

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

District Personnel Manual Issuance System

This bulletin should be filed behind the divider for part III of DPM Chapter(s) 27

DPM Instruction No. 27-2

SUBJECT: Requirements for *Written Determination and Findings* for Temporary Assignment of Employees from Private Sector Organizations to District Government Agencies

Date: June 20, 2008

NOTE: This District Personnel Manual (DPM) Instruction supersedes DPM Instruction No. 27-1, *Written Determination and Findings – Temporary Assignment of Personnel from Private Sector Organizations to District Government Agencies*, date March 4, 2002.

1. Purpose and Scope

The purpose of this instruction is to provide guidelines for the completion of the *written determination and findings* required prior to entering into a personnel exchange agreement to assign a private sector employee to a District government agency.

2. Authority

- a. Statutory authority – D.C. Official Code § 1-627.06 (2006 Repl.).
- b. Regulatory authority – Section 2702 of Chapter 27 of the D.C. personnel regulations, Temporary Exchange of Personnel.

3. Provisions

- a. Section 2702.8 of the regulations provides that, prior to entering into a personnel exchange agreement and commencing the assignment of a private sector employee to a District government agency, the agency head must prepare a *written determination and findings* explaining the reasons that the professional services sought cannot be secured through standard District government recruitment practices or procurement procedures.
- b. As part of the *determination and findings process*, each agency head is required to submit documentation to the Chief Procurement Officer in support of the agency's claim that it cannot utilize standard District government procurement practices to secure the professional services sought.
- c. The Chief Procurement Officer will review the documentation and, if the documentation so demonstrates, complete a separate statement certifying that the agency has demonstrated it cannot utilize standard procurement practices to secure the professional services needed.

Note: DPM Bulletins that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, § 1.3.]

Inquiries: Policy and Planning Administration, DCHR (202) 442-9644

Distribution: Heads of Departments and Agencies, HR Advisors, and DPM Subscribers

Retain Until Superseded

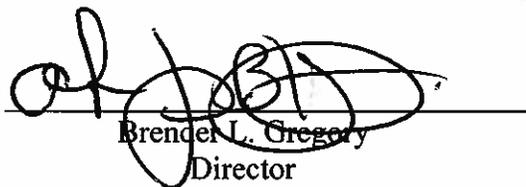
- d. The *determination and findings* and supporting documentation, and the signed *procurement certification*, must be presented to the Director, D.C. Department of Human Resources (DCHR).
- e. If the *determination and findings* and supporting documentation so demonstrate, the Director, DCHR, will certify in writing that:
 - 1) The agency has demonstrated it has exhausted every effort to secure the professional services needed through standard recruitment practices without success; and
 - 2) The Chief Procurement Officer has certified in writing that the agency has exhausted every effort to secure the professional services sought through standard procurement procedures.
- f. Notwithstanding the provisions in section 3 (b) through (e) above, the Chief Technology Officer (CTO) has the authority to certify determinations and findings in the case of the Office of the Chief Technology Officer (OCTO). The CTO will submit each certified determination and findings for the agency to the Director, DCHR, as part of the supporting documentation for any written personnel exchange agreement to assign a private sector employee to the OCTO.

4. Submission of the Written Determination and Findings Certifications

- a. Agencies must submit a separate written *determination and findings* (including a separate procurement certification) for each proposed personnel exchange agreement.
- b. As part of the documents attached are general instructions on the *determination and findings*, including a list of the type of documentation required as part of the submission to the Director, DCHR; a *sample statement* attesting that the agency cannot secure the required professional services through standard recruitment practices or procurement procedures; a *sample procurement certification*; and the *certification* to be completed by the Director, DCHR.

5. Effective Date

This instruction is effective immediately.



Brenden L. Gregory
Director

Attachments:

- Instructions – Determination and Findings
- Sample Agency Statement
- Sample Procurement Certification
- Certification by the Director, DCHR, of Determination and Findings

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources**

**Written Determination and Findings
[Chapter 27 of the D.C. Personnel Regulations, Temporary Exchange of Personnel]**

Instructions

Pursuant to section 2702 of the D.C. personnel regulations, prior to entering into an agreement to assign a private sector employee to a District agency, each agency head must complete a written determination and findings. The purpose of the determination and findings is for the agency to explain why it cannot utilize standard District government recruitment practices or procurement procedures to secure professional services that would be provided through a personnel exchange agreement.

