

Chairman Phil Mendelson  
at the request of the Not-for-  
Profit Hospital Corporation

A RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHC-C58692 between the Not-for-Profit Hospital Corporation, commonly known as United Medical Center (“Hospital”), and Nihon Kohden America, Inc. to provide ventilators during the COVID-19 pandemic, and to authorize payment for the services received and to be received under this Contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. NFPHC-C58692 between the Not-for-Profit Hospital Corporation and Nihon Kohden America, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2020”.

Sec. 2. (a) There exists an immediate need to approve Contract No. NFPHC-C58692 (“Contract”) between the Not-for-Profit Hospital Corporation (“Hospital”) and Nihon Kohden America, Inc. to provide ventilators during the COVID-19 pandemic and to authorize payment for the services received and to be received under this Contract.

(b) On March 11, 2020, Mayor Bowser issued the first COVID-19 related emergency and public health emergency orders. NFPHC’s participation in the Mayor’s

36 Surge Task Force led to the realization that additional ventilators would be needed during  
37 the surge to allow NFPHC to deliver healthcare services to additional patients.

38 (c) The NFPHC used a purchase order to procure these critical goods. Under its  
39 Procurement Rules, a purchase order is a type of contract, and it is regularly used for  
40 NFPHC supply chain goods and equipment. See 27 DCMR 4611.2(f).

41 (d) In order to meet the District's Surge response requirements, ventilators were  
42 procured with this vendor on March 26, 2020 (effective date) for a total amount of  
43 \$1,002,713.04.

44 (e) This Contract has an aggregate value that exceeds \$1 million in a 12-month  
45 period, and therefore Council approval is necessary.

46 (f) Emergency approval of this Contract for \$1,002,713.04 is necessary to prevent  
47 any impact to the hospital's provision of vital ventilators during this pandemic.

48 (g) Without this approval, Nihon Kohden America, Inc. cannot be paid for these  
49 critical services provided and to be provided in excess of \$999,999.99.

50 Sec. 3. The Council determines that the circumstances enumerated in section 2  
51 constitute emergency circumstances making it necessary that Contract No. NFPHC-  
52 C58692 between the Not-for-Profit Hospital Corporation and, Nihon Kohden America,  
53 Inc. Approval and Payment Authorization Emergency Amendment Act of 2020, be  
54 adopted after a single reading.