement Certification Program (DPCP), as required by the Procurement Practices Reform Act of 2010 (PPRA). This division operates the Procurement Training Institute, which provides a District-focused procurement competency model designed to assure the right acquisition outcomes for the District, a procurement training strategy tailored to the needs of the District's procurement professionals, a procurement library, and cost and price analysis support to contracting officers.

Business Resources and Strategic Logistics Center provides a wide range of mission-critical services to OCP divisions and the agency's customers. This division executes agency acquisitions, maintains facilities including risk management, and administers the OCP fleet management program. Further, this division manages the District's property disposal program, and in collaboration with OCP's Procurement Division, coordinates acquisition efforts during declared emergencies. This division includes the following two activities:

- The **Strategic Logistics Center** provides logistics and warehousing support for several key District programs, such as the safe workplace program providing personal protective equipment to District agencies, schools, and COVID-19 centers.
- The **Surplus Property Division** provides surplus property management, re-utilization, and disposal services to District agencies.

3. *Please provide a narrative explanation of any changes made to the organizational chart during the previous year.*

Response: The organizational chart was changed in FY23 due to the following:

- A. Reporting structure changes due to the appointment of the Interim Director/Chief Procurement Officer and Interim Deputy Director/Deputy Chief Procurement Officer.
- B. The restructuring of the following Procurement Units: Health, Education and Human Services.

4. *Please provide a current Schedule A for the agency which identifies each position by program and activity, with the salary, fringe benefits, and length of time with the agency. Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please indicate if any position must be filled to comply with federal or local law.*

Response: Please see attachment *Question 4_Schedule A*. The information is current as of January 9, 2024.

5. *How many vacancies were posted during FY 23? To date in FY 24? Please identify each position, how long the position was vacant, what steps have been taken to fill the position, whether the agency plans to fill the position, and whether the position has been filled.*

Response: During FY23, a total of 45 vacancies were posted and 16 were filled. To date in FY24, a total of 29 vacant positions have been posted.

Please see attachments:

- *Question 5_Job Postings FY23*
- *Question 5_Job Postings FY24*

For all positions, OCP uses the following steps to fill vacancies by posting on:

- DC Government Careers Page;
- National Association of State Procurement Officials (NASPO) and National Contract Management Association (NCMA) Career pages;
- Job listing websites, including:
 - Hire Veterans
 - Indeed
 - LinkedIn

6. *Please list all employees detailed to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee’s projected date of return.*

Response:

Name	Title	Detail To	Reason	Detail Date	Return Date
Allen, Brenda	Supervisory Contract Specialist	OSSE	Assist with Procurement	4/9/2023	10/15/2023
Tibbs, Fatmata	Supervisory Contract Specialist	OSSE	Assist with Procurement	4/9/2023	9/30/2023

7. Please list any task forces, committees, advisory boards, or membership organizations in which the agency participates.

Response:

- American Records Management Association (ARMA)
- Association of Local Government Auditors (ALGA);
- Certified Government Auditing Professionals (CGAP);
- Institute of Internal Auditors (IIA);
- Metropolitan Washington Council of Governments;
- National Association for State Agencies for Surplus Property (NASASP);
- National Association of State Procurement Officials (NASPO);
- National Contract Management Association (NCMA);
- National Institute of Governmental Purchasing (NIGP);
- National Property Management Association (NPMA);
- Society of Human Resources Management (SHRM); and
- Universal Public Procurement Certification Council (UPPCC).

AGENCY PRIORITIES AND PERFORMANCE

8. *What are the agency's top five priorities in FY 24? Please explain how the agency expects to address these priorities in FY 24.*

Response:

Upgrade the District's Contract Management System

OCP is transitioning the District's 18+ year old contract management system (PASS) to a modern Cloud-based system (the Cloud). Moving to the Cloud will not only improve efficiency for contract professionals, but it will also improve the user experience for industry partners and agency clients. New functionality will also include enhancements to data and reporting, making it easier to track the status of procurement actions for contract professionals, industry partners and agency clients. In FY24 OCP will prepare PASS Cloud to go live in FY25 by completing, but not limited to, the following actions: 1) configuring the Cloud to meet the District's requirements; 2) integrating the Cloud with other District systems; 3) system testing; 4) communicating updates with all stakeholders; and 5) facilitating training for all PASS users and vendors.

Increase Outreach to CBEs

Each year, the District contracts with over 500 Certified Business Enterprises (CBEs) located within DC. Ensuring DC residents and businesses are getting a fair shot, Mayor Bowser has made supporting local businesses a key goal. In support of this goal, OCP plans to encourage more CBE participation in OCP solicitations by hosting CBE outreach events with a focus on CBE businesses in FY 24. OCP will host at least three workshops focused on CBEs throughout the fiscal year.

Promote a Culture of Learning to Sustain a More Efficient Workforce

In FY24, OCP will enhance the quality of procurement training for all District procurement professionals, as required by District law, by:

- 1) Publishing a consolidated agency training policy covering certification/recertification requirements, on-boarding, supervisor feedback, PASS access, warranting, and other relevant topics;
- 2) Reviewing the current training curriculum with an eye toward adding guest lectures from senior procurement professionals, eliminating non-value-added redundancies, incorporating external training, improving the training catalog, and making training materials readily available online;
- 3) Building upon the success of the new Contract Management Organizational Capability course to enhance OCP's tiered training program; and
- 4) Enhancing the use of job aids and desktop reference materials.

Integration and Updates of All OCP Systems to Support the PASS Cloud Implementation Best Practices

In conjunction with transitioning the District's 18+ year old contract management system (PASS) to a modern Cloud-based system (the Cloud), OCP will work to improve other District systems that support the Cloud so that the maximum effectiveness of industry best practices in data reporting and transparency can be achieved. In FY 24, OCP will redesign the agency's data warehouse to provide additional data for dashboards that can be used by procurement professionals and client agencies to improve the management and oversight of the procurement of goods and services. Further integration and updates will be included to the Contractor Performance Evaluation System, Contracts and Procurement Transparency Portal, and OCP's document management system and archives, which will ultimately improve the transparency and data reporting for contract professionals, industry partners and agency clients.

Expand Surplus Property Collections, Reutilization, and Sales from Reeves Center Move

With several District agencies relocating from the Reeves Center in FY 24, OCP will partner with those agencies to expand the collection of surplus property to increase reutilization and sales of District property. OCP will screen, tag, and retrieve the surplus property for either reutilization or for surplus auctions.

9. *What were the agency's top priorities in FY 23? Please explain how the agency addressed those priorities in FY 23.*

Response:

Promote Excellence in OCP Contracting and Strategic Logistics Center (SLC) Services

In FY23, OCP compiled information on other jurisdictions' pre-disaster contract development toward all-hazard response readiness for snow, flooding, pandemic, civil unrest, and fire – the most common public emergencies. OCP also continued work on debris-removal contracts. FEMA offered to assist with this if needed. OCP

began the process of identifying potential contracts to leverage during emergency operations as well as continuing work on its draft emergency-contacts guidebook.

Promote Continuous Innovation to Achieve Operational Excellence and Transparency

While OCP worked to configure and integrate PASS Cloud in FY23, the agency focused on supporting the integration of the District Integrated Financial System (DIFS), the District's new financial system, which was identified as priority. As a result, the PASS Cloud project schedule was modified to launch in FY25 to account for OCP systems and data specialists who have been redirected to stabilize DIFS. Despite any delays, OCP completed the baseline configuration/build without integrations and started preparations for functional User Acceptance Testing and training.

OCP further analyzed and compared PASS Cloud Application Programming Interfaces (APIs) and out-of-the-box reports with OCP's existing data architecture in preparation for the move to the Cloud next year. Additionally, OCP started gathering user requirements for PASS Cloud reporting. OCP also configured a Spend Analysis module to better analyze historical purchase order data to better inform future procurements.

Promote a Culture of Learning to Sustain a More Efficient Workforce

In FY23 and FY24 to date, OCP is implementing as well as actively reviewing and revising course offerings to further enhance the knowledge and skills of procurement staff. This includes updating the training curriculum, materials, and job aids, while overhauling the current tiered training programs and facilitating the Contract Management Organizational Capability (CMOC) course. The Procurement Training Institute (PTI) has updated the current training policy, which is under review by the executive team. The 3rd cohort session of CMOC was successfully completed prior to the end of Q4.

Enhance Outreach and Increase Collaboration with Both Industry and Client Agencies

In FY23, OCP took part in an updated and comprehensive approach to train agency staff to better engage with client agencies while improving communication and outreach with the vendor community. Through internal OCP staff trainings, an increase in engagements by OCP management and staff, as well as training for new executives and their teams, OCP notably increased client agency customer satisfaction in FY23. Based on customer satisfaction surveys gathered by our Systems, Data, and Performance Division, client agency customer satisfaction increased from 57.1% in FY22 to 70.6% in FY23, and industry partner customer satisfaction increased from 58.8% in FY22 to 83.3% in FY23.

10. Please provide a copy of the agency's FY 23 performance report, if one was prepared. Please explain which performance plan objectives were not completed in FY 23.

Response: Please see attachment *Question 10_OCP FY23 Performance Accountability Report*.

11. Please provide a copy of your agency's FY 24 performance plan as submitted to the Office of the City Administrator, if one was prepared.

Response: Please see attachment *Question 11_OCP FY 24 Agency Performance Plan*.

12. What are the metrics regularly used by the agency to evaluate its operations? Please be specific about which data points are monitored by the agency.

Response: OCP regularly uses the following metrics:

Key Performance Indicators

- Percent of contractor performance evaluations that are completed;
- Percent of awarded contracts over \$100,000 publicly posted;
- Percent of client agencies that are satisfied with OCP services; and
- Percent of industry partners that are satisfied with OCP services.

Workload Measures

- Total value of contracts awarded to CBE contractors;
- Total dollar value of contracts awarded;
- Total number of contracts awarded; and
- Amount of revenue generated from surplus property.

13. Please describe any new initiatives or programs that the agency implemented in FY 23 and FY 24, to date, to improve the operations of the agency. Please describe any funding utilized for these initiative or program and the results, or expected results, of each initiative.

Response: Descriptions of OCP's initiatives are detailed in Questions 8 & 9. Below is funding that has been allocated with these initiatives:

Please see table on the following page.

Fiscal year	Initiative	Funding Allocated
FY23	Promote Continuous Innovation to Achieve Operational Excellence and Transparency	Capital funding allocated: \$5,694,000
	Promote a Culture of Learning to Sustain a More Efficient Workforce	Additional funding allocated: \$30,000
	Promote Excellence in OCP Contracting and Strategic Logistics Center (SLC) Services	No additional funding allocated
	Enhance Outreach and Increase Collaboration with Both Industry and Client Agencies	No additional funding allocated
FY 24	Upgrade the District's Contract Management System	Capital funding allocated: \$4,216,000
	Integration and Updates of All OCP Systems to Support the PASS Cloud Implementation Best Practices	Capital funding allocated: \$581,000
	Increase Outreach to CBEs	No additional funding allocated
	Promote a Culture of Learning to Sustain a More Efficient Workforce	No additional funding allocated
	Expand Surplus Property Collections, Reutilization, and Sales from Reeves Center Move	No additional funding allocated

AGENCY BUDGET AND SPENDING

14. Please provide a table showing your agency’s Council-approved budget, revised budget (after reprogrammings, etc.), and actual spending, by program, activity, and funding source for FY 23 and the first quarter of FY 24. Please detail any over- or under-spending and if the agency had any federal funds that lapsed.

Response: Please see attachment *Question 14_FY23 Budget Expenditure Variance Analysis*.

15. Please list, in chronological order, each reprogramming that impacted the agency in FY 23 and FY 24, to date, including those that moved funds into the agency, out of the agency, and within the agency. For each reprogramming, list the date, amount, rationale, and reprogramming number

Response: For FY23, please see attachment *Question 15_FY23 Reprogrammings*. There is no reprogramming for FY24.

16. For FY 23 and FY 24, to date, please list all intra-District transfers to or from the agency.

Response: Please see attachment *Question 16_FY23_FY24 Intra-District Transfer*.

17. Please list each grant or sub-grant received by your agency in FY 23 and FY 24, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.

Response: Please see attachment *Question 17_ARPA Funds Grant*.

18. How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans, if any, are in place to continue funding the FTEs?

Response:

- *Number of FTEs Dependent Grant Funding:* 6 filled positions
- *Term of Funding:* 1 year

If funding expires, OCP will explore all opportunities in any availability of funding within our local budget in which to transition those positions.

19. For FY 23 and FY 24, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:

- a. The revenue source name and code;
- b. The source of funding;
- c. A description of the program that generates the funds;
- d. The amount of funds generated by each source or program;
- e. Expenditures of funds, including the purpose of each expenditure; and
- f. The current fund balance.

Response: Please see attachment *Question 19_Special Purpose Revenue Fund*. DC Surplus Property is a lapsing fund. Therefore, a fund balance of \$6,288,628 is swept.

20. Please list and describe any spending pressures the agency experienced in FY 23 and any anticipated spending pressures for the remainder of FY 24. Include a description of the pressure and the estimated amount. If the spending pressure was in FY 23, describe how it was resolved, and if the spending pressure is in FY 24, describe any proposed solutions.

Response: OCP did not experience any spending pressures in FY23.

21. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY 23 or FY 24. For each, include a description of the need and the amount of funding requested.

Response: OCP works with the Executive Office of the Mayor to develop the agency's budget. The Mayor's FY23 and FY24 budget submissions to Council reflects those efforts.

22. Please list any statutory mandates that the agency lacks sufficient resources to fully implement.

Response: OCP has sufficient resources to fulfill all statutory mandates.

CONTRACTING AND PROCUREMENT

23. Please list and provide a copy of all memoranda of understanding ("MOU") entered into by your agency during FY 23 and FY 24, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

Response: Please see attachments:

- *Question 23_List of OCP FY23-FY24 MOUs*
- *Question 23_OCP Executed MOU FY23*
 - DC Health-OCP-MOU FY23 signed
 - DDS-OCP-MOU FY23 signed
 - Dept of Buildings-OCP-MOU FY23 signed
 - DFHV-OCP-MOU FY23 signed
 - DFS-OCP-MOU FY23 signed
 - DHCF-OCP-MOU FY23 signed
 - DOEE-OCP-MOU FY23 signed
 - DOES-OCP-MOU FY23 signed
 - DOT-OCP-MOU FY23-signed
 - OSSE-OCP-MOU FY23 signed
- *Question 23_OCP MOU FY24*
 - DBH-OCP-MOU Modification FY24
 - DCHR-OCP-MOU Modification FY24
 - DDOT-OCP-MOU Modification FY24
 - DDS-OCP-MOU Modification FY24
 - DFS-OCP-MOU Modification FY24
 - DHCF-OCP-MOU Modification FY24
 - DHS-OCP-MOU Modification FY24
 - DOB-OCP-MOU Modification FY24
 - DOEE-OCP-MOU FY24
 - DOES-OCP-MOU Modification FY24
 - DOH-OCP-MOU Modification FY24
 - ONSE-OCP-MOU draft FY24
 - OSSE (Admin)-OCP-MOU Modification FY24

- OSSE (DOT)-OCP-MOU Modification FY24

24. Please list each contract, procurement, and lease entered into or extended by your agency during FY 23 and FY 24, to date. For each contract, please provide the following information where applicable:

- a. *The name of the contracting party;*
- b. *The nature of the contract, including the end product or service;*
- c. *The dollar amount of the contract, including amount budgeted and amount actually spent;*
- d. *The term of the contract;*
- e. *Whether the contract was competitively bid;*
- f. *The name of the agency's contract monitor and the results of any monitoring activity;*
- g. *The funding source;*
- h. *Method of procurement (IFB, RFP, emergency, etc.);*
- i. *Date solicitation issued;*
- j. *Date contract was executed;*
- k. *How many bids were received;*
- l. *Whether the vendor is a CBE;*
- m. *Whether there was a CBE exemption & justification for exemption; and*
- n. *Link to contract on transparency portal*

Response:

- For FY23 & FY24 Contracts, please see attachments:
 - *Question 24_Contracts FY23;*
 - *Question 24_Contracts FY24.*
- For FY23 & FY24 Purchase Orders, please see attachments:
 - *Question 24_Purchase Orders FY23;*
 - *Question 24_Purchases Orders FY24.*

25. What is your agency's current adjusted expendable budget for CBE compliance purposes? How much has been spent with SBEs or CBEs? What percent of the agency's current adjusted expendable budget has been spent with SBEs or CBEs?

Response: Please see attachment *Question 25_CBE_SBE Expendable Budget.*

26. Please provide the Committee with:

- a. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned as well as a description of all vehicle accidents involving the agency's vehicles in FY 23 and FY 24, to date;*

Response: Please see below graph for a list of vehicles utilized by OCP. The vehicles are assigned to the agency and are used by authorized employees as necessary. There were no vehicle accidents in FY23 and FY24 to date.

Year	Make	Model
2022	Ford	Transit 150
2021	Chrysler	Pacifica
2021	Ford	F150
2021	Chrysler	Pacifica
2020	Chevrolet	Stake Bed Dump Truck
2021	Chrysler	Pacifica
2021	ISUZU	Box Truck
2020	ISUZU	NRR
2021	ISUZU	Box Truck
2019	Toyota	Tacoma
2014	Dodge	Grand Caravan
2015	Dodge	Grand Caravan
2015	Mitsubishi	Fuso FEC72S
2013	Dodge	Grand Caravan

- b. A list of travel expenses, arranged by employee for FY 23 and FY 24, to date, including justification for travel;*

Response: Please see attachment *Question 26(b)_OCP Travel Expenses*.

- c. *A list of total workers' compensation payments paid in FY 23 and FY 24, to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.*

Response: OCP did not pay any Worker's Compensation benefits; however, the Office of Risk Management (ORM) processed worker's compensation payments to OCP staff who qualified for payment. A report from ORM regarding OCP employee Worker's Compensation for FY23 or in FY24 is below.

Fiscal Year	Financial Type	
	Medical	Total
FY 2023	\$84.55	\$84.55
FY 2024	\$807.79	\$807.79
Total	\$892.34	\$892.34

27. *For FY 23 and FY 24, to date, what was the total agency cost for mobile communications and devices, including equipment and service plans?*

Response:

Description (Mobile Communications & Devices)	Total Cost	FY23	FY24 YTD
Service Plans	\$123,268.57	\$94,049.64	\$29,218.93
Equipment	\$4,197.90	\$4,197.90	\$0
Total	\$127,466.47	\$98,247.54	\$29,218.93

28. *Please list in descending order the top 25 overtime earners in your agency in FY 23 and FY 24, to date, if applicable. For each state the employee's name, position number, position title, program, activity, salary, fringe, and the aggregate amount of overtime pay earned by each.*

Response: Please see attachments:

- *Question 28_Overtime FY23*
- *Question 28_Overtime FY24.*

29. For FY 23 and FY 24, to date, please provide a list of employee bonuses, special pay granted, or separation pay issued, that identifies the employee receiving the bonus, special pay, or separation pay, the amount received, and the reason for the bonus, special pay, or separation pay.

Response: Please see attachments:

- Question 29_Bonus, Special Pay, Separation Pay FY23
- Question 29_Bonus, Special Pay, Separation Pay FY24

30. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. Please note if the agency is currently in bargaining and the anticipated date of completion of each agreement in bargaining.