Each complete determination and findings must be presented to the Director, D.C. Department of Human Resources (DCHR). If the determination and findings submitted so demonstrates, the Director, DCHR, will certify in writing that: 1) the agency has exhausted every effort to secure the professional services needed through standard recruitment practices without success; and 2) the Chief Procurement Officer has certified that the agency has exhausted every effort to secure the professional services needed through standard procurement procedures without success.

Agencies must submit a written determination and findings for each proposed personnel exchange agreement to assign a private sector employee to a District government agency. The written determination and findings must include a **separate** written procurement certification signed by the Chief Procurement Officer or his or her designee, containing the information described in B below. The written determination and findings must include, but not be limited to, the following information/or documents for the purpose of demonstrating the agency's unsuccessful efforts to secure the professional services needed through standard recruitment practices and procurement procedures, respectively:

Recruitment

1. Position title, series, and grade of the position
2. Detailed justification stating the need for the position/or professional services
3. Organizational chart
4. Position description (Optional Form 8) or detailed statement of duties
5. Qualification requirements of the position
6. Type of appointment (i.e., Career Service, Management Supervisory Service)
7. Copy of recruitment plan or statement explaining recruitment plan
8. Copy of any previously issued position vacancy announcements and/or advertisements
9. Detailed statement of outreach/recruitment efforts undertaken
10. Résumé/or statement of qualifications for the private sector employee being considered, including salary and employment history, reference checks*
11. Written statement identifying how the private sector employee was identified as a candidate for a personnel exchange assignment*

Procurement

The agency must submit documentation to the Office of Contracting and Procurement to demonstrate that the provisions of 27 DCMR 1900 *et seq.* have been duly considered and a determination made that a contract for expert and consulting services cannot be utilized to secure the professional services needed.

*Applicable when the agency has identified a private sector employee for the personnel exchange agreement at the time the written determination and findings is submitted to the Director, DCHR.

**AGENCY DETERMINATION AND FINDINGS
PROPOSED PERSONNEL EXCHANGE AGREEMENT**

[Chapter 27 of the D.C. Personnel Regulations, Temporary Exchange of Personnel]

“I, _____, ATTEST THAT THE INFORMATION AND
(Agency Director – Print Name)
DOCUMENTATION PERTAINING TO THE ATTACHED SUBMISSION ARE CORRECT. I
FURTHER ATTEST THAT THE INFORMATION AND DOCUMENTATION SUBMITTED
DEMONSTRATE THAT THE AGENCY CANNOT UTILIZE STANDARD DISTRICT
GOVERNMENT RECRUITMENT PRACTICES OR PROCUREMENT PROCEDURES TO SECURE
THE PROFESSIONAL SERVICES THAT WOULD OTHERWISE BE PROVIDED THROUGH A
TEMPORARY PERSONNEL EXCHANGE AGREEMENT.”

Signature of Agency Director

Agency

Date

**AGENCY DETERMINATION AND FINDINGS
PROPOSED PERSONNEL EXCHANGE AGREEMENT**

[Chapter 27 of the D.C. Personnel Regulations, Temporary Exchange of Personnel]

OFFICE OF CONTRACTING AND PROCUREMENT CERTIFICATION

“I, _____, CERTIFY THAT THE DIRECTOR OF THE
(Chief Procurement Officer – Print Name)

_____, HAS SUBMITTED DOCUMENTATION TO
(Agency Entering into the Agreement)

ADEQUATELY DEMONSTRATE THAT IT CANNOT UTILIZE STANDARD PROCUREMENT PROCEDURES PURSUANT TO 27 DCMR 1900 *et seq.*, TO SECURE PROFESSIONAL SERVICES THAT WOULD OTHERWISE BE PROVIDED THROUGH A PERSONNEL EXCHANGE AGREEMENT WITH A PRIVATE SECTOR ORGANIZATION.”

BRIEF DESCRIPTION OF THE DOCUMENTATION PRESENTED BY THE AGENCY:

CERTIFIED BY:

Signature of Chief Procurement Officer (or Designee)

Date

Instructions: The signed original “Office of Contracting and Procurement Certification” form must accompany the written determination and findings.

