

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:

L&O:LNG:lng
(93-311-L)

August 13, 1993

Roger E. Middleton, Esquire
1825 Eye street, N.W.
suite 400
Washington, D.C. 20006

Re: Pay claim of Caesar Marshall against
Advisory Neighborhood Commission 6-B

Dear Mr. Middleton:

This is in response to your July 7, 1993 letter to Mr. Jamie Platt, the Chairman of Advisory Neighborhood Commission 6-B, in which you make a "formal request" for payment of money allegedly due your client, Mr. Caesar Marshall, a former employee of ANC 6-B.

In the last paragraph of your letter you cite Title 27 District of Columbia Municipal Regulations section 3803.5, and assert that Mr. Platt has "sixty (60) days from the receipt of this claim to issue a written decision."

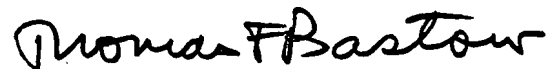
Title 27 of the District of Columbia Municipal Regulations contains the District government's procurement regulations that were promulgated pursuant to and implement the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986, D.C. Law 6-85, D.C. Code § 1-1181.1 *et seq.* (1992). section 104(c) of the Procurement Practices Act, D.C. Code § 1-1181.4(c) (1992), provides that "[t]his act shall apply to all agencies and employees of the District government which are subordinate to the Mayor." The commissioners of Advisory Neighborhood Commissions are not subordinate to the Mayor. Therefore, the Procurement Practices Act, does not, by its terms, apply to Advisory Neighborhood Commissions.

section 104(e) of the Procurement Practices Act, D.C. Code § 1-1181.4(e) (1992), provides in pertinent part that "[a]ny branch or agency of government exempted from the provisions of this act ••.may formally agree to be bound by any provisions of this chapter, or by the final rules and procedures adopted pursuant to this chapter." Mr. Platt has informed this Office that Advisory Neighborhood Commission 6-B has never formally or otherwise agreed to be

bound by the provisions of the Procurement Practices Act or any of the rules and procedures adopted pursuant to the Procurement Practices Act. Therefore, neither Chapter 38 nor any other chapter of Title 27 of the District of Columbia Municipal Regulations is applicable to Mr. Marshall's claim vis-a-vis Advisory Neighborhood Commission 6-B.

In sum, Advisory Neighborhood Commission 6-B Chairman Jamie Platt has no legal obligation under the Procurement Practices Act, or the regulations adopted pursuant to that act, to issue a written decision on Mr. Marshall's claim, as demanded in your July 7, 1993 letter to him.

Sincerely,



--Thomas F. Bastow, Chief
Legislation & opinions Section
Legal Counsel Division

cc: Jamie Platt
Chairman, ANC 6-B