Response: Please see the following attachments within the file *Question 30_Master Agreements All:*

- AFGE 631 – FY2010-2013
- AFGE Local 1403 CBA – FY23
- AFSCME Master Agreement (Locals 1200 2091 2092 2401 2743)
- Compensation CBA – FY21-FY25
- AFGE 1403 (Attorneys) – Comp Unit 33 – FY 2021-2023

**Note: The contract for AFGE Local 1403 is still in negotiations.*

31. Please list all open capital projects and capital projects in the financial plan under the agency’s purview, including the amount budgeted, actual dollars spent so far, any remaining balances, and the status of the project. In addition, please provide a description of any projects which are experiencing delays or which require additional funding.

Response:

<u>PASS Modernization (PASS Cloud) Project</u>	<u>FY 23 Year End Report</u>	<u>FY 24 February Report</u>
<u>Budget</u>	\$9,166,875.94	\$8,371,237.04
<u>Expenditures</u>	\$5,176,622.30	\$265,499.91
<u>Obligations</u>	\$3,063,768.52	\$4,787,234.90
<u>Available</u>	\$926,485.12	\$3,318,502.23

Status: Due to the District’s efforts to stabilize DIFS over the past year, OCP has needed to delay the launch of PASS Cloud to FY 25. During this time OCP has been able to develop the baseline system and has recently begun integration with other District systems as well as user acceptance testing. Additional steps include communicating updates with all stakeholders and facilitating training for all PASS users and vendors.

32. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or funded during FY 22 and FY 23. Please submit a hard copy to the Committee of any study, research paper, report, or analysis that is complete.

Response:

*Studies, research papers, reports, and analyses that the agency prepared or funded during FY 23 and FY 24	
Name	Date to Council
FY23 Annual Acquisition Plan	11/22/22
FY24 Annual Acquisition Plan	12/14/23

*OCP has not prepared studies, research papers, reports, or analyses beyond the standard reporting requirements listed in Question 40. The above chart references those reports that have previously been submitted to the Council. Note that other analyses and reports listed in Question 40 are available on OCP’s transparency portal at: <https://contracts.ocp.dc.gov>, which is accessible to the public.

LEGISLATIVE, REGULATORY AND LEGAL ACTIVITY

33. Please explain any significant impacts on your agency, if any, of any legislation passed, judicial decisions or regulations issued at the federal or local level during FY 23 and FY 24, to date.

Response:

- i. **Opioid Crisis and Juvenile Crime Public Emergencies Extension Authorization Emergency Amendment Act of 2023**, *Act Number: A25-0327, Enacted on December 2, 2023, and expires on March 6, 2024.* The Act amended, on an emergency basis, the District of Columbia Public Emergency Act of 1980 to, among other things, authorize the Mayor to extend the duration of the public emergencies related to the opioid crisis and juvenile crime, to authorize the Mayor to waive the requirements of Title IV of the Procurement Practices Reform Act of 2010 (PPRA) in exercising her authority under the public emergencies, and to require the Mayor to provide written notice to the Council before engaging in conduct that would require the waiver of Title IV of the PPRA. The Act provided some flexibility in procuring goods and services

to facilitate the District's response to the opioid crisis and juvenile crime emergencies.

- ii. **Migrant Services and Supports Temporary Act of 2022**, *Law Number L24-024, Effective from December 21, 2022, and expired on August 3, 2023*. The Act authorized, on a temporary basis, the Mayor to establish and administer programs to provide services and supports to recent immigrants to the United States. Section 105 of the Act permitted OCP to procure goods and services without regard to established operating procedures for certain goods and services necessary in support of migrants arriving from the Texas-Mexico and Arizona-Mexico borders, however the expiration of Section 105 on July 23, 2023 (upon the expiration of the Migrant Services and Supports Emergency Amendment Act of 2022, effective September 30, 2022) prior to expiration of the Act, did not align with the District's ongoing need for flexibility in procuring goods and services for newly arriving and existing migrant populations.

34. Please list and describe any regulations promulgated by the agency in FY 23 and FY 24, to date, and the status of each.

Response: Proposed regulations to implement the Campaign Finance Reform Amendment Act were promulgated in FY24. The 30-day notice and comment period for the proposed regulations ended on December 18, 2023. The agency is currently moving forward with seeking approvals for the publishing of the final regulations.

35. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to financial liability or will result in a change in agency practices and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success.

Response:

Please see table on the following page.

Case No.	Title	Grounds	Potential District Impact	Status	Whether Contract Has Been Halted
CAB P-1191	Protest of Agricity, LLC	Challenge to contract award	Re-Solicitation and award of new contract	Pending	Yes
CAB D-1564, D-1568	Appeal of Hughes Group Architects, Inc.	Affirmative claim against HGA related to the East Potomac Pool renovation project in the amount of \$14,381,990.00	N/A	Awaiting CAB decision.	N/A
CAB D-1566	Appeal of Technopref Industries, Inc.	Appeal of Contracting Officer's deemed denial of contract claim (Key Bridge).	\$13mil plus interest and other costs	Discovery	N/A
CAB D-1577	Appeal of Emmanuel Irono and Motir Services, Inc.	Appeal of debarment actions.	N/A	Trial stayed. Settlement discussions in progress.	N/A
CAB D-1584	US Foods, Inc.	Claim for overdue payment.	\$415,352.86 plus interest	Mediation completed. Settlement discussions in progress.	N/A
CAB D-1587	Civil Construction, LLC	Pass-through claim from subcontractors	\$205,591.88	CAB decision on District's Motion to Dismiss pending.	N/A
CAB D-1598, D-1590	Katco Associates, Inc.	Deemed denial of request for equitable adjustment	\$201,130.16 plus interest	Appeal in progress.	N/A

CAB D-1591	Appeal of Creative Information Technology, Inc. (CITI)	Appeal of the deemed denial of a claim for alleged unpaid invoices, unbilled work, and for partial termination for convenience of contract for development and implementation of case management system.	\$1,373,339.57	CAB decision on District's Motion to Dismiss pending.	N/A
CAB D-1592	Appeal of Regent Development Consulting, Inc.	Appeal of the deemed denial of claim under contract DCKA-2013-T-0123.	\$183,392	District Answer filed. Appeal in progress.	N/A
OEA	Employee Complaint	Appeal of summary removal.	Reinstatement, back pay	Agency answer filed. Pending	N/A
District Superior Court	OCP Employee v. District of Columbia, 2012 CA 004274 B	Failure to accommodate and retaliation	Front pay, back pay, lost benefits, interest, costs and attorney's fees in excess of \$500,000.00	Pending	N/A
District Superior Court	OCP Employee v. District of Columbia, 2018 CA 002541 B	Unlawful termination	Reinstatement, back pay	Pretrial conference and trial scheduled for August and September 2024 respectively.	N/A

36. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 23 or FY 24, to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

Response: None.

37. Is OCP currently party to any active non-disclosure agreements? If so, please provide all allowable information on all such agreements, including the number of agreements and the department/division within OCP associated with each agreement.

Response:

Is OCP currently party to any active non-disclosure agreement?	Number of agreements	Department / Division associated with each agreement	Brief Description
Yes	8	OCP Strategic Logistics Center	Non-disclosure agreements for contractors who have access to the District's confidential information.
Yes	3	Systems, Data, and Performance Division	Non-disclosure agreements for contractors who have access to the District's confidential information.

38. Does OCP require non-disclosure agreements for any employees or contractors?

Response: Yes, OCP's Strategic Logistics Center requires non-disclosure agreements for contractors with access to the District's confidential information. OCP's Systems, Data and Performance Division requires non-disclosure agreements for contractors with access to the District's confidential information who are not otherwise subject to a District non-disclosure agreement with another District agency.

39. Please list the administrative complaints or grievances that the agency received in FY 23 and FY 24, to date, broken down by source. Please describe any changes to agency policies or procedures that have resulted from complaints or grievances that were resolved in FY 23 or FY 24, to date.

Response:

***Note that we have not included protests and appeals at the Contract Appeals Board (CAB). See responses to Questions 35, 54, and 55 that reference CAB matters.*

Administrative Complaints or Grievances Received by OCP				
Fiscal Year	Source	Nature of Complaint	Status	Change to Agency Policy or Procedures
FY23	Referral from OIG	Anonymous complaint alleging OCP mismanagement, facilities deficiencies, and personnel challenges.	Closed. OCP investigated and provided response to OIG.	OCP has increased communications with DGS on current facilities work at OCP Headquarters.
FY23	Third Party complaint to OCP	Complaint alleging fraud by District employee.	Closed. Referred to OIG. District employee referenced was not an OCP employee.	None
FY23	Employee (i) complaint to OCP and OHR and (ii) EEOC complaint	Complaint alleging retaliation, intimidation, and age discrimination.	Closed. (i) OHR did not issue any findings or determinations. (ii) EEOC did not proceed with investigation	None
FY23	Employee (i) OHR Complaints and (ii) EEOC complaint	Complaint alleging retaliation based on DCMFLA and OHR complaints.	Closed. (i) OHR found no probable cause and (ii) EEOC did not proceed with investigation.	None

FY23	Employee complaint to EEOC	Charge of discrimination alleging failure to accommodate disability.	Closed. EEOC did not proceed with investigation.	None.
FY23	Union grievance	Appeal of employee disciplinary action.	Ongoing	None
FY23	Third Party Complaint	Referral to BEGA of alleged employee misconduct.	Pending from BEGA.	None
FY24	BEGA Referral to OCP	Allegation of inappropriate use of working agreements by another agency under OCP's procurement authority.	Ongoing	None
FY24	Employee Complaint to OEA.	Appeal of summary removal.	Ongoing	None
FY24	Third-party Complaint	Complaint regarding vendor misconduct. Matter referred to OIG.	Ongoing	None
FY24	Union grievance	Alleged violation of employee Weingarten Rights.	Closed.	OCP has provided additional guidance for staff in union liaison role.

