

THE OFFICE OF CONTRACTING AND PROCUREMENT**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Chief Procurement Officer of the District of Columbia (“CPO”), pursuant to authority granted by sections 202, 204, 303(c), 307, and 321 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code §§ 2-302.02, 2-302.04, 2-303.03(c), 2-303.07, and 2-303.21 (2006 Repl.)) (“PPA”), as amended by the Procurement Practices Amendment Act of 2009, effective October 22, 2009 (D.C. Law 18-64; 56 DCR 45) (“Act”), and Mayor’s Order 2002-207 (dated December 18, 2002), hereby gives notice of the adoption of the following emergency rules and of the intent to adopt final rulemaking to amend Chapters 13 and 15 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurements). The rulemaking is intended to implement sections 2(c), (d), and (e) of the Act to reduce the bid notice period from thirty (30) days to twenty-one (21) days, to change the contract amounts for notices of awards, and to remove the requirement to notify the Inspector General when a solicitation is cancelled.

Without these emergency rules, the Office of Contracting and Procurement will not be in compliance with the amended PPA. Adoption of these emergency rules to amend Chapters 13 and 15 is thus necessary for the immediate preservation of the public safety or welfare, in accordance with District law as codified at D.C. Official Code § 2-505(c) (2001). These emergency rules will remain in effect for up to one hundred twenty (120) days from the date of adoption or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. The CPO 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 CPO will submit the rules 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)), and will not take final rulemaking action until completion of the 60-day review period or Council approval of the rules by resolution before the end of the review period.

Title 27 of the DCMR is amended as follows:

A. Subsections 1300.1 through 1300.3 are amended to read as follows:

- 1300.1 An agency shall give public notice of a solicitation in accordance with §§ 303 and 304 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code §§ 2-303.03 and 2-303.04 (2006 Repl.)) (“PPA”), as amended by the Procurement Practices Amendment Act of 2009, effective October 22, 2009 (D.C. Law 18-64; 56 DCR 45).
- 1300.2 The contracting officer shall publish each proposed solicitation for proposed contracts with an estimated price over one hundred thousand dollars (\$100,000) in accordance with §§ 303 and 304 of the PPA, except as provided in § 1300.7.
- 1300.3 The solicitation shall be advertised for at least twenty-one (21) days before the date set forth for the receipt of bids or proposals, unless the Director determines that it is appropriate to shorten the notice period. A shortened period may be used under

appropriate circumstances, as follows:

- (a) A notice period shortened to not less than seven (7) days may be used to procure commercially-available “off-the-shelf” items, as defined in § 1399; and
- (b) A notice period shortened to not less than fifteen (15) days may be used to procure standard commercial services, as defined in § 1399.

B. Subsection 1301.1 is amended to read as follows:

- 1301.1 Notice of awards of contracts exceeding one hundred thousand dollars (\$100,000) shall be published on the Internet site maintained in accordance with § 1300.7, within a reasonable period of time after the contracts are awarded.

C. Subsection 1503.1 is amended to read as follows:

- 1503.1 The contracting officer shall provide a reasonable time for prospective bidders to prepare and submit bids in all IFB’s, consistent with the needs of the District, but in no event less than twenty-one (21) days from the first day of publication.

D. Section 1518 is amended to read as follows:

- 1518.1 An IFB shall not be canceled unless the Director determines in writing that cancellation is in the best interest of the District.
- 1518.2 If an IFB is canceled, bids that have been received shall be returned unopened to the bidders.
- 1518.3 The contracting officer shall send a notice of cancellation to all prospective bidders to which IFB’s were issued.

E. Subsection 1530.1 is amended to read as follows:

- 1530.1 An IFB may be canceled, or all bids rejected, only if the Director determines in writing that the action taken is in the best interest of the District. If all bids have been rejected, the contracting officer shall cancel the solicitation.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, 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 the Chief Procurement Officer, Office of Contracting and Procurement, 441 Fourth Street, N.W., Suite 700 South, Washington, D.C. 20001. Copies of the proposed rules may be obtained from the above address.