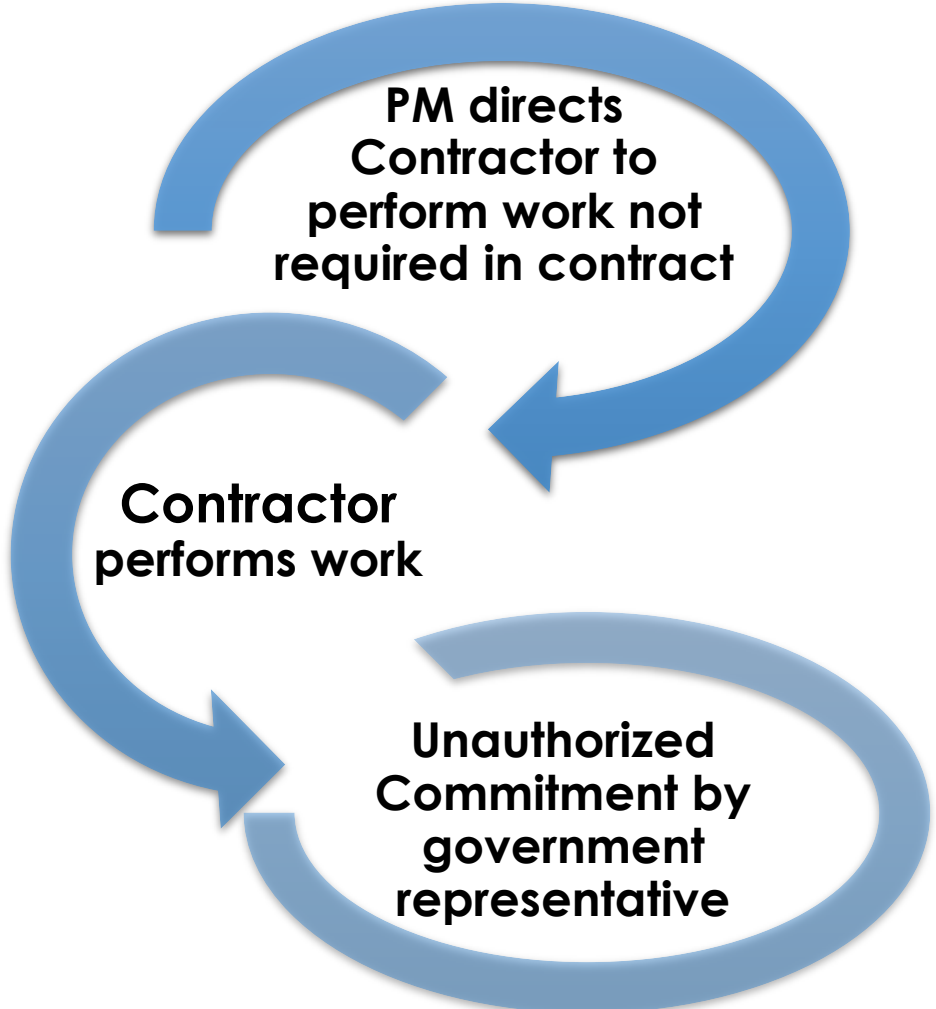




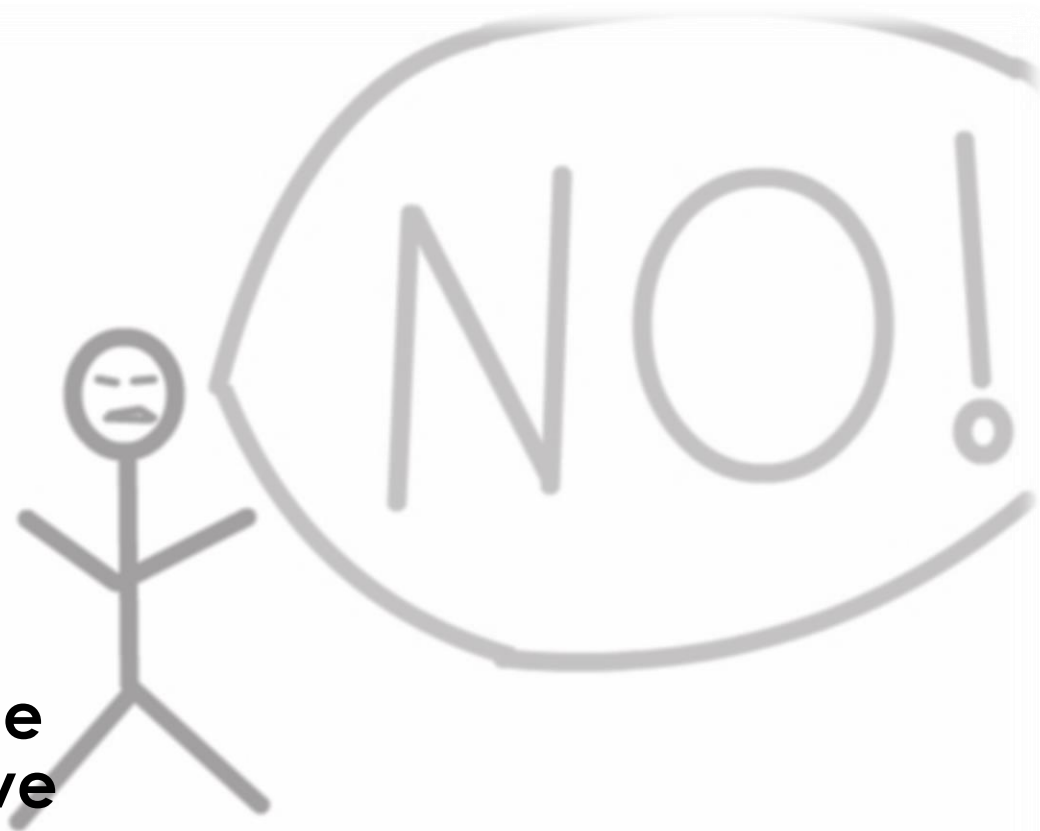
UNAUTHORIZED COMMITMENT TRAINING FOR DGS VENDORS

Example of an Unauthorized Commitment





An unauthorized commitment is an agreement that is not binding solely because the Government representative who made it lacks authority to enter into such agreement.



Who Can Enter Into Agreements with Vendors?



**COTRS, PROJECT
MANAGERS, SUPERVISORS**



CONTRACTING OFFICERS

COTRS SHOULD ALWAYS CONTACT THE CONTRACTING OFFICER FIRST



- ▶ The COTR/PM is responsible for alerting the contracting officer that a modification to an active contract is necessary.
- ▶ COTR/PM cannot agree orally or in writing to a contract modification with a vendor and must exercise extreme caution in communications regarding changes to a contract with a vendor.

THE RATIFICATION PROCESS



Legal process that validates the government's actions as legal and within the constraints of fiscal policy.



Historically, the Department's position has been that vendors providing goods or services without a valid written agreement shall be paid through the ratification process.



Since 2011, DGS' CPO has continued to receive ratification requests and has routinely ratified the request for payment based upon the premise that the District did in fact receive goods or services.



This process will **NO LONGER** be the preferred recourse when services are rendered without a valid written contract.

Section 901 of the Procurement Practices Reform Act OF 2010 (“PPRA”)



- A District Employee shall not enter into an oral agreement with a contractor to provide goods or services to the District government without a valid written contract. A violation of this paragraph shall be cause for termination of employment of the District Employee.

