

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 ("Act"), effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 70 of Title 17 (Business, Occupations & Professions) (May 1990) of the District of Columbia Municipal Regulations (DCMR). The purpose of the amendments is to prevent social workers from working under supervision until they have submitted the required documents for licensure. A Notice of Proposed Rulemaking was published in the D.C. Register on March 7, 2003 at 50 DCR 2049. No comments were received concerning these rules and no changes have been made since publication as a Notice of Proposed Rulemaking. These final rules will be effective upon publication of this notice in the D.C. Register.

Chapter 70 (Social Work) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended as follows:

Section 7011.1 (Supervision of Practice by Students, Applicants and Social Workers) is amended to read as follows:

7011.1 Only the following persons shall practice under supervision:

- (1) Students fulfilling educational requirements in a program which meets the requirements of § 103(c) of the Act, D.C. Official Code § 3-1201.03 and 17 DCMR § 7002.5;
- (b) An applicant who is applying for his or her first license in the District provided that he or she has submitted all required documents including a passing test score on an examination approved by the D.C. Board of Social Work;
- (3) A licensed social work associate;
- (4) A licensed graduate social worker; or
- (5) A licensed independent social worker performing diagnosis or treatment including psychotherapy.

DEPARTMENT OF MENTAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Mental Health, pursuant to the authority set forth in sections 104 and 105 of the Department of Mental Health Establishment Amendment Act of 2001, effective date December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.04 and § 7-1131.05) (Act), hereby gives notice of adoption of the following amendment to Title 22A of the District of Columbia Municipal Regulations (DCMR) by adding a new Chapter 22. The purpose of the new chapter is to establish minimum requirements for all housing (other than licensed community residence facilities) that receives support from the Department of Mental Health (DMH), including access to housing support services for consumers, financial support for housing (whether directly paid for by DMH or through a fiscal intermediary), and related support services. These minimum requirements include physical plant requirements, access to transportation, monitoring, and other provisions.

Notice of Emergency and Proposed Rulemaking was published on January 24, 2003 at 50 D.C. Reg. 848. These final rules will be effective upon publication in the D.C. Register.

Title 22A DCMR is amended by adding the following new Chapter 22:

STANDARDS FOR SUPPORTED HOUSING FOR DMH CONSUMERS**2200 PURPOSE AND APPLICATION**

- 2200.1 These rules establish the minimum requirements for all providers who support Department of Mental Health (DMH) consumers in housing, excluding private family homes and licensed community residence facilities.
- 2200.2 Housing support may occur as follows:
- (a) A Core Service Agency (CSA) may provide housing to a consumer directly or through a specialty or subprovider;
 - (b) DMH, a CSA, or another government agency may provide a monetary subsidy for rent;
 - (c) A CSA, either directly or through a specialty or subprovider, may assist a consumer locating or arranging for the residence;
 - (d) A CSA or other provider may provide mental health services and supports in the consumer's home (other than a private family home or licensed community residence facility) to assist with developing and improving activities of daily living; or

- (e) DMH or another government agency may provide funds to a business entity to develop or provide housing for consumers enrolled with DMH.

2200.3 Each consumer seeking support from DMH to obtain supported housing or maintain supported housing in the District of Columbia shall be enrolled with a CSA.

2200.4 Each business entity seeking support from DMH to provide housing or housing supports in the District of Columbia shall be a DMH-certified CSA or be affiliated with a CSA or DMH. Affiliation with a CSA or DMH shall mean that the business entity has a written agreement with a CSA or DMH that describes each party's responsibilities specific to housing.

2201 GENERAL PROVISIONS

2201.1 Each consumer who is receiving services from DMH through a CSA and is in need of housing or resources to secure housing shall be given choice in the type of housing (i.e., independent, congregate). The CSA with whom the consumer is enrolled shall provide supports as identified through the individualized recovery planning process to assist the consumer as needed in whatever type of housing is chosen by the consumer.

2201.2 If a consumer chooses to enroll with a CSA other than the CSA providing the housing to the consumer, the consumer shall not be required to move from any housing associated with the previous CSA if that previous CSA receives housing support funding from DMH as described in § 2200.2(e). The CSA providing the housing shall not require the consumer to choose it as the consumer's CSA for MHSR or Medicaid services.

