DATE: July 28, 2020
Oral Amendment offered by Councilmember McDuffie
to bills, the Protecting Businesses and Workers from COVID-19 Emergency Amendment Act of 2020; and the Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020

Title II is amended as follows:

1. The heading is amended to read as follows:

“TITLE II. PERSONAL PROTECTIVE EQUIPMENT GRANT AND EQUIPMENT PURCHASE PROGRAM”

2. A new section 202 is added to read as follows:

“Sec. 202. (a)(1) The Chief Procurement Officer, or designee, shall have the authority during the public health emergency and for 90 days thereafter to enter into an indefinite-delivery/indefinite quantity contract (“IDIQ contract”) for PPE, sanitization and cleaning products, related equipment, or other goods or supplies in furtherance of the District’s COVID-19 recovery efforts that permit an entity that is, or is similar to, a local business enterprise as that term is defined in section 2302(16) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 et seq.) (“CBE Act”), to place orders under the IDIQ contract at the prices specified in the IDIQ contract.

(2) Priority consideration for purchasing through the IDIQ contract shall be given
to an eligible entity, as described in paragraph (2) of this subsection, that is also:

(A) A Small business enterprise, as that term is defined in section 2302(12) of the CBE Act;

(B) A Resident-owned business, as that term is defined in section 2302(15) of the CBE Act; or

(C) At least 51% owned by economically disadvantaged individuals, as that term is defined in section 2302(7), or owned by individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

(b) The Chief Procurement Officer, or designee, shall monitor and review, and may establish standards, procedures, or rules for, IDIQ contracts entered into pursuant to subsection (a) of this section.

Fiscal impact statement
This amendment has no fiscal impact.

Rationale: This amendment allows the Chief Procurement Officer to issue an IDIQ contract whereby eligible District based businesses may purchase PPE equipment in bulk. The amendment requires the CPO to establish rulemaking, and to consider prioritization of disadvantaged businesses.
FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
   Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director

DATE: July 28, 2020

SHORT TITLE: “Protecting Businesses Workers from COVID-19 Emergency Amendment Act of 2020”

TYPE: Amendment #1

REQUESTED BY: Councilmember Kenyan McDuffie

Conclusion
The proposed emergency amendment would not change the impact of the underlying legislation on the fiscal year 2020 budget and four-year financial plan.

Background
This amendment adds a new Section 202 to Title II of the “Protecting Businesses and Workers from COVID-19 Emergency Amendment Act of 2020.” Section 202 authorizes the District’s Chief Procurement Officer to enter an indefinite-delivery/indefinite quantity (IDIQ) contract for personal protective equipment (PPE), sanitizing and clean products, and related goods. Locally-owned businesses that meet certain qualifying standards would be able to purchase this equipment through the IDIQ contracts at bulk prices.

There is no cost associated with implementing this amendment.
MEMORANDUM

TO: Councilmember Kenyan R. McDuffie

FROM: Nicole L. Streeter, General Counsel

DATE: July 28, 2020

RE: Legal sufficiency determination for amendment to Bill 23-870, the Protecting Businesses and Workers from COVID-19 Emergency Amendment Act of 2020

The measure is legally and technically sufficient for Council consideration.

The amendment adds a new section 202 to Title II of Bill 23-870. The amendment authorizes during the period of the public health emergency, and for 90 days thereafter, the Chief Procurement Officer to enter into an indefinite-delivery/indefinite quantity contract (IDIQ contract) for personal protective equipment and other sanitizing and cleaning products and to make these products available for purchase by local business enterprises as described in the amendment.

I am available if you have any questions.