

1
2 Brandon T. Todd
3
4

5 Anita Bonds
6

7 Robert C. White, Jr.
8

9 David Grosso
10
11

Kenyan R. McDuffie
Councilmember Kenyan R. McDuffie

Brianne K. Nadeau
Councilmember Brianne K. Nadeau

Charles Allen
Councilmember Charles Allen

Trayon White, Sr.
Councilmember Trayon White, Sr.

12
13 A BILL
14
15
16
17

18 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
19
20
21
22

23 To establish the Office of Compliance as an independent agency to monitor compliance with
24 small business participation and first source requirements; and to amend the Small and
25 Certified Business Enterprise Development and Assistance Act of 2005 to remove
26 responsibilities for compliance and enforcement from the jurisdiction of the Department
27 of Small and Local Business Development.
28

29 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
30 act may be cited as the "Independent Compliance Office Establishment Act 2019".

31 TITLE I. ESTABLISHMENT OF THE OFFICE OF THE CHIEF COMPLIANCE
32 OFFICER.

33 Sec. 101. Definitions

34 For the purpose of this title, the term:

- 35 (1) "Agency" means an agency, department, office, board, commission, authority
36 or other instrumentality of the District government, with or without legal existence

37 separate from that of the District government.

38 (2) "Agency contracting officer" means the contracting officer of an agency or
39 government corporation.

40 (3) "Beneficiary" means a business enterprise that is the prime contractor or
41 developer on a government-assisted project.

42 (4) "CBE Act" means the "Small and Certified Business Enterprise Development
43 and Assistance Act of 2005 (Oct. 20, 2005, D.C. Law 16-33).

44 (5) "Certified business enterprise" means a local business enterprise certified
45 pursuant to CBE Act.

46 (6) "Department" means the Department of Small and Local Business
47 Development.

48 (7) "Government-assisted project" shall have the same meaning as provided in
49 section 2302(9)(A)-(F) of the CBE Act.

50 (8) "Office" means the Office of the Chief Compliance Officer.

51 Sec. 102. Establishment of the Office of the Chief Compliance Officer.

52 (a) The Office of the Chief Compliance Officer is established as an independent
53 authority. The Office shall be headed by a Chief Compliance Officer appointed pursuant to this
54 title by the Mayor with consent from the Council and who shall serve for a term of 6 years and
55 shall be subject to removal only for cause by the Mayor with the approval of Council.

56 (b) The Office shall be composed of the Chief Compliance Officer and staff as necessary
57 to complete the work of the Office.

58 Sec. 103. Chief Compliance Officer.

59 (a) The Office shall be under the supervision of a Chief Compliance Officer who shall
60 carry out the functions and authorities assigned to the Office.

61 (b)(1) The Chief Compliance Officer shall have full authority over the Office and all
62 functions and personnel assigned to the Office, including the power to re-delegate to other
63 employees and officials of the Office such powers and authority as in the judgment of the Central
64 Compliance Officer are warranted in the interests of efficiency and sound administration.

65 (2) The Chief Compliance Officer shall develop and institute internal policies,
66 procedures, and processes to ensure efficient operations.

67 (3) The Chief Compliance Officer may establish divisions or other units, which
68 the Chief Compliance Office will oversee, as may be necessary or appropriate to perform the
69 functions and duties of the Office.

70 (4) The Chief Compliance Officer shall have authority to enforce provisions
71 pursuant to section 103 and may impose fines, fees, penalties, and other remedial actions
72 pursuant to section 2363 of the CBE Act.

73 Sec. 104. Duties and functions of the Office.

74 (a) The Office shall monitor and ensure District Government agencies and beneficiaries
75 compliance with contracting and procurement requirements.

76 (1) The Office shall monitor an agency's compliance with the District's
77 contracting and procurement goals pursuant to Section 2341 of the CBE Act:

78 (A) By October 1, 2020, and no later than October 1 of each succeeding
79 year, an agency shall submit to the Office:

80 (i) A spending plan that details how an agency intends to spend its

81 expendable budget with small business enterprises and certified business enterprises during the
82 fiscal year; and,

83 (ii) An annual allocation letter signed by the agency director on a
84 form prescribed by the Office that specified the agency's 50% expendable budget goal.