2201.3 Each CSA providing housing support, either directly or through a specialty or subprovider, shall notify, in writing, each consumer receiving housing support of the need for the CSA to conduct initial, and thereafter quarterly, inspections in compliance with the requirements of this regulation. This notification must include provision of a copy of the DMH provided Housing Safety/Quality Checklist that is used to evaluate housing. Other housing inspection forms, such as those required for subsidy programs, may be substituted at the sole discretion of DMH.

2201.4 Each CSA shall maintain and keep current, at all times, a log that lists all consumers residing in each of the CSA's DMH supported housing as defined by this regulation. This information shall be available to DMH upon request.

2201.5 For purposes of this rule, mental health services and supports include, but are not limited to, services that address clinical, environmental, and therapeutic needs identified by the consumer and the treatment team. These services include community support in the consumer's living environment (i.e., training in life

skill activities, home management, and community services), crisis intervention, and assistance with self-advocacy. Support is provided through a comprehensive continuum of care that is individualized, flexible, and recovery based.

2202 FINANCIAL SUPPORT

- 2202.1 Any housing for which a financial subsidy is provided shall meet the standards established in all applicable federal and District laws and regulations including, but not limited to, 14 DCMR, Subtitle A, Chapters 1-12.
- 2202.2 Nothing in this chapter is intended to nullify the obligation that the CSA has to comply with all inspection and documentation requirements of the applicable subsidy program for any housing for which financial subsidy is provided.

2203 PHYSICAL PLANT REQUIREMENTS

- 2203.1 All housing covered under this regulation shall be in compliance with all applicable governmental regulations including, but not limited to, 14 DCMR, Subtitle A, Chapters 1-12.
- 2203.2 All housing and its furnishings shall be clean, safe, in sanitary condition, in good repair, and free from rodents and vermin.
- 2203.3 Each facility, utility, and fixture shall be properly and safely installed and shall be maintained in a safe and good working condition.
- 2203.4 Each facility for cooking, storage, or refrigeration of food shall be maintained in a sanitary, safe, and good working condition.
- 2203.5 Each kitchen sink, lavatory, and bathing facility shall be properly connected with both hot and cold water lines.
- 2203.6 Adequate facilities for heating, ventilation, and lighting shall be provided.
- 2203.7 Each consumer shall be provided with an adequate lock and key for each door used or capable of being used as an entrance to or exit from the housing.
- 2203.8 Each lock shall be kept in good repair and shall be capable of being locked from inside and outside the housing.
- 2203.9 Required fire extinguishing equipment shall be present in a conspicuous, accessible location and in an operable condition.
- 2203.10 All emergency exit doors shall be operable at all times.

- 2203.11 All fire escapes, stairways, and other egress facilities shall be maintained in a good state of repair and shall be free from obstruction.
- 2203.12 Basic amenities in all housing covered by this regulation shall include: refrigerator, stove, oven, hot water, whole house heating (central, base board, or radiator), oscillating fan if no central air conditioning, secure door locks, basic furniture (bed, pillow, dresser, chair/couch, dining table, and chairs), basic kitchen set-up (plates, glasses, utensils, pots, and pans), and basic linens (bath towels, hand towels, wash cloths, sheets, blankets, pillowcases, and dish towels).
- 2204 ACCESS TO TRANSPORTATION**
- 2204.1 Any housing for which support is provided by DMH or providers certified or licensed by DMH shall be located within a reasonable walking distance, which is four (4) blocks or less, from public transportation.
- 2205 TRAINING**
- 2205.1 DMH shall provide training to persons who are responsible for completing the DMH Housing Safety/Quality Checklist.
- 2205.2 Each person who completes the checklist shall attend mandatory DMH Housing Safety/Quality Training prior to monitoring housing and shall attend annual refresher training.
- 2206 DMH INSPECTIONS OF HOUSING BUILT OR RENOVATED USING DMH FUNDS**
- 2206.1 DMH shall conduct annual inspections of one hundred percent (100%) of the residences that meet both descriptions below by using the DMH Housing Safety/Quality Checklist:
- (a) The housing was built or renovated using DMH funds through the provision of a loan, grant or other financial supports in excess or \$49,999; and
 - (b) No DMH enrolled consumers reside in the housing.
- 2206.2 If structural or environmental deficiencies exist that are the responsibility of the owner, DMH shall issue a Corrective Measure Plan (CMP) to the fiscal intermediary, individual, or business entity who received the loan, grant, or other financial support, and the owner of the residence within ten (10) business days of an inspection. For purposes of this section, the term "fiscal intermediary" refers to an organization that has a grant from or contract with DMH that allows it to develop housing or to finance housing.

- 2206.3 Within ten (10) business days of notice of the violation(s), the fiscal intermediary, individual, or business entity who received the loan, grant, or other financial support, and the owner of the residence shall each submit to DMH a Plan of Correction to address cited deficiencies.
- 2206.4 Thirty (30) calendar days after the approval of the Plan of Correction, DMH shall reinspect to determine if deficiencies have been corrected.
- 2206.5 If violations have not been corrected at the time DMH reinspects, DMH shall pursue any recourse available under the grant agreement or contract with the fiscal intermediary, individual, or business entity.

2207 HOME INSPECTIONS BY CORE SERVICES AGENCIES

- 2207.1 The CSA with which the consumer is enrolled for individual recovery planning shall evaluate all DMH supported housing by using the DMH Housing Safety/Quality Checklist before the consumer enters into the lease. The consumer shall hold the lease for housing that receives DMH subsidized rents for any type of housing arrangement covered by this regulation.
- 2207.2 Conversion to consumer held leases as new consumers are housed and as leases come up for renewal shall commence within six months of adoption of these rules.
- 2207.3 Each CSA with which the consumer is enrolled shall complete the Housing Safety/Quality Checklist at least quarterly (every ninety (90) days) from the date that the lease is secured, or the date that mental health housing supports are initiated for a consumer already in housing, and on an as needed basis.
- 2207.4 Each CSA shall monitor the housing of its enrolled consumers who live in housing directly provided by the CSA, receive a rental subsidy, receive assistance from the CSA in locating or arranging for the residence, receive community supports from or through the CSA in the consumer's home (other than a private family home or licensed community residence facility) to assist with developing and improving activities of daily living, or live in housing developed or provided by DMH funding.
- 2207.5 The completed Housing Safety/Quality Checklists shall be filed in the consumer's clinical record at the CSA.
- 2207.6 Each CSA shall submit copies of all completed Housing Safety/Quality Checklists to the DMH Office of Accountability.

2208 CORE SERVICES AGENCY ACTIONS TO CORRECT HOUSING PROBLEMS

- 2208.1 If housing problems exist that are the responsibility of the landlord, the CSA with which the consumer is enrolled for individual recovery planning shall assist the consumer with contacting the landlord to arrange for needed repairs and maintenance.
- 2208.2 If the deficiencies put the consumer in imminent danger, the consumer, with assistance from the CSA if needed, shall request that the landlord correct them immediately. If the deficiencies cannot be corrected immediately, the CSA shall provide the consumer, within twenty-four (24) hours, the opportunity and assistance to move to appropriate housing. If the consumer refuses to move, documented efforts by the CSA should continue as described in § 2208.4, and the CSA shall assist the consumer in immediately notifying the housing authority described in § 2208.3.
- 2208.3 If the situation is not life threatening and the landlord does not provide needed repairs and maintenance within fifteen (15) days from the date the request was made, the CSA shall assist the consumer with contacting the Housing Regulations Administration of the Department of Consumer and Regulatory Affairs (DCRA/HRA) to file a formal complaint.
- 2208.4 If the above actions do not result in amelioration of the problems within sixty (60) days, or if the consumer refuses to pursue the above actions, the CSA shall provide information to the consumer concerning his/her rights and options regarding housing. This shall include efforts by the CSA to show the consumer other available housing that meets all applicable governmental regulations. Documented efforts by the CSA should continue over time until the consumer secures housing that is in compliance with this regulation.
- 2208.5 If problems exist that are the responsibility of the consumer, the CSA shall provide additional supports as identified through the individualized recovery planning process to assist the consumer in taking responsibility for correcting these problems, and shall document the offered services in the consumer's record.
- 2208.6 Each CSA shall report unusual incidents in accordance with DMH unusual incident reporting procedures.

2209 OVERSIGHT AND MONITORING BY DMH

2209.1 The DMH Office of Accountability has the primary responsibility for overseeing compliance with this regulation and shall provide the Housing Safety/Quality Checklists to providers for use.