40. Please list all reporting requirements in the District of Columbia Code or Municipal Regulations that the agency is required to complete in FY 23 and FY 24, to date. For each requirement, please list the date the report was required and the date it was produced. If the agency did not produce the report on the mandated timeline, please explain why.

Response:

Please see table on the following page.

Report	Date Required	Date Last Produced
Excluded Parties List on OCP Website	Ongoing	February 27, 2023
Acquisition Plan	Annually	December 14, 2023
OCP Surplus Property Division's Sales Report	Ongoing	January 26, 2024
Awarded Contracts on OCP website	Ongoing	Ongoing
Purchase Orders (\$100,000 and under)	Ongoing	Ongoing
Contractor Payments	Ongoing	Ongoing
List of authorized contracting officers and their authority	Ongoing	Ongoing
Contracting Activity Report	Bi-annually (January 1 st & July 1 st)	January 12, 2024
Sustainable Purchasing Report	Annually	February 6, 2023 <i>(next report February 23, 2024)</i>
Report on the number of and dollar value of contracts executed under each source selection method	Ongoing	OCP is implementing these parameters as reportable attributes in the refresh of PASS, which will require a transition to the Cloud.
Sexual Harassment Complaints Reporting	Annually	November 3, 2023

41. Please provide the number of FOIA requests for FY 23, and FY 24, to date, that were submitted to your agency. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimate number of FTEs required to process requests, the estimated number of hours spend responding to these requests, and the cost of compliance.

Response:

Please see table on the following page.

FOIA	FY 23	FY 24 to Date
Requests Received*	142	50
Requests Granted (Full)	42	17
Requests Granted (Partial)	43	6
Requests Denied	19	4
Requests Pending	14	19**
Other***	48	18
Avg. Response Time (Days)	14	16
Estimated FTE	1.2	1.2
Estimated Hours	2,454	584
Cost of Compliance	140,950	28,156

**Note that FOIA requests received in a prior fiscal year may be processed in the following fiscal year.*

***Requests Pending FY2024 to Date: Represents cumulative requests pending from FY23 to FY24.*

****FOIA requests that were duplicates, sent to the wrong agency, or withdrawn by the requester*

42. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency that were completed during FY 23 and FY 24, to date.

Response:

Regarding reports, see response to Question 40;

Regarding investigations, see the following:

Please see table on the following page.

Fiscal Year	Number	Status	Description
FY23	1	Completed	Investigation of potential employee conflict of interest.
FY23	1	Completed	Investigation of alleged employee unethical behavior
FY23	2	Completed	Investigations of alleged employee FMLA fraud/misuse
FY23	5	Completed	Investigations of alleged workplace bullying
FY23	3	Completed	Investigations of alleged employee misconduct.
FY24	1	Ongoing	Investigation of alleged workplace bullying and employee misconduct
FY24	1	Ongoing	Investigations of alleged employee misconduct

Regarding audits, see the following:

Fiscal Year	Audits	Status
FY23	FY22 Annual Comprehensive Financial Report (ACFR) Audit	Completed
FY23	OIG Project No. 21-1-01MA(a) – OCP Did Not Implement Internal Controls Over Warehouse Operations as the District Emergency Response Plan Required	Completed
FY23-24	OIG Project No. 2023-1-02MA – Oversight Programs Assessment Survey	Completed
FY23-24	DC COVID Emergency Procurement Inventory Audit/Evaluation – conducted by Crowe LLP	Ongoing
FY23-24	OIG Special Evaluation of the District’s Compliance with the Procurement Practices Reform Act (PPRA) of 2010 and District of Columbia Official Code, Title II: Government Administration.	Ongoing
FY23-24	OIG Project No. 24-1-03AT - Audit of District Agencies’ Contract Administration	Ongoing
FY24	ODCA Audit of the Top 10 Vendors in the District Government.	Ongoing

43. Please describe what steps OCP has taken to implement the Nonprofit Fair Compensation Act of 2020 including, but not limited to, the issuance of regulations, revisions to standard contract clauses, guidance to agencies and outreach to the public and nonprofit organizations.

Response: OCP has taken the following implementation steps:

- i. Outreach and guidance to District Executive Agency leadership and their general counsels.
- ii. Trainings
 - a. Conducted training for OCP staff; and
 - b. Incorporated requirements of the Act in training hosted by OCP's Procurement Training Institute for District contracting staff.
- iii. Standard Solicitation Clause – updated solicitation clause to reflect requirements of the Act.
- iv. Multiple engagements with the Coalition for Nonprofit Equity on implementation of the Act.
- v. Listening Sessions with the public and vendor community regarding the Act.
- vi. Partnership with EOM grants management group on implementation strategy across contracts and grants.

Note that OCP does not have authority to issue implementing regulations for the Act.

44. How has OCP communicated with agencies regarding the implementation of the Nonprofit Fair Compensation Act of 2020?

Response: OCP has trained its staff on the requirements of the Nonprofit Fair Compensation Act of 2020 (Act) to facilitate their provision of services and guidance to program agencies. OCP leadership has also communicated the requirements of the Act to Executive agency leadership as well as their general counsels, contracting officers and grant officers and requested cascading to their respective teams. In addition, the requirements of the Act have been included in training provided by OCP's Procurement Training Institute to District contracting staff.

**Note that written records are attached per request in Question 46 (b).*

45. What steps has the Office taken to ensure that agencies are following through with implementation and abiding by the law?

Response: For agencies within OCP's authority, OCP ensures that the requirements of the law are met through staff training and appropriately updated contract documents. Note that the Nonprofit Fair Compensation Act of 2020 is applicable to both District grants and contracts. OCP's authority extends only to contracts and to those District agencies not identified as exempt from the Chief Procurement Officer's authority in Section 2-351.05 of the Procurement Practices Reform Act of 2010.

46. Please explain your understanding of OCP's role in supporting fellow District agencies in implementing this law District-wide to pay for indirect costs incurred by nonprofits the District grants and contracts with.

Response: OCP has worked to communicate the requirements of the law to other District agencies as well as provide accessible training and listening sessions regarding the requirements related to contracts. It is important to note that the law applies to both District contracts and grants and OCP's authority and guidance is limited to contracts.

a. If OCP has taken steps to engage in interagency collaboration work, please detail those steps in FY23 and FY24 to date, including when they occurred.

Response: The Nonprofit Fair Compensation Act of 2020 became effective March 16, 2021. In fiscal years 2021, 2022, and 2023, OCP worked diligently to implement the requirements of the law including engaging in interagency collaboration ranging from participating in working group meetings with grants managers across various agencies, sharing implementation strategies and materials including contract clauses and training materials, inviting participation in listening sessions with vendors, and inviting participation in the OCP led Best Practices Roundtable where implementation of the Act was discussed.

In fiscal year 2023 specifically, (i) OCP held two listening sessions with the public and vendor community to obtain feedback on the requirements of the law, (ii) OCP participated in a meeting with District leadership and the Coalition for Nonprofit Equity, and (iii) OCP participated in discussions regarding draft implementing regulations for the Act.

b. Please share any written or recorded materials developed to support fellow agencies with implementation of this law (e.g. training videos, FAQs, sample contract language, webinars, etc.)

Response: Please see attachments:

- *Question 46(b)_NFCA Memo to Agency Directors and GCs (June292022)signed;*
- *Question 46(b)_Question 46(b)_NFCA_listening_session_slides_DcGovTemplate;*
- *Question 46(b)_NFCA - PTI Training Slide in Tier 2 Negotiations Module (070122).*

c. If OCP has not taken steps yet to engage or train partner agencies on this law, what is the projected timeline for beginning this process in FY24?

Response: OCP has completed its implementation steps.

47. What steps has the Office taken to ensure that agencies are following through with implementation and abiding by the law?

Response: Please see response in Question 45 and 46. OCP will continue with ongoing training to procurement and District staff on implementation of the law as well as addressing issues and enquiries as they are raised.

OFFICE OF CONTRACTING AND PROCUREMENT

48. Please identify all electronic databases maintained by your agency, including the following:
a. A detailed description of the information tracked within each system;

Response:

- Procurement Automated Support System (PASS) - PASS is OCP's primary system of record for the District's procurements. The system stores information including, but not limited to: vendor registration and supporting information, invoices, receiving information, requestors, approvers, and approval workflows. Contracts, including amendments and exercise of options, are filed with supported documents in a contract workspace. The sourcing module in PASS stores statements of works, responses to Request for Proposals (RFPs), Request for Quotes (RFQs), Requests for Information (RFIs), determination and findings, awards, market research, and bid evaluations.
- OCP's Public Facing Website (www.ocp.dc.gov) is maintained and used to provide the public with the following information:
 - Forecasts and Planning;
 - Sourcing Events – Solicitations;
 - Contract Awards;
 - Purchase Orders;
 - Payments (from OCFO systems);
 - Purchase Card Transactions;
 - DC Supply Schedule;
 - Intent to Award Sole Source Contracts;
 - Independent Agency Sites and Information;
 - Contract Information for Agency Activities; and
 - Feedback from the public.
- i. Additionally, OCP maintains the following internal-use only databases:
 - Internal SharePoint Collaboration sites (Office 365);
 - Contract Warrant Authority;
 - Contractor Performance Evaluation System (CPES);
 - Surplus Property;
 - System of Asset Management (SAM) Database Contract File Locator;
 - Performance and Analytic Metrics primarily in Tableau; and
 - BarCloud inventory management tool.

b. The age of the system and any substantial upgrades that were made in FY 23 and FY 24, to date, or that are planned for the system;

Response:

- The PASS System has been used by the District for 20+ years and is based on the commercial off-the-shelf SAP Ariba system. Since 2003, the District has performed several upgrades focused on improving internal and external service. Sourcing and contracting capabilities were added over the years, modifications were made to support the integration with the District’s new financial system (DIFS), but the underlying system coding is at least eight years old. OCP initiated a Cloud-based PASS Refresh project in FY 20, which was put on hold due to response to the COVID-19 pandemic. OCP received funding in FY 21 to resume the PASS Cloud project, which is scheduled to go live in FY25.
- The Contracts and Procurement Transparency Portal, which is linked to the OCP public website, was released in FY19. This portal provides public searching and download of procurement forecasting, solicitations, contracts – as redacted of sensitive or private information, purchase orders and payments along with links to District agencies not utilizing PASS.

c. Whether the public is currently granted access to all or part of each system; and

Response: The public is granted access to the following systems:

- OCP’s website (ocp.dc.gov);
- Contracts and Procurement Transparency Portal;
- DC Supply Schedule registration website.

