


Councilmember Vincent B. Orange, Sr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend on a temporary basis, the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to require that prior to the Director of the Department of Small and Local Business Development granting a waiver under Section 2346 of the Act, the Director shall conduct a good faith effort to determine that no qualified certified business enterprise or small business enterprise is able to meet the requirements of the government contractor or developer, that the Director shall complete a full search of the certified business enterprise and small business enterprise database; send an electronic written notice to each certified business enterprise and small business enterprise, submit a waiver for publication in the D.C. Register and on the agency website, to provide for a 20 day period before each proposed waiver is granted, and to issue a written waiver certification that all good faith requirements have been met.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Small and Certified Business Enterprise Development and Assistance Waiver Certification Temporary Amendment Act of 2014".

Sec. 2. Section 2351 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.51), is amended by adding new subsections (c) and (d) as follows:

"(c) Prior to the Director granting a waiver request submitted by a District agency or developers, the Director shall substantiate the determination by undertaking a good faith effort that no registered certified business enterprise or small business enterprise is qualified to satisfy the contracting or subcontracting requirements pursuant to Section 2346 of the Act; such good faith efforts shall include:

(1) Conducting a complete search of the small business enterprise or certified business enterprise database to determine the existence of a qualified business enterprise;

1 (2) Providing an electronic written notice to each certified business enterprise and
2 small business enterprise that a contracting agency or developer has requested a waiver of
3 certified business enterprise or small business enterprise participation requirements;

4 (3) Publishing a notice of the request for waiver in the D.C. Register and on the
5 agency website; and;

6 (4) Establishing a time period of 20 days for making a final determination of a waiver
7 request from small business enterprise or certified business enterprise contracting and
8 subcontracting participation requirements.

9 (d) Before the Director can approve a request for an agency or procurement waiver of the
10 subcontracting requirements of section 2346, the Director must certify in writing that the good
11 faith efforts required under subsection (c) have been met and that there are no certified business
12 enterprises or small business enterprises qualified to perform the contract solicitation.” .

13 Sec. 3. Fiscal impact statement.

14 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
15 statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved
16 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

17 Sec. 4. Effective date.

18 (a) This act shall take effect following approval by the Mayor (or in the event of veto by the
19 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
20 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
21 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia
22 Register.

23 (b) This act shall expire after 225 days of its having taken effect.