2209.2 Oversight shall include monitoring of CSA consumer records, as needed, to ensure that the Housing Safety/Quality Checklist is completed prior to securing housing for the consumer.

2209.3 Oversight shall include annual random inspections of twenty-five percent (25%) of supported housing as defined in § 2200.2. Increased levels of inspections may occur for housing that is subsidized or provided through a contractual arrangement with DMH. These inspections refer to housing that is occupied by DMH enrolled consumer(s).

2209.4 DMH may perform additional inspections of supported housing based upon complaints from consumers, families, or other interested parties regarding the safety or quality of the supported housing.

2210 DMH ACTIONS TO CORRECT HOUSING AND/OR HOUSING MONITORING PROBLEMS

2210.1 When consumers are in imminent danger as a result of housing conditions, DMH Office of Accountability shall issue a Corrective Measure Plan (CMP) and direct the CSA to take action to correct the situation immediately, and shall notify the Director of DMH immediately.

2210.2 If deficiencies are life threatening and cannot be corrected immediately, DMH Office of Accountability shall direct the CSA to provide consumers, within twenty-four (24) hours, the opportunity and assistance to move to appropriate housing.

2210.3 When serious environmental deficiencies are found in supported housing that is supported by a contract with DMH, DMH shall pursue the actions identified in §§ 2210 and 2212 against the organization that has the contract with the DMH.

2210.4 When deficiencies are not life threatening, the DMH Office of Accountability shall notify the CSA by issuing a CMP indicating any violation of this regulation within ten (10) business days of an inspection.

2210.5 Within ten (10) business days of notice of the violation(s), the CSA shall submit a Plan of Correction to address cited deficiencies to the DMH Office of Accountability.

2210.6 Thirty (30) calendar days after the approval of the Plan of Correction, the DMH Office of Accountability shall reinspect to determine if deficiencies have been corrected.

2211 COMPLAINTS

2211.1 A consumer or someone acting on behalf of a consumer may file a grievance in accordance with the Mental Health Provider Grievance Procedure and the DMH Grievance Procedure. The consumer may contact the DMH Authority regarding the DMH grievance process.

2212 LEVYING OF SANCTIONS

2212.1 If violations have not been corrected at the time of the reinspection by DMH, DMH may pursue any or all of the following actions:

- (a) sanctions provided for in contractual arrangements with the DMH; and/or
- (b) decertification of the CSA and its affiliates, as applicable.

2212.2 A CSA that is sanctioned under this rule may seek review by the Director of the DMH.

2299 DEFINITIONS

2299.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

“Affiliation” – means there is a written agreement between a business entity and a CSA or DMH that describes each party’s responsibilities specific to housing.

“Business Entity” – any entity that has responsibilities specific to housing or who is involved in activities related to provision of housing for DMH consumers and who is either a DMH certified CSA or has a written agreement with a CSA or DMH.

“Community Residence Facility” – a licensed residence which provides 24-hour on-site supervision, lodging, and meals in a supportive, homelike environment for individuals who require supervision within a structured environment that can include specialized services such as medical, psychiatric, nursing, behavioral, vocational, social, or recreational services.

“Community Support” – rehabilitation and environmental supports considered essential to assist the consumer in achieving rehabilitation and recovery goals that focus on building and maintaining a therapeutic relationship with the consumer.

“Consumer” – as used in this chapter, an adult who seeks or receives mental health services or mental health supports funded or regulated by the Department of Mental Health.

“Contract” – the written agreement that may be used for the procurement of housing, education or special education, health, human or social services, or other assistance, to be provided directly to individuals who are disabled, disadvantaged, displaced, elderly, indigent, mentally ill, physically ill, unemployed, or minors in custody of the District of Columbia. Contracts include Human Care Agreements for purposes of this rule.

“Core Services Agency” (CSA) – a DMH-certified community-based MHRS provider that has entered into a Human Care Agreement with DMH to provide specified MHRS.

“Corrective Measure Plan (CMP)” - the CMP is a written statement of non-compliance that describes the areas of non-compliance, suggest actions needed to bring the situation or violation into compliance with the standards, and sets forth a timeframe for submitting a written plan of correction.