85 (B) The provisions of this title relating to contracting and subcontracting goals
86 and requirements shall be applicable to every government-assisted project, unless the Office, by
87 regulation, establishes a specific exemption for a particular type or class of government-assisted
88 project.

89 (2)(A) An agency may decline to award a contract or procurement set aside pursuant to
90 section 2344 or Section 2345 of the CBE Act and shall write a determination pursuant to section
91 2344(a-1) or (b) or section 2345(b) or (c) of the CBE Act.

92 (B) Each written determination shall be submitted to the Chief Compliance
93 Officer, who shall post a copy of the determination so that it can reasonably be accessed by the
94 public via the Office's website or such other locations as the Office may establish.

95 (3) An agency that would like to fulfill a follow-on or renewable acquisition without
96 using a small business enterprise or certified business enterprise shall:

97 (A) Make a written request to the Chief Compliance Officer; and

98 (B) Receive written approval from the Chief Compliance Officer to allow the
99 agency to waive the requirements set forth in section 2345 of the CBE Act.

100 (4) The Office shall monitor compliance with District subcontracting requirements
101 pursuant to section 2346 of the CBE Act:

102 (A) No beneficiary shall be allowed to amend the subcontracting plan filed as part

103 of its bid or proposal except with the consent of the Chief Compliance Officer. Any reduction in
104 the dollar volume of the subcontracted portion resulting from such amendment of the plan shall
105 insure to the benefit of the District.

106 (B) A beneficiary shall submit to the agency contracting officer, project manager,
107 and Chief Compliance Officer copies of the executed contracts with the subcontracts identified
108 in the subcontracting plan. Failure to submit copies of the executed contracts shall render the
109 underlying contract voidable by the District.

110 (C) A beneficiary shall provide a quarterly report to the Office, agency
111 contracting officer, and project manager. The quarterly report shall include the following
112 information for each subcontract with a subcontractor identified in the subcontracting plan:

113 (i) The price to be paid by the beneficiary to subcontractor under the
114 subcontract;

115 (ii) A description of the goods procured or the services subcontracted for;

116 (iii) The amount paid by the beneficiary to the subcontractor under the
117 subcontract; and

118 (iv) A copy of the fully executed subcontract, if the fully executed
119 subcontract was not provided in a prior quarterly report.

120 (D)(i) The beneficiary shall meet on an annual basis with the Office, agency
121 contracting officer, and project manager to provide an update of the subcontracting plan for
122 utilization of small business enterprises and certified business enterprises.

123 (ii) The beneficiary shall be given a 30-day written notice of the meeting
124 by the Office.

125 (E) The beneficiary shall provide written notice to the Office upon the initiation
126 and completion of a project.

127 (5) The subcontracting requirements of section 2346 of the CBE Act may be waived only
128 if there is insufficient market capacity for the goods or services that comprise the project and
129 such lack of capacity leaves the contractor commercially incapable of achieving the
130 subcontracting requirement at a project level. The subcontracting requirements of section 2346
131 of the CBE Act may only be waived in writing by the Chief Compliance Officer. An agency
132 seeking waiver of the subcontracting requirements of section 2346 of the CBE Act shall submit
133 to the Chief Compliance Officer a request for waiver, which shall include the following:

134 (A) The number of certified business enterprises, if any, qualified to perform the
135 elements of work that comprise the project;

136 (B) A summary of the market research or outreach conducted to analyze the
137 relevant market; and

138 (C) The consideration given to alternative methods for acquiring the work to be
139 subcontracted in order to make the work more amenable to being performed by certified business
140 enterprises.

141 (6) Before the Chief Compliance Officer approves an agency's waiver request, the Chief
142 Compliance officer shall:

143 (A) Send an electronic notice to all certified business enterprises notifying them
144 of the agency's waiver request; and

145 (B) Post a copy of the agency's waiver request on the Office's website, or such
146 other locations as the Office may establish, for 10 days to provide the public reasonable

147 notice of the waiver request.

