



District of Columbia Department of Health <h2 style="color: blue;">Contractor Onboarding</h2>		PROCEDURE 820.000 Implementing Office: Office of the Director Training Required: Yes Originally Issued: MAR 21 2017 Revised/Reviewed:
Approved by:  LaQuandra S. Nesbitt MD, MPH; Agency Director	Review by Legal Counsel:  Phillip Husband, Esq.; General Counsel	Effective Date: MAR 21 2017 Valid Through Date: MAR 21 2020

I. Authority	Reorganization Plan No. 4 of 1996; Mayor’s Order 1997-42; DCMR Title 6B Chapter 24 §2427-2430; D.C. Official Code §§ 2-352.05; 2-352.05a
II. Reason for the Policy	DOH contracts with vendors to provide services and contract employees for a range of tasks. A standardized agency-wide process is necessary to ensure that DOH is fully utilizing existing employees before incurring the additional expense of contractors, and remains in compliance with relevant District laws and collective bargaining agreements (CBAs) to which it is a party.
III. Applicability	This SOP shall apply to all managers seeking to procure a contractor to provide services and/or temporary contract employees to supplement for a limited duration certain DOH mandated functions or provide services and/or contract employees for certain highly specialized administrative functions, which DOH does not have the in-house capability to perform.
IV. Policy Statement	DOH may request a contractor to augment existing services, or to provide new services, for a limited duration of less than one year, and only under the circumstances outlined herein. A contract to provide personnel either to perform DOH functions or to assist with DOH administrative functions with a term of one year or greater, with exercised option years may only be entered into if the legal determination is made that the scope of duties performed by the contractor is not closely associated with an “inherently governmental function,” as defined in D.C. Official Code § 2-352.05a (b). If DOH seeks to retain the services of a contractor for a period of one year, or greater with option years, and the scope of

	<p>duties performed by that contractor is closely associated with an “inherently governmental function” DOH must create a position for that scope of duties in a manner consistent with the District Personnel Manual (DPM) and any CBAs to which DOH is a party.</p> <p>When a manager identifies tasks for which a contractor is being considered, that manager shall first establish whether the scope of duties can be assigned to an existing DOH employee in that bureau/unit. A contractor may only be considered if every DOH employee in the bureau/unit is excluded from carrying out those tasks. An employee may be excluded from carrying out the specific job scope if any of the following conditions are present:</p> <ol style="list-style-type: none"> 1. Adding new tasks would commit the employee to a workload beyond what can be reasonably carried out within his/her tour of duty. 2. There is a misalignment between the employee’s qualifications, and the skills necessary to carry out the specific job scope. 3. The employee has an active Performance Improvement Plan (PIP). This justification may no longer be used once the DOH employee has resolved all items in the PIP. <p>The manager considering a contractor must complete the Contractor Request and Justification Form. The administration’s Deputy Director of Operations (DDO) must approve the justification for the process to proceed.</p> <p>The DDO, or his/her designee, is responsible for managing the procurement process to request contract services. All requests for contract services are subject to prior written approval from the Chief Operating Officer (COO) prior to being submitted to the DOH-assigned Contracting Officer (CO).</p> <p>Any employee in violation of any provision of this policy may be subject to commensurate disciplinary action.</p>
<p>IV. Definitions & Acronyms</p>	<p>CBA- Collective Bargaining Agreement</p> <p>Contractor- A private entity with a written contract to render services to DOH. The contractor provides individuals to carry out</p>

	<p>the services stipulated in the contract between DOH and their employer.</p> <p>CO- DOH-assigned Contracting Officer</p> <p>COO- Chief Operating Officer</p> <p>CPO- Chief Procurement Officer</p> <p>DDO- Deputy Director for Operations</p> <p>DPM- District Personnel Manual</p> <p>Inherently Governmental Function- “An inherently governmental function involves, among other things, the interpretation and execution of the laws of the District to:</p> <ol style="list-style-type: none"> 1) Bind the District to take or not take some action by contract, policy, regulation, authorization, order, or otherwise; 2) Appoint, direct, or control officials or employees of the District; 3) Exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the District, including the control, or disbursement of, appropriated and other District funds 4) With respect to contracts to procure goods or services for the District...” [D.C. Code § 2-352.05] <p>Per D.C. Code § 2-352.06, the Chief Procurement Officer (CPO) shall issue rules containing guidance further defining an inherently governmental function. DOH shall abide by all such guidance, and examples of inherently governmental functions described therein shall be inclusive of this definition.</p> <p>PIP- Performance Improvement Plan</p> <p>PO- Purchase Order</p> <p>SOW- Statement of Work</p>
VI. Procedures	Procedure A: Justifying a Contract Employee

	<ol style="list-style-type: none"> 1. A specific job scope shall be identified by a manager within a DOH office/bureau. 2. The requesting manager shall complete the Contractor Request and Justification Form, wherein he/she shall: <ol style="list-style-type: none"> a. Describe the specific job scope; b. Designate the labor category; c. Identify the vendor agreement under which the services will be procured (if applicable); d. Establish the hourly rate, and total fiscal year cost of the contractor. 3. Using the Contractor Request and Justification Form, the requesting manager shall list all standing DOH employees within the unit and justify why the specific job scope cannot be assigned to any of them. An employee can be excluded for consideration only for one of the three reasons articulated in the policy statement above. 4. The requesting manager shall sign and date the Contractor Request and Justification Form and submit it to the DDO for approval. 5. The DDO shall review the request. The request may only proceed with the DDO approval. <p>Procedure B: Procurement of Contractors</p> <ol style="list-style-type: none"> 1. The requesting manager is responsible for developing a Scope of Work (SOW) aligning with the approved specific job scope. 2. The administration's DDO shall approve the SOW. 3. The DDO shall assign a requisitioner to initiate the procurement process. 4. The agreement for the contractor shall be in effect for less than one year. 5. The COO shall be included in the electronic approval flow. <p>Procedure C: Renewal of Contractor Agreements</p> <ol style="list-style-type: none"> 1. If an administration seeks to extend an agreement to a period of one year or longer, the DDO shall determine if the specific job scope is an inherently governmental function (see definition). The Office of General Counsel shall
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	<p>provide guidance in making this determination if requested.</p> <ol style="list-style-type: none"> 2. If the specific job scope is not an inherently governmental function, the agreement may be extended to a period of one year or longer in a manner consistent with all applicable procurement rules. 3. If the specific job scope is an inherently governmental function, the procurement shall end within one year. The administration may, if otherwise feasible, post a DOH position to assume the specific job scope.
VII. Contacts	Chief Operating Officer- (202) 442-5863
VIII. Related Documents, Forms and Tools	Contractor Request and Justification Form

