

Superseded by statutory change
to PPA.

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST. N.W.

WASHINGTON, D. C. 20001



IN REPLY REFER TO:

Prepared by:LCD:ABE
(AL-99-406)

August 19, 1999

Jonda McFarlane
Chairman
Advisory Neighborhood Commission 2E
3265 S Street, N.W.
Washington, D.C. 20007

Re: Independent Contractor Employees of ANCs

Dear Ms. McFarlane:

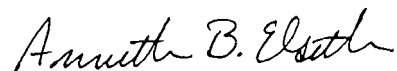
This responds to your July 20, 1999 letter requesting advice as to whether Advisory Neighborhood Commission ("ANC") 2E can contract with an employee for administrative services, and if so, what are the limitations on such contracts, and whether any District agency must approve such a contract. After discussions with the Procurement Section of our Government Operations Division, I responded to you orally on July 30, 1999 that an ANC may hire an independent contractor but in so doing must comply with the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986, D.C. Law 6-85, as amended by the Procurement Reform Amendment Act of 1996, effective April 12, 1997, D.C. Law 11-259, D.C. Code § 1-1181.1 *et seq.* ("Procurement Practices Act" or "Act").

The Procurement Practices Act applies, with certain exceptions, to all departments, agencies, instrumentalities, and employees of the District government. Any specific contracting authority vested in government entities that existed prior to the Act was superseded by the Act. Since ANCs are an instrumentality of the District government and are not specifically excepted from the Act, they are covered by it. Therefore all contracts for the procurement of goods and services entered into by an ANC must comply with the requirements of the Act. The term "contract" is specifically defined in the Act to include, "contracts providing for the issuance of job or task orders". Therefore, a contract between an ANC and an employee to perform administrative services must comply with the requirements of the Act. The Office of Contracting and Procurement is the exclusive contracting authority for all procurements covered by the Act. Therefore you should contact that office at 727-0252 to discuss your contracting needs. As discussed, the Office of Contracting and Procurement will either enter into a contract for services on behalf of the ANC or the Chief Procurement Officer will delegate

to the ANC authority to enter into the contract. Even if the Chief Procurement Officer delegates the authority to the ANC to enter into contracts, the contracting process must comply with the requirements of the Act.

If you have any further questions about this matter, please do not hesitate to contact me at 724-5537.

Sincerely,



Annette B. Elseth
Assistant Corporation Counsel
Legal Counsel Division

cc: Lyle Blanchard
Treasurer
Advisory Neighborhood Commission 3C
2737 Devonshire Place, N.W.
Washington, D.C. 20008