

Councilmember Kenyan McDuffie

Chairman Phil Mendelson

Councilmember Robert White

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Procurement Practices Reform Act of 2010 to require compliance with contracting and procurement law as ordered by the Contract Appeals Board and to mitigate the impact and disruption to District residents because of non-timely or noncompliance of ordered reevaluations..

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fidelity in Compliance of Contracting and Procurement Declaration Resolution of 2021.”

Sec. 2. (a) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 et seq.) was passed to simplify, modernize, and clarify laws governing the procurement of goods, services and construction items while ensuring fair and equitable treatment of all person who deal with the procurement system of the District government. Further, the law was designed to increase public confidence and timely and efficient service to District agencies.

(b) On December 1, 2020, the Contract Appeals Board [CAB No. P-1128] ordered a reevaluation of the proposals of the offerors' in the competitive range, in accordance with District procurement law and regulation, having found multiple grounds of irregularities and violation of procurement law. If any existing awardee is determined to no longer be one of the three most highly rated offerors, the District shall not exercise any option year under that contract. The impact of a reevaluation may lead to the reassignment of more than 50,000 District Medicaid beneficiaries. The delay of the reevaluation creates instability and further disruption for those that rely on the Medicaid managed care program.

(c) The underlying emergency would amend the Procurement Practices Reform Act of 2010 to allow for the Office of the Chief Procurement Officer to begin the Contract Appeals Board (CAB) ordered reevaluation immediately to ensure an orderly transition, if required, of Medicaid enrollees. Failure to timely undertakes the CAB's ruling may lead to larger disruptions of the Medicaid Managed Care program.

(d) The underlying amendment also amends current law to provide for the requirement that there remain 3 managed care organizations to be selected to provide service to the nearly 200,000 residents who rely on the Medicaid managed care program health coverage.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the Fidelity in Compliance of Contracting and Procurement Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.