

THE OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF FINAL RULEMAKING

The Chief Procurement Officer of the District of Columbia ("CPO"), pursuant to authority granted by section 202 and 204 of the District of Columbia Procurement Practices Act of 1985, as amended, ("PPA"), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code §§2-302.02 and 2-302.04), and Mayor's Order 2002-207, dated December 18, 2002, hereby gives notice of intent to adopt the following amendment to Chapter 20 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurements). The proposed rules are intended to amend a section of Chapter 20 of Title 27 *D.C. Municipal Regulations*, which concern special contracting methods to allow the total term of a contract, including base plus option periods, to exceed five (5) years only upon approval of the CPO or designee.

The rules were approved as emergency and proposed rules on July 20, 2006 and published in the *D.C. Register* on August 11, 2006, at 53 DCR 6592. The emergency rules expired on March 20, 2007.

The Council of the District of Columbia approved these rules on February 17, 2007 by Resolution 17-64, pursuant to subsection 205(b) of the PPA (D.C. Official Code §2-302.05(b)).

These rules shall become effective upon publication in *D.C. Register*.

CHAPTER 20**SPECIAL CONTRACTING METHODS**

Section 2005.6 is amended to read as follows:

2005 USE OF OPTIONS

2005.6 The base period in a contract for services or supplies shall not exceed one (1) year, unless the contract is funded from an appropriation that is available for more than one (1) year or is a multiyear contract for which funds would otherwise be available for obligation only within the fiscal year for which appropriated pursuant to District law codified at D.C. Official Code § 1-204.51(c). The total of the base and option periods in a contract for services or supplies shall not exceed five (5) years unless:

(a) prior to solicitation, the Chief Procurement Officer or designee determines in writing that it is in the best interest of the District and the solicitation for the contract specifies the total of the base and option periods of the contract; or

(b) prior to the expiration of a contract, the Chief Procurement Officer or designee determines in writing that it is in the best interest of the District to extend the term beyond the total term specified in the contract and the contracting officer provides justification for using a sole source modification in accordance with chapter 17 of this title.