

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Codification  
District of  
Columbia  
Official Code

2001 Edition

2009 Fall  
Supp.

West Group  
Publisher

To amend the District of Columbia Procurement Practices Act of 1985 to authorize electronic procurement by Reverse Auction, to shorten the required period of public notice by the Office of Contracting and Procurement regarding invitations for bids, to authorize the Chief Procurement Officer to cancel solicitations without having to notify the Office of the Inspector General, to reduce the small purchase limit for the Metropolitan Police Department and the Office of the Chief Technology Officer, and to authorize electronic procurement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Procurement Practices Amendment Act of 2009".

Sec. 2. 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.*), is amended as follows:

(a) Section 107 (D.C. Official Code § 2-301.07) is amended as follows:

(1) New paragraphs (9A), (9B), and (9C) are added to read as follows:

"(9A) "Commercial product" means a product, item, material, component, subsystem, or system that is sold or traded to the general public in the course of normal business operations at an established catalog price or market price.

"(9B) "Commercial services" means installation, maintenance, repair, training, or other services for the proper use of a commercial product or services that are offered and sold competitively in substantial quantities in the commercial marketplace based on an established catalog price or market price for specific tasks performed under standard commercial terms and conditions, not including services that are sold based on hourly rates without an established catalog price or market price.

"(9C) "CPO" means the Chief Procurement Officer."

(2) New paragraphs (22B) and (22C) are added to read as follows:

"(22B) "Electronic procurement" means the planning, requisitioning, and acquisition of supplies and services via an electronic medium.

"(22C) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record."

Amend  
§ 2-301.07

(3) A new paragraph (52) is added to read as follows:

“(52) “Written” or “in writing” means the product of any method of forming characters on paper, other materials, or viewable screens which can be read, retrieved, and reproduced, including information that is electronically transmitted and stored.”.

(b) Section 302(a) and (b) (D.C. Official Code § 2-303.02(a) and (b)) is amended to read as follows:

Amend  
§ 2-303.02

“(a) Except as otherwise authorized by law, all District government contracts shall be awarded by:

- “(1) Competitive sealed bidding pursuant to section 303;
- “(2) Competitive sealed proposals pursuant to section 304;
- “(3) Noncompetitive negotiations pursuant to section 305;
- “(4) Human care agreements pursuant to section 306a;
- “(5) Small purchase procedures pursuant to section 321; or
- “(6) Reverse Auctions pursuant to section 1203(a).

“(b) In selecting one of the methods authorized by this section for the awarding of contracts, the contracting officer shall determine the most appropriate method for awarding contracts.”.

(c) Section 303(c) (D.C. Official Code § 2-303.03(c)) is amended as follows:

Amend  
§ 2-303.03

(1) Strike the phrase “30 days” wherever it appears and insert the phrase “21 days” in its place.

(2) Strike the 3<sup>rd</sup> sentence.

(d) Section 307 (D.C. Official Code § 2-303.07) is amended by striking the 2<sup>nd</sup> sentence.

Amend  
§ 2-303.07

(e) Section 321 (D.C. Official Code § 2-303.21) is amended as follows:

Amend  
§ 2-303.21

(1) Strike the phrase “\$500,000 for the Metropolitan Police Department and the Office of the Chief Technology Officer, and”.

(2) Strike the phrase “for all other” and insert the phrase “for other” in its place.

(f) A new Title XII is added to read as follows:

“Title XII. Electronic commerce; acquisition and disposition.

“Sec. 1201. Electronic transactions.

“(a) Notwithstanding any other provisions of this act, the CPO may acquire supplies and services through:

“(1) Electronic solicitation and bid response; or

“(2) Electronic auctions.

“(b) In selecting one of the methods authorized by this section, upon proper validation and authorization, a contracting officer may accept electronic signatures for all electronic commerce transactions.

“Sec. 1202. Electronic procurement.

“(a) The CPO may issue a solicitation by any electronic medium, including the Internet, electronic mail, or disk medium.

“(b) The CPO may accept responses to solicitations by any electronic medium, including the Internet, electronic mail, or disk medium.

“Sec. 1203. Electronic auctions.

“(a) The CPO may procure commercial products or commercial services through Reverse Auctions.

“(b) The CPO may place any requirement for a commercial product or commercial service on an established online Reverse Auction exchange that would allow any bidder to competitively bid down the price of that commercial product or commercial service over a stated period of time established by the CPO.

“(c) The CPO may establish an online auction exchange for the purposes of executing Reverse Auction transactions on behalf of the District.

“(d) The CPO may establish an online standard auction exchange for the purpose of executing standard auction transactions on behalf of the District government.”.

Sec. 3. 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. 4. 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