148 (7) If the Chief Compliance Officer approves an agency's request for waiver of the
149 subcontracting requirements of Section 2346 of the CBE Act and grants such a waiver, the Chief
150 Compliance Officer's determination shall set forth the information outlined in subsection (5) of
151 this section. A copy of the Chief Compliance Officer's determination shall be posted to the
152 Office's website or such other locations as the Office may establish for 5 days such that the
153 public shall have reasonable access to the determination before the Chief Compliance Officer
154 grants any waiver. After a final determination on a waiver is determined, the Officer shall post
155 the final determination on it's website.

156 (8) The Office shall develop enforcement mechanism against an agency:

157 (A) If an agency fails to meet any goals set forth in section 2341 of the CBE Act,
158 the Office may require that a portion of the agency's contracts and procurements be made part of
159 a set-aside program for small business enterprises.

160 (B) The performance plan for each agency shall include a metric for compliance
161 with the provisions of this subchapter and the performance evaluation for each agency director
162 shall reflect the agency's success in meeting compliance goals.

163 (9) Each agency shall submit a quarterly report to the office within 30 days after the end
164 of each quarter, except for the 4th quarter report. The 4th quarter and annual report shall be
165 submitted together. When submitting a quarterly report, the agency shall list each expenditure as
166 it appears in the general ledger from the expendable budget of the agency during the quarter. For
167 each expenditure, the report shall include:

168 (A) The name of the vendor from which the goods or services were purchased;

- 169 (B) The vendor identification number;
- 170 (C) A description of the goods or services provided;
- 171 (D) Whether the vendor was a small or certified small business enterprise;
- 172 (E) The funding source for the expenditure (local, federal, capital, or other);
- 173 (F) The date of the expenditure;
- 174 (G) The dollar amount of the expenditure; and
- 175 (H) The percentage of the agency's total dollar amount of expenditures in the
- 176 quarter to all small business enterprises and certified business enterprises.

177 (10) In addition to the report of prime contracting activity required by paragraph (9) of

178 this subsection, each agency shall also submit to the Office within 30 days of the end of each

179 quarter, a report on a contract basis of payment made by beneficiaries to subcontractors that are

180 certified business enterprises and such payments shall be reported against the amounts included

181 in the. Approved detailed certified business enterprise subcontracting plan.

182 (11) each agency shall submit to the Office, within 30 days of the issuance of the

183 Comprehensive Annual Financial Report. An annual report listing each expenditure as it appears

184 in the general ledger from the expendable budget of the agency during the fiscal year which shall

185 include:

186 (A) The information required to be included in the quarterly report (with

187 calculations for the fiscal year);

188 (B) A description of the activities the agency intends to make during the

189 succeeding fiscal year to the activities it engages in to achieve the goals set forth in section 2341

190 of the CBE Act; and

191 (C) A description of any changes the agency intends to make during the
192 succeeding fiscal year to the activities it engages in to achieve the goals set forth in section 2341
193 of the CBE Act.

194 (12) The Office shall monitor agency compliance with the reporting requirements of this
195 section.

196 (13) The Office shall review the annual report of an agency to determine whether the
197 planned activities of the agency for the succeeding fiscal year are likely to enable the agency to
198 achieve the goals set forth in section 2341 of the CBE Act. The Office's recommendations shall
199 be submitted to the agency and the Council within 30 days of the agency's annual report
200 submission.

201 (14) Within 45 days after its receipt of the annual reports required by paragraph 11 of this
202 subsection, the Office shall submit to the District of Columbia Auditor the following documents
203 and information:

204 (A) A copy of the annual report required by paragraph (11) of this subsection; and

205 (B) A chart listing the following information with respect to each agency for the
206 current fiscal year:

207 (1) The total budget of each agency;

208 (2) The expendable budget of each agency;

209 (3) A description of each funding source, object class, object, or item that
210 was excluded from the total. Budget of the agency in the Office's calculation of the expendable
211 budget of the agency;

212 (4) Each goal of the agency under section 2341 of the CBE Act in

213 percentage and dollar items; and

214 (5) The actual dollar amount expected with each small business enterprise
215 and certified business enterprise.

