

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Government Quick Payment Act of 1984 to require that any contract awarded by a District agency include a standard contract clause obligating the contractor to include a dispute-resolution clause in any contract that it enters into with a subcontractor; and to amend the Procurement Practices Reform Act of 2010 to require that certain District government contracts be solicited through the electronic procurement system operated and maintained by the Chief Procurement Officer, to require that certain District government procurement solicitations be linked to via a single publicly accessible Internet webpage, and to require the Mayor to maintain a publicly available website that provides information regarding payments made to contractors by agencies that manage financial transactions through systems maintained by the Chief Financial Officer and allows for electronic invoicing by such agencies.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Accessible and Transparent Procurement Amendment Act of 2018”.

Sec. 2. Section 3(d) of the District of Columbia Government Quick Payment Act of 1984, effective March 15, 1985 (D.C. Law 5-164; D.C. Official Code § 2-221.02(d)), is amended as follows:

- (a) Paragraph (2) is amended by striking the word “and” at the end.
- (b) Paragraph (3) is amended by striking the period and inserting a semicolon in its place.
- (c) Paragraph (4)(C) is amended by striking the period at the end and inserting the phrase “; and” in its place.
- (d) A new paragraph (5) is added to read as follows:

“(5) A dispute-resolution clause that obligates the contractor to include in any subcontract a provision that would require the contractor, at the election of the subcontractor, to participate in negotiation or mediation as an alternative to administrative or judicial resolution of a dispute.”.

Sec. 3. The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), is amended as follows:

(a) Section 401 (D.C. Official Code § 2-354.01) is amended by adding a new subsection (c) to read as follows:

“(c)(1) To the maximum extent practicable, each District government agency subject to the provisions of this act pursuant to section 105(a) shall solicit each contract in an amount in excess of \$100,000, not including contracts for goods or services obtained pursuant to the District of Columbia Supply Schedule, through the electronic procurement system operated and maintained by the Chief Procurement Officer pursuant to section 204(b)(9).

“(2) Paragraph (1) of this subsection shall not apply to an agency that continues to employ the same electronic procurement system that it operated or maintained as of April 10, 2018; provided, that the agency shall comply with paragraph (1) of this subsection upon the expiration of the useful life of such system; provided further, that the agency may operate and maintain such system, but shall not expend any funds to upgrade or improve such system or acquire a new system.”.

(b) Section 1104(b) (D.C. Official Code § 2-361.04(b)) is amended as follows:

(1) Paragraph (2) is amended to read as follows:

“(2)(A) A webpage with links to each District government website containing active solicitations for goods or services in an amount in excess of \$100,000, including websites maintained by District agencies exempt from the authority of the CPO.

“(B) Each website linked to by the webpage provided for in subparagraph (A) of this paragraph shall provide clear instructions on how to respond electronically to each solicitation, unless a solicitation cannot be responded to electronically, in which case the website shall provide clear instructions on how to respond to the solicitation through non-electronic means.”.

(2) Paragraph (6) is repealed.

(c) A new section 1104a is added to read as follows:

“Sec. 1104a. Vendor portal.

“(a) The Mayor shall establish and maintain on the Internet a publicly accessible website containing a portal which shall, at a minimum:

“(1) Show payments made by the District of Columbia government to contractors, searchable by purchase order number, invoice number, check number, voucher number, or any combination of the aforementioned necessary to identify a particular payment; and

“(2) Allow for electronic submission of invoices to the District by a contractor.

“(b) The website may require registration to view payments to contractors shown pursuant to subsection (a)(1) of this section, but such registration shall not require the viewer to supply any identifying information except for the viewer’s name, email address, and password.

“(c) This section shall apply to payments made by, and invoices submitted to, any agency that manages financial transactions through systems maintained by the Chief Financial Officer.”.

Sec. 4. Applicability.

(a) Section 1104a(a)(2) of the Procurement Practices Reform Act of 2010, effective April

8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), as added by section 3(c), shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of section 1104a(a)(2) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*).

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia