

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2011 Summer  
Supp.

To authorize the District of Columbia Board of Library Trustees and District of Columbia Fire and Emergency Medical Services Department to procure the services of Eastbanc-W.D.C. Partners, LLC, for the design, development, and construction of the new library in Square 37 and the new fire station in Square 50; to establish a West End Library and Fire Station Maintenance Fund into which certain designated deed and recordation tax revenues shall be deposited; to authorize the Mayor, the Chief of the Fire and Emergency Medical Services Department, and the Chief Librarian of the District of Columbia Public Library to enter into an agreement to provide for supplemental maintenance of the West End Library and West End Fire Station; and to extend the disposition period of the West End Parcels Disposition Resolution to July 13, 2013; to exempt the design, development, and construction from procurement laws and regulations generally applicable to District procurements; and to amend Title 47 of the District of Columbia Official Code to direct certain deed and recordation taxes to the West End Library and Fire Station Maintenance Fund starting no sooner than fiscal year 2015.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "West End Parcels Development Omnibus Act of 2010".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Deed Transfer and Recordation Taxes" means the revenue resulting from the imposition of the taxes under section 303 of the District of Columbia Deed Recordation Tax Act of 1962, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1103), and section 47-903 of the District of Columbia Official Code.

(2) "Developer" means Eastbanc-W.D.C. Partners, LLC., its successors, affiliates, and assigns, either collectively or individually.

(3) "District Property" means the West End Library Property, Special Operations/MPD Building Property, and the West End Fire Station Property, as defined in paragraph (9) of this section.

(4) "Fund" means the West End Library and Fire Station Maintenance Fund established by section 4.

(5) "Fund Managers" means the Chief Librarian of the District of Columbia Public Library and the Mayor.

(6) "LDDA" means the Land Development and Disposition Agreement between the District and the Developer pursuant to the West End Parcels Disposition Approval Resolution of 2010, effective July 13, 2010 (Res.18-553; 57 DCR 7623).

(7) "Maintenance Agreement" means a West End Library and Fire Station Maintenance Agreement by and among the Fund Managers, and Developer, or its successors, or assigns, and established pursuant to section 5.

(8) "Project" means the acquisition, development, construction, installation, and equipping of the multi-use project to be located on the Property, to include:

(A) A new library, estimated to contain approximately 20,000 gross square feet;

(B) A new fire station, estimated to contain approximately 16,000 gross square feet;

(C) A residential building on Square 37 estimated to contain approximately 224,390 gross square feet with approximately 153 units;

(D) A residential rental building, including affordable housing units in Square 50, subject to public financial assistance;

(E) Retail space estimated to contain approximately 9,600 gross square feet; and

(F) Below-grade parking.

(9) "Property" means the following parcels of land located in Squares 37 and 50 in the District:

(A) Square 37, Lot 836 ("West End Library Property");

(B) Square 37, Lot 837 ("Special Operations/MPD Building Property");

(C) Square 37, Lot 855 ("Developer Property");

(D) Square 50, Lot 822 ("West End Fire Station Property"); and

(E) Related air rights parcels.

(10) "West End Fire Station" means a new fire station in Square 50 in the West End to be constructed by the Developer pursuant to the LDDA.

(11) "West End Library" means a new neighborhood branch library to be constructed in Square 37 in the West End by the Developer pursuant to the LDDA.

### Sec. 3. Authorization.

(a) Notwithstanding any statutory and regulatory process established regarding contracting and procurement, the District of Columbia Board of Library Trustees is authorized

to procure the services of Developer for the design, development, and construction of that portion of the Project to include the West End Library, subject to a cost cap as established pursuant to agreement between the District and Developer.

(b) Notwithstanding any statutory regulatory process established regarding contracting and procurement, the Mayor is authorized to procure the services of Developer for the design, development, and construction of that portion of the Project to include the West End Fire Station, subject to a cost cap as established pursuant to agreement between the District and Developer.

(c)(1) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and the Procurement Practices Reform Act of 2010, passed on 2<sup>nd</sup> reading on December 7, 2010 (Enrolled version of Bill 18-610), shall not apply to the procurement authorized under subsections (a) and (b) of this subsection.

(2) The regulations set forth in Chapter 43 of Title 19 and Title 27 of the District of Columbia Municipal Regulations shall not apply to the procurement authorized under subsections (a) and (b) of this subsection.