The remainder of OCP’s systems are internal to the agency and not accessible to the public.

d. Whether the public could be granted access to all or part of each system.

Response: The public currently has appropriate access to the OCP website, the Contracts and Procurement Transparency portal, and the DC Supply Schedule registration website. OCP and the Office of the Chief Technology Officer (OCTO) have updated the Contracts and Procurement Transparency portal for streamlined access so users may access the data and documents of the contracting systems in compliance with DC Official Code § 2–361.04.

NOTE: In response to questions 49-50, the current PASS System does not provide consistent coding for these attributes in our tracking system, and therefore the system does not have complete record of IFBs, RFPs, RFQs, contracts and procurements. OCP is designing these attributes to be tracked in the PASS Cloud. However, the following data is what is currently available in the system.

49. *How many contracts and procurements were completed by the Office in FY 23 and FY 24, to date?*

Response: In FY 23, OCP completed 7,263 contracts and procurements. In FY 24 to date, OCP has completed 1,612 contracts and procurements.

50. *How many of the following solicitations were issued by OCP in FY 23 and FY 24, to date:*

Response:

a. Invitations for Bids

OCP issued 341 IFBs in FY 23 and 73 IFBs in FY 24 to date.

b. Request for Proposals

OCP issued 153 RFPs in FY 23 and 25 RFPs in FY 24 to date.

c. Requests for Quotes

OCP issued 149 RFQs in FY 23 and 33 RFQs in FY 24 to date.

51. *What was the average number of days between when an agency sent a solicitation or Request for Proposals to OCP for review, and when OCP posted the solicitation or RFP?*

Response: Currently, the PASS System does not have an available report that tracks this information. OCP is working to have this report available for future procurements when the system migrates to the Cloud.

52. *Please provide the total number of Council submissions of retroactive contracts that are not considered tipping contracts during FY 23 and FY 24, to date. If a single Council submission included multiple modifications or change orders, please count this as one submission.*

Response: There were 11 retroactive contracts in FY23, and 2 retroactive contracts in FY24 to date.

53. *What is OCP's assessment of the current million-dollar threshold for approving procurements? What reforms would you recommend? In this assessment, please address both efficiency in delivering goods and services to agencies requiring them, as well as the need to monitor and safeguard public funds.*

Response: OCP is in favor of working with Council to examine if the current threshold is appropriate for the District's spending environment. OCP would be interested in having further discussions about contracts that are considered retroactive/tipping contracts. Another potential reform consideration would be to look at the exercise of option periods and the DC Supply Schedule contracts. The process of review can be time-consuming, and it is OCP's goal to help eliminate barriers to the timely delivery of goods and services.

54. How many procurement decisions made by the Office are currently under protest or appeal? List the current status of each one and whether the contract award and/or contract execution has been halted as a result.

Response: Please see above response to Question 39.

55. How many procurement decisions made by the Office were overturned as a result of a protest or appeal in FY 23 and FY 24, to date? Please list those where the protest was sustained and those where the protest was dismissed due to corrective actions taken.

Response:

Case No.	Title	Grounds	Status
P-1172	American Traffic Solutions, Inc.	Challenge to non-responsiveness determination.	Corrective Action Taken. Dismissed with prejudice 12/12/22
P-1174	Great American Corp	Challenge to set-aside status, that IFB included technical evaluation factors, reasonableness of requirement for local ingredients.	Corrective Action Taken. Dismissed with prejudice 02/10/23
P-1176	Metro Motor Towing, Inc.	Challenge to proposed awards as unreasonably low and awardees as non-responsible.	Corrective Action Taken. Dismissed with prejudice 05/01/23
P-1177	SyDar of DC, LLC Printing	Challenge to contract award.	Corrective Action Taken. Dismissed with prejudice 05/11/23
P-1184	Public Performance Management, LLC	Challenge that the District did not restrict competition to CBEs.	Corrective Action Taken. Dismissed with prejudice 05/11/23
P-1190	C&D Tree Service	Late amendment to solicitation not provided to bidder.	Corrective Action Taken. Dismissed with prejudice 01/11/24

56. Please provide the number of lots of surplus property sold and total revenue generated by surplus property sales for FY 23 and FY 24, to date, disaggregated by fiscal year.

Response: In FY23, Surplus Property sold 4,904 lots, generating over \$8.76 million. As of quarter 1 of FY24, Surplus Property sold 1,253 lots generating \$1.27 million.

57. How many items of surplus property were transferred, without sale, to non-governmental organizations or other government agencies?

Response: There were 1,044 items transferred through the DC State Agency Federal Property Assistance Program. OCP has not transferred any property to non-profits in FY 23 and FY 24 to date.

58. How many non-government organizations are certified to have access to surplus property?

Response: There are currently 147 active DC-based non-profits, businesses holding an 8A Small Business Administration certification, and Veterans Service Organizations.

59. How many items of federal surplus property did the District government acquire in FY 23 and FY 24, to date?

Response: There were 1,468 items of federal property transferred to District agencies from FY23 to date.

60. Please list the ten largest (dollar amount) surplus sales, disaggregated by individual items or lots, in FY 23 and FY 24, to date. For each, provide a description of the property, the agency (or agencies) the property was surplus, and the dollar amount received.

Response:

Please see table on the following page.

FY23

Agency	Description	Amount
DDOT	2017 Wirtgen W120Cfi Road Milling Machine	\$377,000.00
DDOT	2017 Wirtgen W120Cfi Road Milling Machine	\$377,000.00
DPW	2010 Mack GU813 Cement Mixer	\$101,000.00
DPW	2008 Kenworth T800 Flusher Truck (4,000 gallon)	\$67,000.00
DPW	2022 Freightliner M2 with Henderson Spreader Body	\$55,500.00
DPW	2014 RAM 5500 Tow Truck / Wrecker	\$49,000.00
DPW	2003 International 7300 Stakebody Truck with Liftgate	\$46,800.00
DPW	2012 Dodge Ram 5500 Tow Truck - Miller Tow Body	\$46,000.00
DPW	2014 Isuzu NPR HD Box Truck	\$45,500.00
DPW	2012 Dodge Ram 5500-Tow Body by Miller	\$44,500.00

FY24

Agency	Description	Amount
DPW	2014 Toyota Tacoma	\$18,401.00
DPW	2013 Dodge Grand Caravan	\$17,200.00
DPW	2011 Caterpillar 430D Backhoe	\$33,000.00
DPW	2014 Chevrolet Express Passenger Van	\$17,075.00
DPW	2017 Toyota Tacoma	\$26,209.00
DPW	2015 Toyota Tacoma	\$26,552.00
DPW	2015 Toyota Tacoma	\$23,601.00
DPW	2012 Freightliner M2 106 Dump Truck	\$21,600.00
DPW	2015 Toyota Corolla	\$19,200.00
DPW	2014 Ford F-350 SD XL Crew Cab 4WD	\$16,002.00

61. Please provide the total amount of revenue generated by the surplus property program in FY 23 and FY 24, to date, and provide a breakdown of how much of that revenue was expended by the Office.

Response:

In FY23, Surplus Property earned over \$8.76 million from all surplus property sales.

- This includes 4,126 auctions closed during FY23 for total gross sales of \$7.58 million of surplus property and 1,976 parts-only DPW impound for total gross sales of \$1.18 million.
- In FY 23, OCP expended \$1.2 million in Surplus revenue.

In FY24 to date, Surplus Property has generated \$665,745.68 in total revenue.

- In FY24 to date, OCP expended \$188,343.56 in Surplus revenue.

62. Please provide the total amount spent on purchase cards by District agencies through the Purchase Card Program administered by OCP for each month in FY 23 and FY 24, to date.

Response: Please see the attachment *Question 62_Citywide Purchase Card by Month*.

63. Please provide the average and median cycle time for a procurement to be processed from when the statement of work and funding certification are supplied by the requesting agency. Describe how cycle time data is used by OCP to improve responsiveness. Feel free to include any relevant narrative context.

Response: OCP does not currently track this data. However, in an effort to educate our users we give guidance to all agencies on the estimated life cycle of Request for Quotations, Invitation for Bids and Request for Proposals, as well as for procurements both under and over the \$1 million threshold. This guidance is as follows:

- Small Purchases;
 - Small Purchase (\$10k and below): 10-15 Business Days
 - Small Purchase (\$10.1-100k): 30-45 Business Days
- Invitation for Bids;
 - Invitation for Bids (\$1 Million and below): 60-90 Days
 - Invitation for Bids (\$1.01 Million+): 90-120 Days
- Request for Proposals;
 - Request for Proposals (\$1 Million and below): 90-120 Days
 - Request for Proposals (\$1.01 Million+): 120-180 Days

64. Please indicate what part of the organization is responsible for quality improvement and performance measurement. Feel free to include examples of quality improvement initiatives from the past year and any positive impact of those efforts.

Response: OCP’s Systems, Data, and Performance Division oversees the agency’s data analytics and performance management operations. Throughout the year, this team tracks, and reports on the status of agency key performance indicators, workload measures, and strategic initiatives and works with agency leadership and divisions on developing strategies for improvement. For example, based on customer satisfaction surveys client agency customer satisfaction increased from 57.1% in FY22 to 70.6% in FY23, and industry partner customer satisfaction increased from 58.8% in FY22 to 83.3% in FY23.

This was achieved through a multifaceted approach by the agency that included internal OCP staff trainings on better engagement with client agencies, an increase in engagements by OCP management and staff, training for new executives and their teams, as well as improving communication and outreach with the vendor community.

65. How many contractors and subcontractors contacted the Office of Contracting and Procurement Ombudsman in FY 23 and FY 24, to date? How many of these contacts were complaints in FY 23 and FY 24, to date?

Response:

CONTACTS (Contractors & Subcontractors)

FY23 TOTAL Contacts by Contractors & Subcontractors	FY23 FORMAL COMPLAINTS by Contractors & Subcontractors	FY24 TOTAL Contacts by Contractors & Subcontractors	FY24 YTD FORMAL COMPLAINTS by Contractors & Subcontractors
124	3	31	0

66. What was the average number of days to resolution for complaints and inquiries submitted to the Office of Contracting and Procurement Ombudsman in FY 23 and FY 24, to date?

Response:

	FY23	FY 24 YTD
AVERAGE DAYS TO RESOLUTION	10 Business Days	10 Business Days

a. How does the Ombudsman resolve complaints received from contractors and subcontractors? Please provide a detailed description of the process.

Response: Please see attachment *Question 66a_Ombudsman Process*.

67. How many debriefs for non-successful bidders for procurements managed by the Office were conducted in FY 23 and FY 24, to date?

Response:

- *FY23 Debriefs: 65;*
- *FY24 Debriefs: 3, to date.*

68. Please provide a list of all contractors suspended and debarred in FY 23 and FY 24, to date, and the reason for each suspension or debarment.

Response:

Contractors suspended and debarred	Reason for suspension or debarment
Melanie Carter	Breach of Contract; Negligence
Rome Charters	Breach of Contract; Negligence

69. Please provide the most recently completed report completed pursuant to D.C. Code § 2-361.01(d). Please provide the anticipated date when the next required report will be completed.

D.C. Code § 2-361.01(d):

...(d) Within one year after December 24, 2013, and annually thereafter, OCP shall prepare and submit to the Council a report detailing the progress of this policy, including the following elements:

- (1) Total contracting amount, and percentage of contracting amount, spent on EPPS;*
- (2) Successes and challenges to implementing the policy; and*
- (3) Changes to policies or standards.*

Response: See most recently completed report attachment dated February 6, 2023, *Question 69_OCP's FY2022 Sustainable Purchasing Report final*. The anticipated date when the next required report will be completed is February 23, 2024.

70. Please list any cooperative procurements between jurisdictions entered into by the Office in FY 23 and FY 24, to date, including the vendor, contract amount, and the goods or services procured.

Response: Please see attachment *Question 70_Cooperative Agreements FY23 and FY24*.

71. How many Procurement Division employees completed a procurement training course in FY 23 and FY 24, to date? Please provide statistics by training course name.

Response:

FY23 Procurement Training-Procurement Division Employees	
Course	Number of Employees Trained
DC Government Contracting: Basics OCP	6
Writing Effective Statements of Work OCP	25
Using & Managing the DC P-Card OCP	33
Contract Administrator OCP	24
Orientation to DC Procurement OCP	2
PASS Buyer OCP	28
PASS Contracts & eSourcing	27
Procurement Foundation OCP	23
Market Research OCP	20
Warrant Review Training OCP	28
Procurement Lifecycle OCP	19
Managing the Contract OCP	16
Procurement Simulation	11
Technical Evaluation Panel OCP	21
Contract Administrator Recertification Seminar OCP	1
Contract Management Organizational Capabilities OCP	42
Total	326

Please see table on the following page.

FY24 Procurement Training-Procurement Division Employees (as of 1/12/24)	
Course	Number of Employees Trained
DC Government Contracting: Basics OCP	6
Writing Effective Statements of Work OCP	7
Using & Managing the DC P-Card OCP	5
Contract Administrator OCP	8
PASS Buyer OCP	5
PASS Contracts & eSourcing	11
Procurement Foundation OCP	7
Market Research OCP	6
Warrant Review Training OCP	9
Procurement Lifecycle OCP	6
Procurement Simulation	5
Technical Evaluation Panel OCP	6
Contract Management Organizational Capabilities OCP	17
Total	98

72. *How many Procurement Division employees received certification in FY 23 and FY 24, to date? Please separate certification counts by tier.*

Response:

FY23 Tier Certifications	
	Number of Employees Certified
Tier I	16
Tier II	11
Contract Management Organizational Capabilities (CMOC)	42
Total	69

FY24 Tier Certifications (as of 1/12/24)	
	Number of Employees Certified
Tier I	0
Tier II	5
Contract Management Organizational Capabilities (CMOC)	17
Total	22

73. How many non-OCP staff received training or certification from the Office in FY 23, and FY 24, to date? Please list which agencies had staff attend OCP training in FY 23, and FY 24, to date.

Response:

- Total Number of Non-OCP Staff Trained in FY23: 2731 employees;
- Total Number of Non-OCP Staff Trained in FY24: 689 employees (As of 1/12/24)

For the list of agencies where staff attended OCP training, please see attachments *Question 73_Agency of Staff Trained FY23* and *Question 73_Agency of Staff Trained FY24*.

74. Please provide a copy of any handbook or manual utilized by your agency to guide the procurement process.

Response: Please see attachment *Question 74_Procurement Procedures Manual (2018 update)*.

75. Does the Office track how frequently documents are returned to agencies for correction?

- Please list the types of documents that are most frequently sent back to agencies for corrections.***
- Of these documents, how many were returned to agencies multiple times due to errors? (The same document sent back two or more times).***
- What assistance does OCP provide to agencies to complete these corrections and satisfy requirements?***

Response: We do not track the frequency in which this occurs; however, OCP provides training to agency staff on SOW at the Procurement Training Institute. Additionally, contracting officers provide guidance on the proper way to write evaluation criteria to ensure the scope of work, method of evaluation, and evaluation criteria correspond.

76. Please provide the number of times the Office returned SOWs to agencies for corrections in FY 22 and FY 23, to date. Please include:

- Name of the agency involved***
- Date***
- Rationale***

Response: We do not track the frequency with which this occurs; however, OCP provides training to agency staff on SOW at the Procurement Training Institute. Additionally, contracting officers provide guidance on the proper way to write evaluation criteria to ensure the scope of work, method of evaluation, and evaluation criteria correspond.

77. Please describe the current status of technology modernization in OCP. Specifically, please include a list of any pertinent contract documentation that is stored or managed outside the PASS platform.

Response: OCP is transitioning the District’s 20+ year old contract management system, PASS, to a modern cloud-based system (the Cloud). Moving to the Cloud will not only improve efficiency for contract professionals, but it will also improve the user experience for industry partners and agency clients. For example, PASS Cloud will be compatible with mobile devices, making it easier and more secure to log into the system and conduct business. New functionality will also include enhancements to data and reporting, making it easier to track the status of procurement actions for contract professionals, industry partners and agency clients.

Due to the District’s efforts to stabilize DIFS over the past year, OCP had to delay the launch of PASS Cloud to FY 25. However, OCP has been able to develop the baseline system, start integrations with other District systems, and start functional user acceptance testing prior to the full user acceptance testing scheduled for later this spring. Additional steps include communicating updates with all stakeholders and facilitating training for all PASS users and vendors.

OCP is also working to improve other District systems that support the Cloud so that the maximum effectiveness of industry best practices in data reporting and transparency can be achieved. OCP will redesign the agency’s data warehouse to provide additional data for dashboards that can be used by procurement professionals and client agencies to improve the management and oversight of the procurement of goods and services. Further integration and updates will be included to the Contractor Performance Evaluation System, Contracts and Procurement Transparency Portal, and OCP’s document management system and archives, which will ultimately improve the transparency and data reporting for contract professionals, industry partners and agency clients.

Below is a list of documentation that currently isn’t stored or managed within the PASS platform:

- Contracts of Independent Agencies that do not use PASS
- Solicitation of Agencies that do not use PASS
- Construction Contracts
- Intent to Award Sole Source Contracts
- DC Supply Schedule Applications
- Contractor Performance Evaluations
- Warehouse Inventory Management

78. For any current manual processes, please describe what steps are required to integrate all documentation and business processes into a single platform as well as any progress or planning that has occurred to date in service of this goal.

Response: One of the many benefits of moving to a cloud-based solution is the fact that the system is built based on industry best practices and the District will receive quarterly updates to ensure the system remains state-of-the-art over time. To assist with the initial build/configuration, OCP developed detailed requirements called user stories based on the District's current business processes. These user stories were then compared to the cloud-based system to identify any gaps, or deltas. OCP then spent several months prioritizing the deltas and working with system professionals to configure the cloud-based system to align with both the District's existing processes and the pre-configured cloud-based industry best practices.

OCP also completed a business process reengineering (BPR) project last fiscal year, which validated the existing requirements and deltas, as well as identified additional improvements that could be made to the system over time, post go-live. Several improvements were identified as part of this comprehensive process, such as the inclusion of electronic signatures (a feature not currently available on-premises).

Although not all OCP's manual processes will be integrated in the Cloud at go live, such as integrating with third party systems like Dun and Bradstreet, OCP will continue to work overtime to incorporate as many manual processes as possible through regular system maintenance and updates.