Section 901 of the Procurement Practices Reform Act OF 2010 ("PPRA")



- ▶ Except as authorized (through the ratification process) a contractor who enters into an oral agreement with a District employee to provide goods or services to the District government without a valid written contract shall not be paid.
- ▶ DC Code Section 2-359.01 (b) prohibits payment for goods or services received without a valid written contract, unless payment is required by court order, a decision of the Contract Appeals Board, a settlement agreement, or an approval by the CPO.

Remember These RULES



Employees SHALL NOT make verbal changes to a previously issued order/contract for goods or services.

Employees SHALL NOT instruct, or otherwise notify any contractor to deliver goods or to perform services unless approved by the Chief Contracting Officer or an authorized employee with proper delegated authority.

A Contractor who enters into an oral agreement to provide goods or services to the Department without a contract shall do so at its own risk and shall not be paid, except as provided in DC law/DGS policy.



REMEMBER



DGS has chosen this route because it protects the Vendors, DGS Employees, and Most importantly...The District.

QUESTIONS AND ANSWERS



YOU SHOULD KNOW BEFORE YOU GO



- DGS Publishes Awarded Contracts and Details on the DGS website at: <https://dgsprocurement.dc.gov/>
- DGS Publishes Payments to Prime Vendors on the DGS website at: https://dgsprocurement.dc.gov/contract_payments.aspx
- Know the CBE Inclusion Officer: Olivia Warren. Contact her at Olivia.Warren@dc.gov.

Connect With DGS!



Contact C&P: dgs.cotradmin@dc.gov
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