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July 3, 1995

VIA TELECOPY 727-0659

Mr. James Gaston, Director
Department of Administrative Services
441 4th Street, NW, Suite 700
Washington, D.C. 20001

Re: District of Columbia Bar - Government Contracts and Litigation Section/Community Outreach Program

Dear Mr. Gaston:

The Government Contracts and Litigation Section of the District of Columbia Bar is prepared to call upon its members to provide assistance to District of Columbia procurement officials in two major ways. The Section has conducted a preliminary review of the current standard contract clauses in District of Columbia service, supply and construction contracts. Wanda Moorman from the Department of Administrative Services provided us with a listing of federal contract clauses which are comparable to the requirements for clauses in the District regulations. We are concerned that the current standard clauses do not appear to comply with mandatory requirements of the District of Columbia Municipal Regulations found at Title 27. In addition, it appears that many contract clauses necessary to implement the regulations do not exist. If you believe it would be of service to the District, the Section is ready to prepare a formal review of these contract clauses divided into three sections. The first section would be to identify those mandatory clauses which are not currently in District contract forms. The second section would identify those "necessary" clauses which are required to implement the clear intent of the regulations. The third section would be to identify contract clauses which, at the District's option, could be utilized to implement the needs of the District. These clauses again would be limited to those situations where the procurement regulations clearly indicate a desire to have such types of clauses available for use.

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It would be the intent of the Section to utilize the current standard federal contract clauses in all three situations. The Section would not be proposing contract clauses as policy issues. Nor would our work in any way intrude upon the District's ability to modify current clauses in use to streamline the process. In addition, our work would avoid areas, if any, which could be the subject of pending statutory changes.

The Section is willing to undertake modifying the federal clauses to implement the District procurement regulations if the new administration clearly indicates that such an effort would be welcomed and implemented. We do not want to call upon our Section members to donate their valuable time unless the new administration would support and implement such an effort.

If your new administration would support such an effort by our Section, we would propose providing these draft clauses to the appropriate D.C. Procurement Officials by September 1, 1995 for its review. We wish to emphasize that in our drafting efforts, we will solicit and welcome participation by attorneys from the D.C. Corporation Counsel, District agency staff attorneys, and other D.C. procurement officials in our efforts. We need your office to provide us a complete set of contract forms in use for all types of contracts.

Concurrent with the review of these clauses would be the Section's effort to establish a training program for District of Columbia procurement agencies. This training program could be instituted as early as November, 1995 to incorporate training on the anticipated new clauses to be adopted by the District of Columbia agencies. Again, we would solicit assistance and comments from D.C. Procurement agencies in developing the content of the courses. We would recommend that the courses be structured as basic training courses which would review statutory and regulatory requirements, as well as the basic contract clauses for the following topic areas:

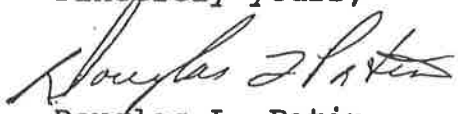
1. Sealed bid solicitation provisions and procedures.
2. Negotiated procurement solicitation provisions and procedures.
3. Contract administration subdivided into:

    a. Construction contracts
    b. Service contracts
    c. Supply contracts

We would call upon our Section members to donate their time in preparing training materials and conducting the courses. Our training could complement any other training the District would wish to undertake.

We respectfully suggest that these two efforts would be the most effective use of the Section's resources to assist the new administration in the procurement area. If you find these proposals to be consistent with the District's current policy objectives, we will proceed to implement them once we receive notice from you that we should proceed. We would also request that we be provided a contact person to coordinate our efforts and that you provide us a proposed schedule for the training courses.

Sincerely yours,



Douglas L. Patin

cc: Judge Carol Park-Conroy
Steven W. DeGeorge, Esq.
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Judge Eileen Fennessy
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