216 (15) Within 45 days after its receipt of the annual reports required by section 2350(g) of
217 the CBE Act, the Office shall submit to the District of Columbia Auditor a report containing the
218 following information with respect to each government corporation for the current and prior
219 fiscal years:

220 (A) The expendable budget of the government corporation.

221 (B) A list of all agencies and government corporations that have not submitted a
222 report for that quarter with a detailed explanation of what actions were taken by the Office to
223 effectuate compliance with the reporting requirement.

224 (16) On a semiannual basis, the Office shall report the following to the chairman of the
225 Council committee that has purview over the Office:

226 (A) District agencies' compliance with section 2341 of the CBE Act;

227 (B) A list of contracting opportunities for small business enterprises and certified
228 business enterprises with District agencies;

229 (C) A list of projects in the District that require a 35% minimum subcontracting
230 requirement in accordance with section 2346 of the CBE Act;

231 (D) A list of beneficiaries, small business enterprises, certified business
232 enterprises, or certified joint ventures that fail to meet the 35% minimum subcontracting
233 requirements in accordance with section 2346 of the CBE Act;

234 (E) A list of projects in the District that have a 20% equity and development

235 participation requirement in accordance with section 2349a of the CBE Act;

236 (F) A list of District government contracts or procurements and government-
237 assisted projects that were granted waivers or modifications to the requirements set forth in
238 section 2346 of the CBE Act;

239 (G) A list of District agencies that fail to meet the requirement set forth in section
240 2341 of the CBE Act;

241 (H) A list of small business enterprises and certified business enterprises; and

242 (I) A list of joint ventures certified by the Department, including the number of
243 compliance checks completed on the joint ventures and a summary of the results, and a list of
244 joint ventures that met the requirements set forth in section 2339(a)(i) of the CBE Act.

245 (17) It shall be a violation of this subchapter and penalties shall be assessed if the Office
246 determines that:

247 (A) A beneficiary, certified business enterprise, or certified joint venture fails to
248 comply with the requirements set forth in section 2346, 2348, or section 2349a of the CBE Act;

249 (B) A certified business enterprise:

250 (i) Acted with gross negligence, financial irresponsibility, or misconduct
251 in the practice of a trade or profession;

252 (ii) No longer qualifies as a local business enterprise; or

253 (iii) Misrepresents its capability to the Department; or

254 (C) A beneficiary, certified business enterprise, or certified joint venture has:

255 (i) Fraudulently obtained or held certification;

256 (ii) Willfully obstructed or impeded, or attempted to obstruct or impede, a
257 city official or employee investigating the qualifications of a business enterprise that has
258 requested certification;

259 (iii) In any certified business enterprise matter administered under this
260 subchapter:

261 (I) Fraudulently obtained, attempted to obtain, or aided another
262 person in fraudulently obtaining or attempting to obtain, public moneys to which the person is
263 not entitled under this subsection;

264 (II) Willfully falsified, concealed, or covered up a material fact by
265 any scheme or device;

266 (III) Made a materially false statement or representation;

267 (IV) Used a false writing or document that the person knows to
268 contain a false statement or entry;

269 (D) Aided another person in performing an act prohibited under subparagraphs
270 (1), (2) or (3) of this paragraph;

271 (E) Furnished substantially inaccurate or incomplete ownership or financial
272 information;

273 (E) Failed to report changes that affect its eligibility for certification, including
274 relocation of its principal office or change in ownership or control;

275 (F) Willfully violated any provision of this subchapter or rules adopted pursuant
276 to this subchapter;

277 (G) Substantially failed to operate and manage a certified joint venture in
278 accordance with section 2339a of the CBE Act; there shall be a rebuttable presumption
279 that the failure to operate and manage the joint venture in accordance with the joint
280 venture application was the parties' intent. If the joint venture demonstrates that the
281 failure to operate and manage the joint venture in accordance with the joint venture
282 application was necessary due to unforeseen business or operational issues, the failure
283 shall not be a violation of this subchapter.

284 (H) Knowingly and willfully submits a monitoring or compliance report or other
285 required subcontracting information containing a materially false statement or knowingly
286 and willfully violates the terms of a subcontracting plan; or

287 (I) Committed any other cause the Office determines to be sufficiently serious and
288 compelling to affect responsibility as a District government contractor, including
289 revocation, suspension, or debarment by another governmental enterprise for any cause
290 listed in rules and regulations.

