

**TESTIMONY BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT OPERATIONS AND THE ENVIRONMENT**

Public Hearing on

**Bill 18-610, the “Omnibus Procurement Reform Amendment Act of 2010”
Bill 18-635, the “Procurement Reform Act of 2010”**

March 23, 2010

**Mackenzie Baris
Lead Organizer, DC Jobs with Justice**

Good afternoon Councilmembers, my name is Mackenzie Baris and I am the lead organizer for D.C. Jobs with Justice, a coalition of over 40 local community, religious, labor, and student organizations, collectively seeking to make the District a better place for poor and working families.

I am here today to join my voice with many others in expressing the need for contracting reform to include protections for workers. You have heard first hand today from workers who were victims of unscrupulous and illegal practices by companies who have received DC contracts. After eight years of working to defend workers’ rights in DC, DC Jobs with Justice can attest that these cases are not isolated. We have seen other cases first hand, and feel confident in suggesting that many other abuses by DC contractors go unnoticed. You have also heard today about the impact an irresponsible contractor can have on the lives of the District residents depending on it for services, as well as about the impact of our purchasing decisions on workers around the world who produce uniforms and other apparel for our city.

Over the years we have often been frustrated in our attempts to address issues of worker abuse when discovered, as well as to discover whether city contractors were complying with requirements such as the DC Living Wage Act. These experiences point also to a need for greater transparency, training, and contract enforcement. It was with some concern that we noted that the Procurement Efficiency Act of 2009 (B18-0337) actually *reduces* transparency in the contracting process and increases unfettered discretion of contracting agencies or their designees, while doing nothing to ensure that those receiving work are responsible contractors

We do commend Councilmember Cheh for provisions in the Omnibus Procurement Reform Amendment Act of 2010 (B18-0610) which will increase transparency and improve the ability of the public to communicate with the Office of Contracting and Procurement, such as establishing an Ombudsman Office, increasing training requirements for contracting officers, and making basic information available to the public. We also support taking steps to reduce environmental harm from services or goods.

However, the experiences shared today point to the need for true procurement reform to include specific measures to protect both workers and consumers.

First, as the example of the Disability Compensation Program shows, private contractors, by being a step removed from direct oversight and by having competing motivations, such as profit, are automatically less accountable than DC government agencies in providing services to District residents. For this reason, there should be a very high level of scrutiny before any District service is contracted out. This scrutiny needs to take into account both how well and at what cost the service will be provided, as well as whether any “efficiency” or “cost reduction” will come at the expense of standards for workers or the services provided.

Second, as the example of Wings Enterprises shows, the Office of Contracting and Procurement should have clear standards and definitions for what constitutes Responsible Contracting and should prohibit contract awards to unethical or unreliable contractors and subcontractors. A contractor should be considered ineligible if they have shown a pattern of failing to comply with laws, including labor and employment law, or are currently under investigation by the District. If a contractor is found to have violated laws *during* their contract, there should be a clear way to bar them from receiving future contracts.

Third, the case of the former Hawk One employees points to the need to extend bonding requirements to large service contracts in order to protect District taxpayers and workers in the event that a contractor or subcontractor fails to meet their obligations under their contract or to their employees under the contract.

Finally, reforming the procurement process is also an opportunity to ensure in addition to being clean and green, our District goods are also sweat free. DC spends nearly \$6 million each year on apparel and footwear for our police, firefighters, and dedicated civil servants. DC should be a leader in joining other states and municipalities who are part of the Sweat free Purchasing Consortium and commit to sourcing from factories that respect human rights and international labor standards.

Thank members of this committee for their dedication to good government and attempts to improve the working of this important agency. We look forward to working with the committee and others who have testified today to draft amendments that will incorporate worker protections into procurement reform legislation as it moves forward.