

**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 204 and 321 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 §§ 2-302.04 and 2-303.21) (PPA), hereby gives notice of the re-adoption of the following emergency rules, amending Chapter 18 of Title 27 of the *District of Columbia Municipal Regulations (Contracts and Procurements)*. The rules will amend those sections of Title 27 *D.C. Municipal Regulations*, Chapter 18 which pertain to small purchases procedures to reflect increases in small purchase authority to \$500,000 for procurements on behalf of the Metropolitan Police Department, and to \$100,000 for all other agencies.

The rules were previously approved as emergency and proposed rules on October 2, 2002, and a Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on November 1, 2002, at 49 DCR 9874. A second Notice of Emergency Rulemaking was published in the *D.C. Register* on April 25, 2003 at 50 DCR 3186. No substantive changes have been made to the text of the proposed rules as published. The final rules to amend Chapter 18 were submitted to the Council of the District of Columbia for its review pursuant to subsection 205(b) of the PPA (D.C. Official Code § 2-302.05(b)) on February 25, 2003, and will become effective upon expiration of the 60-day period for Council review, by Council resolution PR 15-172, on September 22, 2003, and publication of another notice of final rulemaking in the *D.C. Register*.

The rules authorize simplified acquisition procedures for procurements of critical items needed by police, Fire/EMS, public works and health personnel, procedures that streamline the process and shorten procurement times. With the increased threat of terrorism to the District area, to revert to a longer and more complex process to secure goods and services needed by these agencies would be detrimental to their mission. Also affected would be small procurements for a client population that has a need to have various social services provided as quickly as possible. Adoption of emergency rules to continue small purchase procedures in effect pending approval of final rules is thus necessary for the immediate preservation of the public peace, health, safety, or welfare, in accordance with D.C. Official Code § 2-505(c).

Therefore, to ensure that the amended chapter 18 will continue to be in effect, action was taken on July 21, 2003 to adopt the following rules on an emergency basis. These rules will remain in effect for up to one hundred twenty (120) days from the date of adoption, unless earlier superseded by another rulemaking notice or by publication of a Notice of Final Rulemaking in the *D.C. Register*.

## CHAPTER 18

## SMALL PURCHASE AND OTHER SIMPLIFIED PURCHASE PROCEDURES

*Sections 1800 through 1803 are amended to read as follows:*

**1800 USE OF SMALL PURCHASE PROCEDURES**

- 1800.1 The small purchase procedures set forth in this chapter may only be used for the procurement of supplies, services, and other items when the total of the procurement does not exceed \$500,000 for procurements for the Metropolitan Police Department (MPD) and \$100,000 for all other agencies, in accordance with §321 of the District of Columbia Procurement Practices Act of 1985 (Act) (D.C. Official Code §2-303.21).
- 1800.2 A contracting officer shall not use small purchase procedures when the requirement can be met by using a requirements contract, an indefinite quantity contract, a federal supply schedule, or other required source of supply as set forth in Chapter 21 of this title.
- 1800.3 A contracting officer shall not use small purchase procedures when the procurement requirement is initially estimated to exceed \$500,000 for procurements for MPD or \$100,000 for all other agencies, even though the resulting award does not exceed the applicable small purchase limit.
- 1800.4 A contracting officer shall not split a procurement totaling more than the applicable small purchase limitation into several purchases that are less than the limit in order to permit the use of the small purchase procedures.
- 1800.5 A contracting officer shall not parcel, split or divide a procurement requirement, or purchase a procurement requirement over a period of time, in order to avoid the dollar limitations for use of small purchase procedures.
- 1800.6 A contracting officer shall use the small purchase procedure that is most suitable, efficient, and economical based on the circumstances of each procurement.

**1801 NON-COMPETITIVE SMALL PURCHASES**

- 1801.1 A contracting officer may make a procurement for an amount of ten thousand dollars (\$10,000) or less without obtaining competitive quotations if the contracting officer determines that the purchase is in the best interest of the District government considering the price and other factors (including the administrative cost of the purchase).
- 1801.2 A contracting officer shall distribute non-competitive small purchases equitably among suppliers. When practical, a contracting officer shall solicit a quotation from a vendor other than the previous supplier before placing a repeat order.

**1802 COMPETITIVE SMALL PURCHASES**

- 1802.1 Except as provided in Sections 1802.2 and 1802.3, in order to promote competition to the maximum extent practicable, and to ensure that the purchase is in the best interest of the District government, considering price and other factors (including the administrative cost of the purchase), a contracting officer shall solicit quotations as follows:
- (a) For each procurement of goods and services in an amount greater than ten thousand

























