

**Policy for the Production of Video Programming
by District Government Agencies**

Office of Cable Television and Telecommunications

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 (11) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22 (11) (2001), and pursuant to section 202 (8) of the Cable Television Communications Act of 1981, as amended, D.C. Law 4-142, D.C. Official Code § 34-1252.02(8) (2004 Supp.), it is hereby **ORDERED**:

1. **PURPOSE:**

The purpose of this Order is to establish a policy regarding the production of video programming (“programming”) by District of Columbia government agencies that are subject to the administrative authority of the Mayor (hereafter “agency” or “agencies”).

2. **RATIONALE**

A. The District of Columbia Office of Cable Television and Telecommunications (“OCTT”) is responsible for the coordination, management and oversight of District government television channels and the programming that appears on those channels. As a part of OCTT’s duties, it produces programming and provides coverage of events and proceedings that concern the District government and community. OCTT provides coverage of hearings and proceedings before the Council of the District of Columbia, events organized by the Mayor and executive branch government agencies, and other events that take place within the District of Columbia. Additionally, OCTT produces original programming for the purpose of providing information to District residents.

B. This Order establishes the responsibilities of District agencies regarding the creation of audio-visual information. Specifically, this Order establishes parameters designed to ensure that these agencies’ messages are consistent with the communications of the Mayor and District government and that the District government’s resources are used in the most efficient manner possible.

C. Additionally, this Order sets forth the procedures to be used regarding the production of programming on behalf of District government agencies.

3 **AUTHORITY OF THE OFFICE OF CABLE TELEVISION AND TELECOMMUNICATIONS:**

A. Pursuant to D.C. Official Code § 34-1252.02(8) (2004 Supp.), OCTT is designated as the primary agency to produce programming for District government agencies. OCTT's Executive Director shall have the authority to coordinate and manage all video programming produced in accord with this Order. Except as otherwise provided by this Order, the production of all video programming for District agencies shall be obtained from OCTT.

B. District agencies are prohibited from contracting to produce programming with any person or entity that is not an agency of the District government (i.e., "third-party programming") without first affording OCTT an opportunity to produce the requested programming pursuant to the specifications of the agency's "Justification for Commercial Vendor," as provided in Paragraph 4 of this Order.

C. This Order shall apply to all District government departments, agencies and offices subject to the administrative authority of the Mayor (collectively, "agency" or "agencies").

4. **RESPONSIBILITIES OF DISTRICT AGENCIES:**

A. Each agency shall follow written rules and procedures to be established and published by OCTT regarding the production of programming to be distributed to the general public.

B. All agencies shall coordinate with OCTT on all programming projects and activities.

C. In advance of any project, agencies shall submit related plans to OCTT within a reasonable period of time for review. Proposal information shall include the project's topic, timeframe for completing project, length of the program, preferred format, preferred program features and whether the contracting agency proposes that an entity other than a District government agency produce the programming.

D. The contracting agency shall enter into a memorandum of understanding (MOU) with OCTT to provide for the transfer of intra-District funds and to set the specific terms and specifications for the project.

E. The contracting agency shall authorize OCTT to cablecast any programming that OCTT produces.

F. If an agency seeks to procure programming from a commercial vendor or other organization other than OCTT:

(i) The agency shall provide OCTT a “Justification for Commercial Vendor,” wherein the agency shall set forth the proposed costs of the project, detailed specifications for the project, and the reasons that the project is to be produced by the requested contractor rather than by OCTT.

(ii) OCTT shall have a right of first refusal to produce the proposed programming. The agency shall allow OCTT a reasonable time in which to determine whether it can produce the requested programming pursuant to the specifications of the agency’s Justification for Commercial Vendor. OCTT may elect to produce the proposed programming for the agency, provided that OCTT is capable of satisfying each of the material specifications set forth in the agency’s Justification for Commercial Vendor.

(iii) Should OCTT elect not to invoke this right of first refusal regarding a particular proposed project, OCTT shall notify the involved agency of that decision within a reasonable time.

(iv) Any third-party programming contract shall comply with applicable law and any procurement requirements.

G. In the event that OCTT exercises its right of first refusal, or fails to respond to the agency’s third-party programming proposal within a reasonable time, the agency may seek review in the Office of the Deputy Mayor for that agency’s cluster. The Deputy Mayor may refer the agency’s request for review to the Office of the City Administrator. The decision of the Deputy Mayor or the City Administrator (as the case may be) will be final and binding on both OCTT and the agency.

5. **RESPONSIBILITIES OF THE OFFICE OF CABLE TELEVISION AND TELECOMMUNICATIONS:**

A. OCTT shall reasonably cooperate with all agencies regarding the production of government programming projects.

B. If OCTT produces an agency programming project, it shall provide management services for that project, including assistance and supervision to successfully administer the project.

C. OCTT shall complete programming projects on a timely basis and in accord with the specifications of the contracting agency.

D. In the event that OCTT decides to exercise its right of first refusal to produce requested programming from a commercial vendor, it will do so pursuant to the terms set forth in Sections 4 (F) and (G) of this Agreement.

6. **MEMORANDUM OF UNDERSTANDING (MOU):**

A. In the event OCTT agrees to produce programming for a requesting agency, it shall enter into a related MOU with the agency.

B. Any MOU between OCTT and a District government agency to produce programming shall include:

- i. A description of the programming to be produced, including the theme, length and any other specifications.
- ii. The dollar amount of the MOU.
- iii. The specific responsibilities of OCTT and of the contracting agency.
- iv. The responsibility of the involved agency to pay OCTT via an intra-District MOU.
- v. OCTT and the government agency's right to terminate the MOU.
- vi. Any other information that is relevant to the project and that supports the successful completion of such programming.

7. **EXCEPTIONS:**

In accordance with the District's rules regarding donations (*see* Mayor's Memorandum 2002-1), this Order shall not apply to programming to be produced for an agency by an outside organization as a donation to the District government or the agency.

8. **APPLICABILITY:**

This Order shall apply to all District government departments, agencies and offices under the administrative authority of the Mayor.

9. **PROCEDURES:**

The Executive Director of OCTT shall develop procedures, as necessary, for the implementation of this Order.

10. **DEFINITIONS:**

"Programming" means any audio-visual production including, but not necessarily limited to, television shows, public service announcements, features, commercials and training videos meant to be distributed via a broadcast, cablecast or otherwise shown to the general public. The term does not include bona fide news programs or similar live events.

"Cablecast" means the act of distributing audio-video programs over a cable television system.

"News program" means a bona fide newscast, news interview, news documentary, press conference, or on-the-spot coverage of news events.

11. **EFFECTIVE DATE:** This Order shall be effective immediately.

**ANTHONY A. WILLIAMS
MAYOR**

ATTEST:

**INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA
PATRICIA ELWOOD**