“DMH” – the Department of Mental Health, the successor in interest to the District of Columbia Commission on Mental Health Services.

“Housing” – the dwelling where a person resides, either alone or with others, which is not a private family home, a licensed community residence facility, a crisis bed, a shelter, a residential treatment center, or St. Elizabeths Hospital.

“Imminent danger” - imminent danger is a situation in which the provider’s non-compliance with one or more DMH standards has caused, or is likely to cause, serious injury, harm, impairment, or death to a consumer. Imminent danger is interpreted as a crisis situation in which the health and safety of consumers are at risk.

“Mental Health Rehabilitation Services” (MHRS) - mental health rehabilitative or palliative services provided by a DMH-certified community mental health provider to consumers in accordance with the District of Columbia State Medicaid Plan, the MAA/DMH Interagency Agreement, and this chapter.

“Mental health services and supports”- means the services and supports funded or regulated by the Department for the purpose of addressing mental illness or mental health problems.

“Plan of Correction” - the provider’s written plan of correction that describes the actions to be taken and the timeframe for correcting the areas of non-compliance with standards in response to the Corrective Measure Plan issued by DMH.

“Private family home” – a residence with one (1) or more persons related by blood, marriage, or adoption, or not more than six (6) persons who are not so related, living together as a single house-keeping unit and which is not provided under a Human Care Agreement with the D.C. Department of Mental Health.

“Provider” - (a) any individual or entity, public or private, that is licensed or certified by the District of Columbia to provide mental health services or mental health supports, or (b) any individual or entity, public or private, that has entered into an agreement with DMH or a certified CSA to provide mental health services or mental health supports.

“Subsidy Program” – This category includes these programs: Home First II, Shelter Plus Care, DMH Rental Subsidy Program, Section 8, and any other rental subsidy program developed by the Department of Mental Health.

“Utility” – water, electricity, gas or other fuels, sewer or refuse service.

**D.C. OFFICE OF PERSONNEL
NOTICE OF FINAL RULEMAKING**

The Director, D.C. Office of Personnel, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000, and in accordance with §§ 1651 through 1654 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-616.51 *et seq.*), hereby gives notice that final rulemaking action was taken to adopt the following rule. The rule amends § 1631 of Chapter 16 of the *D.C. Personnel Regulations*, General Discipline and Grievances, to clarify that the non-adoption of a suggestion that may benefit the District government, or the failure to receive an incentive award or a specific amount for a monetary award, pursuant to Chapter 19 of these regulations, are not grievable matters. No comments were received under the notice of proposed rulemaking published at 50 DCR 2051 (March 7, 2003). Final rulemaking action was taken on April 11, 2003.

CHAPTER 16

Sections 1631.1 is amended by striking the "or" at the end of paragraph (x); by striking the period and adding "; or" at the end of paragraph (y); and by adding a new paragraph (z) to read as follows:

- 1631.1 Persons covered under § 1630 may grieve any matter except the following:
- (x) A prior grievance dismissed with prejudice;
 - (y) The disallowance of an employee's representative pursuant to Chapter 16 of these regulations; or
 - (z) Non-adoption of a suggestion that may benefit the District government, or failure to receive an incentive award or a specific amount for a monetary award, pursuant to Chapter 19 of these regulations.

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. No substantive changes have been made to the text of the proposed rules as published. The final rules to amend Chapter 18 have been 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)), and may not become effective until expiration of the 60-day period for Council review or upon approval by Council resolution, whichever occurs first, 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 and the declaration of a Code Orange alert for 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 April 1, 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 dollars (\$10,000) and less than or equal to twenty-five thousand dollars (\$25,000), the contracting officer shall obtain at least three (3) oral quotations from vendors

for the goods and services to be purchased;

- (b) For each procurement of goods and services for more than twenty-five thousand dollars (\$25,000) and less than or equal to one hundred thousand dollars (\$100,000), the contracting officer shall obtain at least three (3) written quotations from vendors for the goods and services to be purchased; and
- (c) The contracting officer shall, unless the award is to take into consideration factors other than price or price-related factors, award the contract to the vendor providing the lowest priced quotation for the goods or services solicited.