ENVIRONMENTALLY PREFERABLE PRODUCTS & SERVICES (EPPS)

79. D.C. Law 24-16, the Green Food Purchasing Amendment Act of 2021 included funding at both DOEE and OCP for implementation of the Environmentally Preferable Products and Services (EPPS) and Green Food Purchasing programs. In September 2023, OCP confirmed that \$271,000 was received in FY22-24, and that in the FY24 OCP budget, \$271,000 was loaded under Program Code 2000 – Procurement, and Activity 2010 – Procurement Management and Support. OCP confirmed that the equivalent in DIFS is Parent Program 006201 – Procurement Management and Support, Program 500216 Procurement Management and Support. In all, OCP has received at least \$813,000 to implement changes for the EPPS and Green Food Purchasing programs.

a. How has OCP allocated its funding for EPPS? Please provide an accounting of the \$271,000 by fiscal year (FY22 through FY24).

Response: OCP has used the funding to cover the cost of the Program Analyst (CS-12) for FY22, FY23 and FY24. The Program Analyst has worked closely with DOEE on both the EPPS and Green Food Purchasing Program. OCP is currently sourcing for an FTE so that there can be more of a focus on the Green Food Purchasing Program in FY24. In FY22 and FY23 OCP has increased the robustness of our website, as well as EPPS Template updates.

- b. It is the Committee's understanding that OCP has one FTE working on EPPS.*
- i. What is this FTE's name, title, and grade?*

Response: FTE name - Jennifer Postell, Title - Program Analyst, Grade - CS 12.

- ii. What percentage of the FTE's time is devoted to the EPPS program?*

Response: The current FTE devotes 35% of time to EPPS program.

- iii. What is the job description for the FTE currently working on EPPS?*

Response: The FTE is a Program Analyst. Please see attachment *Question 79b(iii)_Program Analyst - CS-0343-12* which includes a general position description for the Program Analyst. OCP's Program Analyst's responsibilities correspond with those outlined in the description with respect to the Green Food and EPPS program.

- iv. When was this FTE hired?*

Response: The FTE is an existing staff member that was hired by the agency in 2019.

- v. Are there plans to hire any additional FTEs to work on the EPPS program?*

Response: OCP does not plan on hiring an additional FTE for the EPPS program.

- c. As noted in the FY 2023 Public Works & Operations Committee Budget Report, the EPPS and Green Food Purchasing Program are separate pieces of legislation and have separate funding. They should not be intermingled.*
- i. How has OCP worked to ensure that funding for the two programs remains separate in the FY25 budget and future budget allocations?*

Response: OCP is allocating a separate budget line item for both programs. The funding will not be intermingled.

- ii. How has OCP ensured that current and future funding for EPPS and Green Food is not redirected or used for other programs?*

Response: OCP works with OCFO to ensure that monies are spent for their intended purposes.

- 80. In September 2023, OCP confirmed plans to recruit a candidate once both DOEE and OCP assess the report from the Food World Council.*

Response: OCP incorrectly titled the report. OCP confirmed plans to recruit a candidate once the WRI/Coolfoods climate impact report was assessed.

- a. What relevance does the Food World Council Report have on hiring an FTE?*

Response: WRI/Coolfoods climate impact report was essential in OCP/DOEE establishing the Green House Gas (GHG) emissions baseline. The reports are indicative of food-related emissions per agency. This data was important so that OCP could assess the need and expertise of a resource. The assessment gave insight into the workload involved in improving the GHG reduction per agency.

i. Please provide a copy of the report.

Response: Please see attachment *Question 80a(i)_CoolFood Climate Impact Report 2023_DC*.

ii. Has OCP assessed the report? If so, what were the main findings?

Response: OCP is assessing the Green Foods report that was published in late December of 2023 that was an output of the WRI/Coolfoods climate impact report. What OCP found was that the District needed to look at adopting different practices that reduced the purchase of ruminant meats (i.e., beef and lamb) which account for over a third of food related emissions.

81. The new legislation requires that EPPS requirements and implementation guidelines are incorporated into OCP trainings and training materials for procurement personnel, including the procurement training institute.

a. Has this requirement been implemented?

Response: The EPPS related templates and updates are currently under final review. Once completed, all updates will be published to OCP's website. The EPPS training will be required and included in mandatory PASS training and Procurement Foundations for new hires through PTI. Existing OCP staff will receive mandatory EPPS training through the Procurement Training Institute.

i. If so, what trainings have been updated?

Response: Please see the above response to Question 81(a). The updated trainings will include the new categories considered under EPPS as well as how to identify them as a first source to go to.

ii. If not, please provide OCP's timeline for updating the trainings and which training courses OCP plans to update.

Response: OCP's timeline for updating trainings is by early Quarter 3 of FY2024. OCP will be updating the EPPS training to include new EPPS categories and specifications.

b. How will OCP train procurement personnel on the usage of NIGP commodity codes, specifically for EPPS and for other purchases in general?

Response: OCP already engages staff in all facets of procurement to include NIGP commodity codes. EPPS will have a separate focus so that all are aware of its importance.

c. What measures has OCP put in place to monitor and evaluate the effectiveness of these trainings for procurement personnel?

Response: OCP works with our Procurement Training Institute, Performance Office, and Procurement leadership to gauge the effectiveness of the trainings. OCP will determine the success of the completed trainings in the actual work product. OCP will also communicate with other jurisdictions to determine what measurement tools make sense for the District. Additionally, an email box has been established specifically for sustainability questions and responses to leverage EPPS understanding.

d. How does OCP communicate updates or changes to the EPPS program specifications and language requirements to procurement officers and relevant stakeholders?

Response: OCP will communicate EPPS updates or changes to the specifications and language requirements to procurement officers and relevant stakeholders through various channels such as official notifications, email updates, training sessions, webinars and documentation updates posted to OCP's website. OCP will also look to engage by having meetings with stakeholders so that we can ensure that all are aware of updates. .

e. How much of the OCP budget is dedicated in FY24 and FY25 to developing EPPS training and training materials?

Response: OCP is still looking at the best strategy for the EPPS training. We are looking to incorporate the training through our Learning Management System (LMS). The cost will range between \$5K-\$15K depending on the need.

82. OCP confirmed that it is refreshing the Sustainability Refresh Schedule of Deliverables (SOD) for the beginning of FY24.

a. Please provide an update on the Sustainability Refresh SOD.

Response: Please see attachment *Question 82(a)_Sustainability Refresh Schedule of Deliverables FY 2024 Actions*.

b. What budget allocation has been made for SOD action items for FY24 and FY25?

Response: The budget allocation will be realized in the form of training and training materials. We have not formalized the full cost as of this hearing. We plan to have those costs in early March 2024.

c. What objectives or goals does OCP aim to achieve through the Sustainability Refresh SOD?

Response: The document will lay out what we are looking to do to get the program functioning in a robust manner for all staff members.

- d. The FY19 Sustainable Purchasing Report contained a Sustainability Refresh SOD. One listed task was to make EPPS an evaluative performance standard, measurable in Contracting staff S.M.A.R.T goals.*
- e. Please provide a status update on this task.*

Response: OCP is still assessing EPPS as an evaluative performance standard. This action is not listed on the Sustainability Refresh Schedule of Deliverables FY24 because OCP would like to see if this is an Agency Performance Measure. OCP has different clusters procuring different types of goods/services. OCP is assessing which cluster this measure is appropriate for.

- f. When does OCP plan to implement this evaluation performance standard?*

Response: OCP is continuing to assess and will aim to make a decision for the appropriate cluster by Quarter 3 of FY 2024.

83. According to OCP's FY 2021 Sustainable Purchasing Report, the District's total spending on EPPS was just 0.34% of total spend.

- a. Why is the EPPS spending so low?*

Response: OCP believes that EPPS spend is higher and is not being recorded properly. Once training and awareness is completed, EPPS spend should reflect a higher percentage of the total spend. OCP is looking to make sure that the correct commodity codes are captured.

- b. What steps is OCP taking to increase the overall EPPS spend?*

Response: OCP is increasing EPPS awareness, training contracting staff on identifying EPPS contracts, and documenting EPPS purchases properly.

- c. When will OCP release its next sustainable purchasing report?*

Response: February 23, 2024.

84. The EPPS program has sustainable specifications for 14 product categories, including language to be included in solicitation documents.

- a. How does OCP ensure that appropriate language is included in solicitations?*

Response: A repository will be developed of pre-populated EPPS templates with language already included that will go into the solicitations..

- b. How does OCP ensure that this language passes any required legal sufficiency review?*

Response: OCP will work with its legal counsel to ensure that the language passes any required legal sufficiency review. Please note that OCP will also work with DOEE to ensure that the language is aligned.

c. Are there any standardized templates or guidelines provided to procurement officers to streamline the process of including EPPS program language in solicitation documents?

Response: Please see the above response to Question 84(a).

d. In the event of non-compliance with EPPS program language in solicitations, what provisions or measures has OCP established for addressing and rectifying such situations?

Response: OCP understands that even after training there will still be a learning curve. EPPS staff will be available for questions and to walk contracting staff through the process. OCP has set up a mailbox for any questions or concerns. In cases of non-compliance, re-training will be given.

85. Does OCP utilize any technological tools or systems to streamline the process of including EPPS language in solicitation documents and enhance accuracy?

Response: Yes, there will be. OCP will use pre-populated templates inclusive of EPPS language in requirements and statements of work to enhance accuracy and streamline the process.

a. How will OCP ensure that the migration to PASS Cloud will not impact the EPPS program?

Response: OCP is working closely with PASS team to ensure that EPPS will not be negatively impacted during the PASS cloud migration. .

b. How will OCP modify PASS to support the environmental certification requirement?

Response: OCP is working closely with our PASS team and DOEE on the environmental certification requirement and will lend any support to DOEE on this mandate.

c. What budgetary considerations have been made to support the environmental certification requirement?

Response: OCP awaits DOEE's strategy to perform environmental certifications. Once the strategy is confirmed, both agencies will talk about budgetary considerations. None have been made now.

d. What measures has OCP implemented to ensure that DOEE staff have the necessary access levels to directly obtain PASS data?

Response: OCP has provided PASS training to DOEE staff and has granted the necessary access levels to obtain data.

- e. Regarding contracts and purchase orders, how can DOEE staff gain direct access to these documents for District agencies, considering that the Contracts and Procurement Transparency Portal does not house all available contracts?*

Response: DOEE has access to OCP's Public Information Officer who can help in providing contract documents and purchase orders to the DOEE staff.

- f. How will OCP guarantee that all contracts are uploaded to the transparency portal going forward?*

Response: OCP does its best to have all contracts, per protocol, uploaded into the Transparency Portal. OCP is currently at 93% for contracts above \$100K for posting. OCP will continue to drive for increased compliance with the posting requirement..

- 86. The DC Council passed legislation in 2021 clarifying the environmental certification process and giving DOEE a role in ensuring that EPPS are incorporated into solicitations to the maximum extent practicable. Since passage of this law, DOEE has updated the EPPS specifications and hired two FTEs to run the program.**

- a. How is OCP working with DOEE to implement these new requirements?*

Response: OCP meets regularly with DOEE EPPS team. OCP is currently reviewing the updated EPPS specifications. Upon review, OCP will input the updates into solicitation templates to streamline the procurement process.

- b. What specific steps has OCP taken to align its procurement practices with the enhanced role of DOEE to ensure the incorporation of EPPS into solicitations?*

Response: OCP is currently reviewing the updated EPPS categories and specifications. Once approved, the updated EPPS categories will be published on the website and marketing blasts will be sent to our internal and external partners. OCP plans to create EPPS templates of solicitations for ease of use. OCP plans to have staff available to provide guidance, assistance, and responses to any EPPS questions from contracting staff. DOEE will look to align the certification process with OCP's procurement practices.

- c. Can you elaborate on any changes or adjustments made to OCP's internal processes to accommodate the legislative updates and collaboration with DOEE?*

Response: OCP has not made any changes to the internal processes. OCP is incorporating information for EPPS into our solicitation process.

- d. How is OCP facilitating communication and coordination with DOEE to ensure a cohesive approach in meeting the environmental certification requirements?*

Response: OCP has attended strategy meetings including but not limited to engagement with the consultant, internal and external agency meetings, and meetings with the EPPS team. Our goal is to ensure a cohesive approach to the environmental certification. OCP is fully vested and will support DOEE’s environmental certification process once finalized.

e. How will OCP ensure that the procurement framework is modified to ensure that qualifying contracts and SOWs are submitted to DOEE before any further processing?

Response: DOEE will need to develop a system with agencies to ensure that SOWs are submitted before further processing as the SOW is prepared by the program agency. OCP will forward to DOEE forecasted procurements through Acquisition Planning that may qualify as EPPS. Any further adjustments are dependent upon the certification process defined by DOEE, in coordination with OCP.

87. The OCP Sustainable Purchasing Program Website hosts sustainable specifications for 14 product categories. DOEE provided OCP with updated specifications and an EPPS Guide in May 2023. As of this date, the updated specifications and guide have not been posted to OCP’s website.

a. When will the revised specifications be posted online?

Response: The revised specifications are currently under review. We anticipate publishing to OCP’s website by the end of the 2nd quarter.

b. Going forward, will OCP update the EPPS specifications?

Response: OCP and DOEE are engaging on this shared responsibility.

c. If so, what budget and resource allocation have been made to update sustainable specifications?

Response: There is no budget and resource allocation made yet as OCP and DOEE are still working out the responsibility and will have closure at the end of February 2024.

d. If not, how will OCP work with DOEE to ensure that updated EPPS specifications are posted online in a timely manner?

Response: OCP has discussed with DOEE the possibility of linking both websites so EPPS updates would happen simultaneously.

GREEN FOOD PURCHASING

88. The Green Food Purchasing Amendment Act of 2021 requires that DC reduce its food-related greenhouse gas emissions by 25% by 2030. While most of the legislation implicates DOEE, a portion requires implementation by OCP, and the Council allocated recurring funding to OCP to implement the program. As noted above, from FY22-24, OCP has received at least \$813,000 to implement changes for the EPPS and Green Food

Purchasing programs, loaded under Program Code 2000 – Procurement, and Activity 2010 – Procurement Management and Support.

a. How has OCP allocated its funding for Green Food Purchasing?

- i. Please provide an accounting of the \$271,000 by fiscal year (FY22 through FY24).***

Response: OCP has used the funding to cover the cost of the Program Analyst (CS-12) for FY22, FY23 and FY24. The Program Analyst has worked closely with DOEE on both the EPPS and Green Food Purchasing Program.

b. Does OCP plan to hire any additional FTEs to work on the Green Food Purchasing Program?

Response: OCP plans to hire an additional FTE to work on the Green Food Purchasing Program.

- i. If so, what will be the FTE's title, grade, and position description?***

Response: OCP will look to hire a Program Analyst, Grade 12 with the same position description referenced in Question 79b(iii) under attachment *Question 79b(iii)_Program Analyst – CS-0343-12*.

c. What steps has OCP taken to date to implement the Green Food Purchasing Program? Please indicate how funding in FY 2022, FY 2023, and FY 2024 has been allocated toward these actions.

Response: OCP has combed through all food and beverage data for submission to DOEE and Cool Foods. This helped to establish the baseline of GHG emissions reduction. OCP is also engaging with DOEE on the Green Food language for contracts which are currently under review. Once approved, language will be added to templates related to food purchases.

89. DOEE recently completed a required baseline assessment and has developed guidelines for incorporation into future contracts to ensure that the targets are met.

a. What steps does OCP plan to take in FY 2024 to implement the program? Please provide a breakdown of funding designated for the program in FY 2024.

Response: OCP will continue to give guidance and assistance to DOEE regarding the retrieval of food-related data as well as any necessary help in statement of work language with client agencies. The only funding in FY24 will be for the anticipated hire of the Program Analyst.

b. How will OCP ensure that DOEE's guidelines are incorporated into all food contracts?

Response: OCP will be able to check the language of the solicitation for the green food language and will also ensure that it is added in the templates related to food contracts.

TRANSPARENCY

90. According to section 1104 of the Procurement Practices Reform Act of 2010 (D.C. Official Code § 2–361.04), the CPO shall establish a transparency portal that includes a copy of all contracts exceeding \$100,000, along with modifications, change orders, and solicitations. However, many required documents are not available on OCP’s transparency portal. (For example, a search on 11/30/23 for all contracts for DGS, for all years, returned only 5 results in the portal.)

a. How does OCP ensure that contracts and other required documents are uploaded to the portal?

Response: OCP has a multi-step process to facilitate the publishing of contracts to the Portal. Before contracts can be published, all required documents must be uploaded to the District’s Procurement System (PASS), pricing terms created and required tasks completed including review by stakeholders like OCP’s legal team and the responsible contracting officer. OCP works with OCTO to extract documents saved in the District’s Procurement System and publish them on the Portal once all approvals and requirements are completed.

Agencies independent from the CPO’s authority are responsible for maintaining their files and any document uploads to the District’s Procurement System. It is important to note that use of the Portal requires use of the Contracts Module in the District’s Procurement System as the reporting from the Contracts Module is linked to the Portal. Independent contracting authorities that do not use the Contracts Module of the District’s Procurement System are unable to use the Portal; however, OCP maintains links on its website to the location where such independent contracting authorities choose to publish their contracts. Note that DGS has independent contracting authority from OCP and maintains its own portal, which can be found at: DGS Contracts and Procurement Division | dgs (dc.gov).

b. Why are so many documents missing from the portal?

Response: OCP continues to work with contracting staff to upload documents in the District’s Procurement System for publishing in the transparency portal. As publishing in the portal is a multi-step process with several layers of review and approval, delays may occur from initial upload to final approvals to facilitate publishing. OCP leadership continues to work with the OCP Systems, Data and Performance Division to build efficiencies and better tracking capabilities.

c. Given how many documents are missing, what steps is OCP taking to improve compliance with section 1104?

Response: OCP’s Systems, Data and Performance Division tracks the agency’s data in this area. This Division sends weekly reports to managers to help facilitate awareness and improve the data in the Transparency Portal.

d. Does OCP audit the transparency portal to ensure that it includes all executed contracts and other required documents?

Response: See response in subsection c above.

91. Section 1104 expressly applies to contracts made by District agencies exempt from the authority of the CPO, which are required to transmit the information to the CPO for inclusion. This is not currently happening. (For example, a search on 11/30/23 for contracts related to several agencies with independent contracting authority, including DC Public Schools, the DC Water and Sewer Authority, and Events DC, returned zero results).

a. Please explain why documents from agencies with independent contracting authority are not accessible on the portal.

Response: OCP maintains the Transparency Portal for use by OCP and independent contracting authorities. OCP has ensured that independent contracting authorities are aware of the Portal through the Best Practices Roundtable, have access to the Portal and can upload their contracts to the Portal as needed. OCP staff are readily available and accessible to independent contracting authorities who request assistance with the Portal.

It is important to note that use of the Portal requires use of the Contracts Module in the District's Procurement System as the reporting from the Contracts Module is linked to the Portal. Independent contracting authorities like DC Public Schools, the DC Water and Sewer Authority and Events DC that do not use the Contracts Module of the District's Procurement System are unable to use the Portal; however, OCP maintains links on its website to the location where such independent contracting authorities choose to publish their contracts.

b. How does OCP ensure that agencies with independent contracting authority transmit their contracts to the CPO as required?

Response: Please see response to Question 91a.

c. Has OCP ever sent communications to these agencies informing them of the requirement?

Response: OCP hosts a Procurement Best Practices Roundtable where independent agencies are invited to attend, and all attendees share best practices around District procurement. The Transparency Portal has been discussed in past roundtable meetings. In addition, independent agencies, by their nature, are responsible for their compliance with applicable legal requirements.