291 (18) It shall be a violation of this subchapter and penalties may be assessed if the Office
292 determines that an individual or business enterprise has willfully failed to cooperate in an audit
293 or investigation conducted by:

294 (A) The District of Columbia Auditor pursuant to section 455 of the Home Rule
295 Act (D.C. Official Code § 1-204.55); or

296 (B) The Chairman of the Council or the chairperson of the committee of the
297 Council that conducts an investigation pursuant to section 413 of the Home Rule (D.C. Official
298 Code § 1-204.13).

299 (19) If the Office determines, in accordance with the procedure set forth in paragraph
300 (21) of this subsection, that an individual or business enterprise:

301 (A) Has committed a violation of paragraph (17)(A) of this sub section, the Office
302 shall:

303 (i) Assess a civil penalty of not more than \$5,000 for the first offense;

304 (ii) Assess a civil penalty of not more than \$15,000 for the second
305 offense; and

306 (iii)(I) For each offense thereafter, the Chief Compliance Officer shall
307 refer the matter to the Attorney General for the District of Columbia, who may bring a civil
308 action under paragraph (17)(C)(1) of this subsection; provided, that if the Attorney General for
309 the District of Columbia does not bring an action under paragraph (3)(A) of this subsection, the
310 Office shall assess a civil penalty of not more than \$25,000 against the beneficiary, certified
311 business enterprise, or certified joint venture; and

312 (ii) The Office shall refer the matter to the Office of Contracting and
313 Procurement, including matters involving agencies not subject to the Office of Contracting and
314 Procurement authority pursuant to § 2-352.01(b), for investigation. If the Office of Contracting
315 and Procurement determines that more than 2 violations of subsection (a)(1) of this section have
316 occurred, the beneficiary, certified business enterprise, or certified joint venture shall be:

317 (I) Debarred from consideration of award of contracts or subcontracts with
318 the District government for a period of no more than 5 years; and

319 (II) Deemed ineligible from consideration for government-assisted
320 projects with the District government for a period of no more than 5 years;

321 (B) Has committed a violation of subsection (9-a)(B) or (9-a)(C) of this section,
322 the Office shall suspend or revoke the certification of the beneficiary, certified business
323 enterprise, or certified joint venture;

324 (C) Has committed a violation of subsection (9-a)(C), in addition to the penalties
325 set forth in paragraph (B) of this subsection:

326 (i) The Attorney General for the District of Columbia may bring a civil
327 action in the Superior Court of the District of Columbia against the beneficiary, certified
328 business enterprise, or certified joint venture and its directors, officers, or principals. An
329 individual, beneficiary, certified business enterprise, or certified joint venture found to be in
330 violation under subsection (a)(3) of this section shall be subject to a civil penalty of the
331 greater of \$100,000 or triple the profit earned by the individual, beneficiary, certified business
332 enterprise, or certified joint venture on all contracts awarded; and

333 (ii) The Office shall refer the matter to the Office of Contracting and
334 Procurement, including matters involving agencies not subject to the Office of Contracting and
335 Procurement authority pursuant to § 2-352.01(b), for investigation. If the Office of Contracting
336 and Procurement determines there has been a violation of subsection (a)(3) of this section, the
337 beneficiary, certified business enterprise, or certified joint venture shall be:

338 (I) Debarred from consideration of award of contracts or
339 subcontracts with the District government for a period of no more than 5 years; and

340 (II) Deemed ineligible from consideration for government-assisted
341 projects with the District government for a period of no more than 5 years;

342 (D) Has failed to use commercially reasonable best efforts to meet the
343 subcontracting requirements established in section 2346 of the CBE Act, the Office,
344 notwithstanding the penalties in subparagraph (A) of this subsection, shall assess a civil penalty
345 equal to 10% of the dollar volume of the contract that the beneficiary or certified joint venture
346 was required but failed to subcontract. For the purposes of this paragraph, the term
347 “commercially reasonable best efforts” shall require that the beneficiary or certified joint venture
348 take all actions that a similarly situated beneficiary or certified joint venture would take to
349 accomplish the goal; provided, that the beneficiary or certified joint venture shall not be required
350 to expend amounts that are disproportionate to the benefit being obtained; and

351 (E) Has committed a violation of paragraph (18) of this subsection, the Office
352 shall assess a civil penalty of not more than \$5,000.