1802.2 Except as provided in Section 1802.3, for small purchases for MPD, a contracting officer shall solicit quotations as follows:

- (a) For each procurement for goods and services in the amount greater than ten thousand dollars (\$10,000) and less than or equal to twenty-five thousand dollars (\$25,000), the contracting officer shall obtain at least three (3) oral quotations from vendors for the goods and services to be purchased;
- (b) For each procurement for goods and services for more than twenty-five thousand dollars (\$25,000) and less than or equal to five hundred thousand dollars (\$500,000), the contracting officer shall obtain at least three (3) written quotations from vendors for the goods or services to be purchased; and
- (c) The contracting officer shall, unless the award is to take into consideration factors other than price or price-related factors, award the purchase order to the vendor providing the lowest priced quotation for the goods or services solicited.

1802.3 If the contracting officer determines that it is impractical under the circumstances to obtain the number of quotations required under Sections 1802.1 or 1802.2 due to time constraints, lack of available sources, or other factors set forth in Section 1802.5, or if the contracting officer, despite a good faith effort, is unable to obtain the required number of quotations, the contracting officer may obtain quotations from fewer vendors than required in Sections 1802.1 or 1802.2. The contracting officer must document his or her attempts to obtain the required number of quotations.

1802.4 If the contracting officer determines that the best interest of the District (or other factors set forth in Section 1802.5) indicates that quotations should be obtained from more than the number of sources required under Sections 1802.1 or 1802.2, the contracting officer shall obtain additional quotations.

1802.5 In determining whether or not to obtain quotations from more or fewer vendors than required in Sections 1802.1 or 1802.2, the contracting officer shall consider the following factors:

- (a) The nature of the item or service to be purchased and whether it is highly competitive and readily available in several makes or brands, or if it is relatively non-competitive;
- (b) Information obtained in making recent purchases of the same or similar item;
- (c) The urgency of the proposed purchase;
- (d) The dollar value of the proposed purchase; and
- (e) Past experience concerning specific contractor prices.

- 1802.6 For procurements in excess of the amounts specified in Section 1801, a contracting officer may award a small purchase solicitation on a sole source basis when the contracting officer determines that one (1) of the conditions in §305(a) of the Act is satisfied, in accordance with chapter 17 of this title.
- 1802.7 A contracting officer may orally solicit quotations for procurements valued at twenty-five thousand dollars (\$25,000) or less. However, a contracting officer shall use a written solicitation in the following circumstances:
- (a) When the contracting officer determines that obtaining oral quotations is not considered economical or practical; or
 - (b) When extensive specifications are involved.
- 1802.8 A contracting officer shall, to the greatest extent practicable under the circumstances, maximize competition for small purchases and shall not limit solicitations to suppliers of well known and widely distributed makes or brands, or solicit on a personal preference basis.
- 1802.9 Each contracting officer shall maintain a small purchase source list (or lists, if more convenient). The list shall indicate whether the business is a certified local, small, or disadvantaged business enterprise, for the purpose of applying preferences to be awarded in accordance with section 2(c) of D.C. Law 13-169.
- 1803 DETERMINATION OF REASONABLE PRICE AND AWARD**
- 1803.1 The contracting officer shall determine that the price to be paid to the successful offeror is fair and reasonable.
- 1803.2 When only one (1) response is received to a request for competitive quotations, or the price variance between multiple responses is so great that it reflects a lack of adequate competition, the contracting officer shall include a statement in the contract file giving the basis for the determination of a fair and reasonable price.
- 1803.3 The determination that a proposed price is fair and reasonable may be based on the following:
- (a) Competitive quotations;
 - (b) Comparison of the proposed price with (i) prices found reasonable on previous purchases, (ii) current price lists, (iii) catalogs, (iv) advertisements, or (v) similar items;
 - (c) Value analysis;
 - (d) The contracting officer's personal knowledge of the item being purchased, or
 - (e) Any other reasonable basis.
- 1803.4 The contracting officer shall establish and maintain records of oral and written price quotations and include the records in the purchase file. The records shall consist of the names of the suppliers contacted and the prices and other terms and conditions quoted by each.
- 1803.5 The contracting officer's records of solicitations shall include, at a minimum, notes of abstracts to show prices, delivery, references to printed price lists used, the vendor or vendors contacted, and other pertinent data.

1803.6 The contracting officer shall retain records supporting small purchases for a minimum of three (3) years.