

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Office of Personnel

District Personnel Manual Issuance System

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Chapter (s) 9

DPM Instruction No. 9-18

SUBJECT: Negotiated Services Contracts – Contracting for
Information Technology Services

Date: March 25, 2003

The purpose of this instruction is to incorporate into Subpart 4 of Part II of Chapter 9 of the District Personnel Manual (DPM), Excepted Service, the provisions of Chapter 19 of title 27, Contracts and Procurement, of the District of Columbia Municipal Regulations (DCMR), as amended. Chapter 19 of title 27 was amended at 50 DCR 1531 (February 14, 2003), by adding a new § 1902, Contracting for Information Technology Services, to implement personal services contracting for information technology (IT) consultants for the Office of the Chief Technology Officer (OCTO). As adopted, these rules:

1. Allow a contracting officer to retain an IT consultant as a personal services contractor if the consultant: (a) provides services to the OCTO; (b) is unable to be hired as a District employee because the consultant is requiring compensation that cannot be accommodated through District pay schedules; and (c) is deemed critical by the Mayor to the IT program of the OCTO; and
2. Allow these IT consultants to exercise managerial and supervisory authority over District government employees, and to be subject to direct control or supervision by District government personnel.

DPM Instruction No. 9-13, Negotiated Services Contracts – Expert and Consulting Services, dated April 8, 1996, incorporated into Subpart II of Chapter 9 of the DPM, the provisions of § 1901 of Chapter 19 of title 27 of the DCMR, Expert and Consulting Services. The text of newly added § 1902 and the definition of the term “personal services contract,” which was added to § 1999, Definitions, are provided below:

1902 CONTRACTING FOR INFORMATION AND TECHNOLOGY SERVICES

1902.1 Notwithstanding § 1901, a contracting officer may contract with an information technology (“IT”) consultant as a personal services contractor if the IT consultant:

Note: DPM Bulletins that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, § 1.3.]

Inquires: Policy and Program Development Division (202) 442-9644

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Retain Until Superseded

- (a) Provides services to the Office of the Chief Technology Officer;
- (b) Is unable to be hired as a District employee because the consultant is requiring compensation that cannot be accommodated through District pay schedules; and
- (c) Is deemed critical by the Mayor to the IT program of the Office of the Chief Technology Officer.

1902.2 A personal services contractor hired under § 1902 may, where applicable, exercise managerial and supervisory authority over District employees, and be subject to direct control or supervision by District personnel.

1902.3 A personal services contract authorized by § 1902 may establish or allow any of the following:

- (a) An employer-employee relationship between the District and the contractor;
- (b) Detailed control or supervision by District personnel of the contractor or its employees with respect to the day-to-day operations of the contractor or the methods of accomplishment of the services;
- (c) A regularly established tour of duty for the contractor;
- (d) Supervision of District employees by the contractor; or
- (e) Performance of work of a policy-making, decision-making, or managerial nature.

1902.4 The contracting officer shall determine in writing, based upon certification of facts by the Chief Technology Officer, that the criteria set forth in § 1902.1 are met and that the use of a personal services contract for IT consultant services is in the best interests of the District.

1902.5 Before processing any contractual action or solicitation for IT consultant personal services, the contracting officer shall ensure that the applicable provisions of this Chapter have been complied with and that the required documentation is complete and included in the contract file.

1902.6 For procurement of IT consultant personal services, the contracting officer shall ensure that the following are accomplished:

- (a) Each requirement is appropriate and fully justified in a written determination and findings. The justification shall include a statement of need and the requesting official's certification that the services do not unnecessarily duplicate any previously performed work or services;
- (b) Each work statement is specific and complete, and states a fixed period of performance within which the services are to be provided;
- (c) Each contract is awarded pursuant to the Act and this title;

- (d) Appropriate disclosure is required of, and warning is given to, contractor personnel to avoid conflicts of interest;
- (e) Each contract is properly administered and monitored to ensure that performance meets the requirements of the contract;
- (f) Each proposed contract action is properly authorized by a written, signed document; and
- (g) Each proposed contract is approved, in writing, by the City Administrator prior to award of the contract.

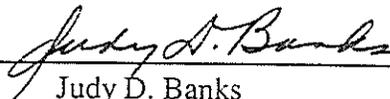
1902.7 A contract for IT consultant personal services may be extended by modification, but in no event shall the period of the base contract and any extensions exceed three (3) years.

1902.8 Federal and District statutes or regulations applicable to District employees concerning ethics shall apply to all contractors under this Chapter. All contracts entered into pursuant to this Chapter shall comply with the laws and regulations governing ethics in the District government.

1902.9 The contracting officer may waive the insurance coverage requirements of § 2712 of chapter 27 of this title when the Chief Technology Officer submits a written determination that waiver of the insurance coverage requirements is in the best interests of the District.

Section 1999 is amended by adding the following definition:

Personal Services Contract – a contract that, by its express terms or as administered, makes the contractor personnel appear, in effect, as District government employees.



Judy D. Banks
Interim Director of Personnel

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