353 (20) The penalties provided for in subsection (9-c) of this section shall be in addition to
354 any other causes of action or remedies, legal or equitable, that may be available.

355 (21)(A)(1) Any person may file with the Office a complaint alleging a violation of this
356 subchapter against an applicant for registration as a certified business enterprise or certified joint
357 venture registered pursuant to this subchapter. The complaint shall be in writing, sworn to by the
358 complainant, and notarized.

359 (2) The Office shall establish a fraud hotline for reporting violations of this
360 section.

361 (B) The Office, without a hearing, may dismiss a complaint which it determines to be
362 frivolous or otherwise without merit. If the Office dismisses a complaint, the Office shall prepare a
363 report documenting the following:

364 (i) A statement detailing the complaint, including the name, address, and
365 telephone number of the person filing the complaint;

366 (ii) The name of the applicant for registration, the certified business
367 enterprise, or the certified joint venture alleged to be in violation of this section;

368 (iii) The facts and legal history considered in rendering the determination; and

369 (iv) Any other information considered in rendering the determination.

370 (C) The Office shall maintain a record listing all complaints, which shall contain the
371 following information:

372 (i) The name of the applicant, certified business enterprise, or certified joint
373 venture alleged to be in violation of this subchapter;

374 (ii) The date the complaint was made to the Office; and

375 (iii) A description of the complaint.

376 (D)(1)(i) If the Office does not determine that a complaint is frivolous or without
377 merit in accordance with paragraph (2) of this subsection, it shall hold a hearing on the complaint
378 within 3 months of the filing of the complaint. The Office shall determine the time and place of
379 the hearing.

380 (ii) The Office shall cause to be issued and served on the person, the certified
381 business enterprise, or certified joint venture alleged to have committed the violation, hereafter called
382 the "respondent", a written notice of the hearing together with a copy of the complaint at least 30
383 days before the scheduled hearing. Notice shall be served by registered or certified mail, return
384 receipt requested, or by personal service.

385 (iii) At the hearing, the respondent shall have the right to appear personally or
386 by a representative and to cross-examine witnesses and to present evidence and witnesses.

387 (2) If, after the conclusion of the hearing, the Office determines that the respondent
388 has violated the provisions of this subchapter or regulations issued pursuant to this subchapter, the
389 Office shall issue, and cause to be served on the respondent, a decision and order, accompanied by
390 findings of fact and conclusion of law, and any penalty permitted by subsection (9-c) of this section.

391 (3) The Department may, following guidance of the Office, reissue a certificate of
392 registration to any business enterprise or joint venture whose certificate has been revoked. The Office
393 may consider whether the business enterprise or joint venture should be required to submit
394 satisfactory proof that conditions within the company that led to the violation have been corrected.

395 (4) The Office shall have the authority to issue subpoenas requiring the attendance of
396 witnesses and to compel the production of records, papers, and other documents.

397 (22) The Department may, following the guidance of the Office, downgrade the certification
398 of registration of a certified business enterprise that ceases to meet the requirements of a particular
399 category of certification; provided that this subsection shall not apply where a certified business
400 enterprise ceases to qualify as a local business enterprise.

401 (23)(A) A certified business enterprise or certified joint venture may appeal to the Office of
402 Administrative Hearings:

- 403 (1) The denial by the Department of an application for certification;
404 (2) The revocation or change to a previously issued certification; or
405 (3) An enforcement action taken pursuant to this section.

406 (B) The Office of Administrative Hearings shall consider the appeal pursuant
407 to Chapter 18A of this title § 2-1831.01 et seq. and Chapter 18 of this title § 2-1801.01 et seq., and to
408 rules promulgated pursuant to those chapters.

