

THE OFFICE OF CONTRACTING AND PROCUREMENT

EMERGENCY AND PROPOSED RULEMAKING

The Chief Procurement Officer of the District of Columbia pursuant to authority granted to the Mayor by section 204 of the District of Columbia Procurement Practices Act of 1985 ("PPA"), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.04 (2001)), and Mayor's Order 2002-207, dated December 27, 2002 (49 DCR 11867), hereby gives notice of the intent to adopt the following amendment to Chapter 16 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurement). The rules are intended to implement section 304(e)(1) of the PPA (D.C. Official Code § 2-303.04 (e)(1) (2001)).

Emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2001)), is justified by the existence of the following circumstances:

The rules authorize prices to be set in the solicitation that are to be paid to contractors who provide services under the District of Columbia Temporary Assistance to Needy Families ("TANF") Employment Program ("TEP"). The District is mandated to provide this program by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, approved August 22, 1996 (110 Stat. 2260; 8 U.S.C. § 8-1601 *et seq.*). Without these emergency rules, the District would be unable to limit the prices in the solicitation to be paid for job placement and retention services to TANF participants, thereby possibly effecting a deficit in capped federal Block Grant funds available for the cost of this program. These rules will ensure that the solicitation and the contracts for mandatory welfare reform services are implemented in a manner that serves fiscally responsible ends both for the District of Columbia and the federal granting agency.

The Administrator of the Income Maintenance Administration, Department of Human Services ("DHS"), wishes to amend the price schedule in the new contracts. To avoid the interruption of services under the program, the new TEP contracts must be awarded not later than July 28, 2005. The existing price schedule in §1614.1(c) of Title 27 of the District of Columbia Municipal Regulations, which was published the *D.C. Register* on April 5, 2002, at 49 DCR 3038, will remain in effect and applicable to the current contracts through July 27, 2005. These rules will ensure that the new solicitation and contracts for mandatory welfare reform services awarded after that date will implement the revised price schedule, and avoid a lapse in fiscally responsible prices caps for the program. Action was therefore taken on October 5, 2004, 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 earlier suspended by another rulemaking notice or by publication of a Notice of Final Rulemaking in the *D.C. Register*.

To ensure that District agencies will be able to continue to provide services to TANF customers, the Chief Procurement Officer also gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The Chief Procurement Officer will submit the rules through the Mayor to the Council of the District of Columbia for a sixty (60) day period of review pursuant to subsection 205(b) of the PPA (D.C. Official Code § 2-302.05(b) (2001)), and will not take final rulemaking action until completion of the 60-day review or Council approval of the rules by resolution before the end of the review period.

CHAPTER 16

PROCUREMENT BY COMPETITIVE SEALED PROPOSALS

Section 1614 is amended by adding new subparagraph 1614.1(d) to read as follows:

1614 SOURCE SELECTION

1614.1(d) Notwithstanding subparagraphs (a) and (b), above, for services provided under the District of Columbia Temporary Assistance to Needy Families (TANF) Program, implementing the Self-sufficiency Promotion Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-241; 46 DCR 905), the Chief Procurement Officer sets forth the following prices to be paid to Contractors in the solicitation, and no price evaluation factor will be required for procurement of these services:

Employability Assessment Completed and Individual Responsibility Plan (IRP) Developed and Signed:

Customer referred directly by DHS to the vendor	\$400
Customer who volunteers for services without being referred	\$100

Participation Fee - Customer Participates in Employment-Related Activities (limited to six weeks per calendar year):

More than 4 hours and less than the TANF hourly requirement:	\$15/week
TANF Hourly Requirement or More:	\$50/week

Unsubsidized Employment Placement

Customer is placed in Unsubsidized Employment And is expected to work for the TANF minimum number of Required Hours or more:	\$200
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3 Month Retention Fee

Customer Is Still Employed (in an unsubsidized job for the TANF hourly requirement 3 months after initial placement:	\$1,200
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Customer is a single-parent with a child under age six who works an average of at least 20, but less 30 hours over the

3 month period: \$800

6 Month Job Retention

Customer worked the TANF hourly requirement over the 6 month period. \$1,200

Customer is a single-parent with a child under age six who works an average of at least 20, but fewer than 30, hours over the 6 month period. \$800

Higher Wage Bonus

Customer earned \$7.50/hour at a 3 month retention point \$300

Home Visiting Recruitment

Contractor conducts a home visit to a customer who has not been participating and the customer subsequently participates in on-site activities with the vendor beyond the orientation and assessment. \$200

For Contractors That Have Agreed to Provide Optional Services to Sanctioned Customers, as defined and described in the solicitation:

Employability Assessment Completed and IRP Developed and Signed:

Customer sanctioned at time of referral by DHS \$600

Participation Fee for Sanctioned Customers - Customer Participates in Employment-Related Activities (limited to six weeks per calendar year):

More than 4 hours and less than the TANF hourly requirement: \$15/week

TANF Hourly Requirement or More: \$50/week

Initial Placement Fee for Sanctioned Customers

Sanctioned Customer referred by DHS, placed in Unsubsidized employment and expected to work for The TANF minimum number of hours \$500

3 Month Retention Fee for Sanctioned Customers

Customer Is Still Employed (in an unsubsidized job) 3 months after initial placement: \$2,000

6 Month Job Retention Bonus for Sanctioned Customers

Customer worked the TANF hourly requirement over the 6 month period. \$1,200

Customer is a single-parent with a child under age six who works an average of at least 20, but fewer than 30, hours over the 6 month period. \$800

Higher Wage Bonus for Sanctioned Customers

Customer earned \$7.50/hour at a 3 month retention point \$300

Home Visiting Recruitment

Contractor conducts a home visit to a customer who has not been participating and the customer subsequently participates in on-site activities with the vendor beyond the orientation and assessment. \$200

Subparagraph 1617.5(a) is amended to read as follows:

1617 EVALUATION FACTORS OF PROPOSALS

1617.5 (a) Price or cost to the District shall be included as an evaluation factor in each RFP, except as otherwise provided in 1614.1(c) and (d).

All person desiring to comment on the subject matter of this proposed rulemaking should file written comments no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Hand-delivered comments should be delivered, and mailed comments should be postmarked, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be delivered or mailed to Herbert R. Tillery, Deputy Mayor for Operations and Interim Chief Procurement Officer, Office of Contracting and Procurement, 441 Fourth Street, N.E., Suite 700 South, Washington, D.C. 20001. Copies of the proposed rules may be obtained from the above address.