

THE OFFICE OF CONTRACTING AND PROCUREMENT

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)(2001)(PPA), and Mayor's Order 2002-207, dated December 18, 2002, hereby gives notice of the adoption of the following emergency rule, amending Chapter 22 of Title 27 of the *District of Columbia Municipal Regulations (Contracts and Procurements)*. The rule will amend Chapter 22 of Title 27 *D.C. Municipal Regulations* to reflect changes necessary to implement the *Debarment Procedures Emergency Amendment Act of 2003*, D.C. Act 15-153, effective September 30, 2003 (Act).

The rule requires that the Debarment and Suspension Panel (Panel) created by the Act keep and maintain a case docket of debarment actions before the Panel and make the docket available for public inspection. The rules apply to any debarment or suspension required to be re-heard by the Panel in accordance with the Act. Without these emergency rules, the Panel will not be able to conduct its required re-hearings of the suspended debarments or suspensions and issue its decisions within the timeframes established by the Act. The debarment or suspension actions raise serious questions about the appropriateness of the District contracting with the companies in question because of convictions in connection with the performance of District contracts, affiliation with a convicted company, or submission of a false document in an effort to obtain a District contract. Adoption of emergency rules to establish these procedures to allow the Panel to conduct its required re-hearings is necessary for the immediate preservation of the public peace, health, safety, or welfare, in accordance with D.C. Official Code §2-505(c).

Action was taken on January 5, 2004 to adopt the following rule on an emergency basis effective on that date. This rule will remain in effect for up to one hundred twenty (120) days from the date of adoption, unless superseded by another rulemaking notice or by publication of a Notice of Final Rulemaking in the *D.C. Register*.

CHAPTER 22

CONTRACTORS

Section 2218, is amended by adding the following new subsection:

- 2218.10 The Panel shall keep and maintain a case docket of current debarments or suspensions under the Panel's jurisdiction; copies of decisions and final orders of the Panel; and copies of the Panel's rules. The case docket, updated monthly, shall provide the names of the companies or individuals proposed for debarment or suspension, the case number, the date the Panel received the debarment or suspension, and the date of any scheduled hearing on the merits of the debarment or suspension. The case docket, copies of decisions, final orders, and rules shall be available for inspection by the public at the office of the Panel Chair.