409 (C) The Office of Administrative Hearings shall conduct such hearing based on the
410 record developed by the Department. The decision of the Office of Administrative Hearings shall be
411 the final administrative decision.

412 (b) It shall be the responsibility of the Office to enforce, monitor and ensure compliance
413 with the First Source Compliance Act of 2008, effective August 16, 2008 (D.C. Law 17-219;
414 D.C. Official Code § _____), by each beneficiary of government-assisted projects in the
415 District of Columbia.

416 (1) By October 1, 2020, all functions and duties, all full-time employees, personal
417 property, full-time equivalent position authority, assets, records, and all unexpended balances of
418 appropriations, allocations, and other funds available or to be made available to the Office of
419 First Source Compliance are hereby transferred to and shall, upon the effective date of this act,
420 be vested in the said Office of Chief Compliance Officer.

421 (2) The Office shall develop standard operation procedures and internal rules to
422 facilitate consistent and efficient monitoring of District First Source compliance.

423 Sec. 105. Transparency and Information-Sharing Project

424 (a) The Office shall, in collaboration with the Office of Contracting and Procurement,
425 Office of the Chief Financial Officer and Department of Small and Local Business Development,
426 update and streamline the District government's contracting and procurement data management
427 systems.

428 (1) The Office shall request that the Office of Contracting and Procurement
429 submit a report by October 1, 2019 and no later than October 1 of each succeeding year, that
430 includes:

431 (A) the number of small business enterprises that have won prime
432 contracts in that year;
433 (B) the number of small business enterprises that did not receive a prime
434 or subcontract;
435 (C) the number of small business enterprises and certified business
436 enterprises that have left the CBE program or stop seeking contract opportunities within the
437 current fiscal year

438 (2) The Office shall request that the Office of Contracting and Procurement
439 submit a report for each proposed construction and non-construction contract in excess of \$1
440 million before the District accepts submission of a bid or proposal.

441 (3) The Office shall request that the Department of Small and Local Business
442 submit an annual report that lists all certified business enterprises and certified joint venture
443 enterprises in the District and provides description of each CBE; the Office shall request that the
444 Department share the CBE database with the Office of Contracting and Procurement.

445 (4) The Office shall have the authority to request that each agency with
446 contracting and procurement authority share information considered necessary by the Chief
447 Compliance Office and Chief Procurement Officer to be made available through the DSLBD
448 Enterprise System.

449 (b) The Office may, in collaboration with the Office of District Auditor, Office of
450 Contracting and Procurement and the Department of Small and Local Business Development,
451 develop metrics to evaluate performance outcome of each contract and procurement by District
452 agencies, including the number of jobs created for District residents, revenue generated for the

453 District Government through CBE Programs, and the efficiency of District CBE programs in
454 promoting diversity and growth of District small business enterprises.

455 (c) The Chief Compliance Officer shall review District policies related to certified
456 business enterprise programs and general contracting procurement requirements, identify any
457 provision and regulation that is inconsistent with the current goals and interests of the District
458 government, and make recommendations to the Mayor and Council on changes or reform to the
459 District's current CBE programs and contracting and procurement process.

460 TITLE II. CONFORMING AMENDMENT.

461 Sec. 201. The Small, Local, and Disadvantaged Business Enterprise Development and
462 Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-
463 218.01 *et seq.*), is amended as follows:

464 (a) Section 2341 paragraphs (a-3) and (c) are repealed.

465 (b) Section 2344(c) is repealed.

466 (c) Section 2345(d) is repealed.

467 (d) Section 2345a (b) is repealed.

468 (e) Section 2346 paragraphs (e), (h), (i)(1)-(2), (j)(1)-(2) and (k) are repealed.

469 (f) Section 2351 is repealed.

470 (g) Section 2363 is repealed.

471 TITLE III. GENERAL PROVISIONS.

472 Sec. 301. Fiscal impact statement.

473 The Council adopts the fiscal impact statement in the committee print as the fiscal impact
474 statement required by section 4a of the General Legislative Procedures Act of 1975, approved

475 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

476 Sec. 2. Effective date.

477 This act shall take effect following approval by the Mayor (or in the event of veto by the
478 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
479 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
480 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
481 Columbia Register.

482