

THE CHIEF PROCUREMENT OFFICER OF THE DISTRICT OF COLUMBIA

NOTICE OF EMERGENCY RULEMAKING

The Chief Procurement Officer of the District of Columbia, pursuant to authority granted by sections 202 and 204 of the District of Columbia Procurement Practices Act of 1985, as amended, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code §§2-302.02 and 2-302.04) (PPA), and Mayor's Order 2002-207, dated December 18, 2002, hereby gives notice of the adoption of the following emergency rules, amending Chapter 20 of Title 27 of the *District of Columbia Municipal Regulations (Contracts and Procurements)*. These rules will amend those sections of Title 27 *D.C. Municipal Regulations*, Chapter 20 that pertain to special contracting methods in order to extend contract C012-AA-FL-0-SC, which expires March 11, 2005, with the Center for Correctional Health and Policy Studies, Inc. for medical and mental health services for the District's inmate population at the Department of Corrections.

The District of Columbia Department of Corrections has a duty under the Eighth Amendment to the U.S. Constitution to provide humane conditions of confinement. The Department of Corrections must ensure that all inmates receive adequate food, clothing, shelter and medical care. Failure to provide medical and mental health services to inmates would be a constitutional violation and subject the District of Columbia government and the Department of Corrections to litigation. In addition, lack of medical and mental health services to the inmates could create a hostile environment within the prison facility which could jeopardize the safety of the inmates, the staff and the residents of the District of Columbia. Adoption of these emergency rules to amend Chapter 20 is thus necessary for the immediate preservation of the public peace, health, safety, or welfare in accordance with District law as codified at D.C. Official Code §2-505(c)(2001).

Action was taken on March 11, 2005, to adopt the following rules on an emergency basis effective on that date. These rules will remain in effect for up to one hundred twenty (120) days from the date of adoption, unless superseded by another rulemaking notice or by publication of a Notice of Final Rulemaking in the *D.C. Register*.

SPECIAL CONTRACTING METHODS

Section 2005.6 is amended to read as follows:

2005 USE OF OPTIONS

2005.6 The basic 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 the use of a multiyear contract for which funds would otherwise be available for obligation only within the fiscal year for which appropriated pursuant to Public Law 104-134 (D.C. Official Code §1-204.51(c)). The total of the basic and option periods in a contract for services or supplies shall not exceed five (5) years, except in the following circumstances:

- (a) a contract for city-wide telecommunications systems may exceed five years but shall not exceed ten years;
- (b) a contract for evidenced traffic violations systems provided to the Metropolitan Police Department or the Department of Motor Vehicles may exceed five years but shall not exceed six years; and
- (c) a contract for medical and mental health services provided to the Department of Corrections may exceed five years but shall not exceed six years.

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