#### Sec. 4. West End Library and Fire Station Maintenance Fund.

(a) There is established as a nonlapsing fund the West End Library and Fire Station Maintenance Fund, which shall be used solely to pay the expenses of providing supplemental maintenance service, insurance, and capital replacement for the West End Library and West End Fire Station along with those regularly provided by the District of Columbia Public Library and the Mayor, respectively, and ensuring that both facilities are maintained in a manner that is consistent with the high-quality conditions of the larger buildings of which they are a part.

(b) The Chief Financial Officer shall deposit into the Fund 85% of the Deed Transfer and Recordation Taxes attributable to the new buildings constructed on Lots 836, 837, and 855 in Square 37 (or such successor record or assessment and taxation lots as may be created through future subdivision or creation of condominium units).

(c) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(d)(1) The money in the Fund shall be available to be spent pursuant to the Maintenance Agreement. The allocation of monies between the West End Library and the West End Fire Station, to the extent not provided in the Maintenance Agreement, shall be decided jointly by the Board of Library Trustees and the Mayor.

(2) The Mayor shall submit to the Council, as a part of the annual budget, a requested appropriation for expenditures from the Fund. Any monies received but not expended in a given fiscal year shall be retained by the Fund.

(e) The Fund shall be audited annually by the Inspector General, who shall transmit the audit report to the Mayor and Council no later than 90 days after close of the fiscal year. The annual audit shall include:

- (1) The assets, liabilities, fund balance, revenue, and expenditures of the Fund;
- (2) A detailed accounting of the Fund's expenditures; and
- (3) Identification of any Fund expenditures that were not permitted under the

law.

**Sec. 5. West End Library and Fire Station Maintenance Agreement.**

(a) Notwithstanding any other provision of law, the Mayor and the Board of Library Trustees are authorized to enter into a maintenance agreement with a contractor to provide supplemental maintenance services to the West End Library and West End Fire Station in order to:

- (1) Maintain the cleanliness and operability of the exterior facade of the West End Fire Station and West End Library to at least the same standards as the larger buildings of which they are a part;
- (2) Maintain the cleanliness and operability of the interior of the West End Fire Station and West End Library, including lighting, window coverings, floors and floor coverings, bathrooms and other public spaces, FF&E, and the HVAC systems to at least the same standards as the larger buildings of which they are a part;
- (3) Pay for supplemental external building and grounds maintenance;
- (4) Pay for property, casualty, and liability insurance (premiums and deductibles) attributable to the new library and fire station components of the Project (including common elements); and
- (5) Provide a capital replacement reserve for the new library and the new fire station as determined to be needed by the Chief Librarian of the District of Columbia Public Library and the Mayor.

(b)(1) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and the Procurement Practices Reform Act of 2010, passed on 2<sup>nd</sup> reading on December 7, 2010 (Enrolled version of Bill 18-610), shall not apply to the Maintenance Agreement.

(2) The regulations set forth in Chapter 43 of Title 19 and Title 27 of the District of Columbia Municipal Regulations shall not apply to the Maintenance Agreement.

**Sec. 6.** Notwithstanding section 1(d) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(d)), the time period within which the Mayor may dispose of the property located at 1101-1111 24th Street, N.W., known for tax and assessment purposes as Lot 836, Square 37, 2301 L Street, N.W., Lot 837, Square 37, and 2225 M Street, N.W., Lot 822, Square 50, pursuant to the West End Parcels Disposition Approval

**ENROLLED ORIGINAL**

Resolution of 2010, effective July 13, 2010 (Res.18-553; 57 DCR 7623), is extended to July 13, 2013.

Sec. 7. Section 47-919 of the District of Columbia Official Code is amended by striking the phrase "Trust Fund established by D.C. Official Code § 42-2802" and inserting the phrase "Trust Fund established by D.C. Official Code § 42-2802; and provided further that 85% of the monies collected from Lots 836, 837 and 855 in Square 37 (or such successor record or assessment and taxation lots as may be created through future subdivision or creation of condominium units), shall be deposited in the West End Library and Fire Station Maintenance Fund established by section 4 of the West End Parcels Development Omnibus Act of 2010, passed on 2<sup>nd</sup> reading on December 21, 2010 (Enrolled version of Bill 18-1076)" in its place

Amend  
§ 47-919

Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia