


Councilmember Vincent B. Orange, Sr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to require all District agencies spend at least 25% of its expendable budget on a quarterly basis and, prohibiting agencies from spending more than 50% of its non-SBE expendable budget with non-SBE's, and providing a penalty for agency directors for non-compliance.

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

Sec. 2. 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 § 2-218.01 *et seq.*), is amended to read as follows:

(a) Section 2341(a) (D.C. Official Code § 2-218.41(a)) is amended to read as follows:

“(a)(1) Each agency, including an agency that contracts or procures in whole or in part through the Office of Contracting and Procurement, shall exercise its goal of procuring and contracting 50% of the dollar value of its expendable budget to qualified small business enterprises.

“(2) Each agency shall spend at least 25% of its expendable budget as required under paragraph (1) of this subsection on a quarterly basis.

“(3) Once each agency spends 50% of its expendable budget with non-small business enterprises, that agency shall be prohibited from any further spending with any non-small

36 business enterprises and all remaining expendable budget expenditures shall be only with District
37 certified small business enterprises. The Mayor shall exempt an agency from this requirement
38 upon an agency request for waiver, provided the agency certifies it cannot find a small business
39 enterprise to complete its contract for goods and services to reach 50 % of its goal.”.

40 (b) Section 2352 (D.C. Official Code § 2-218.52) is amended to read as follows:

41 “If an agency fails to meet any of the goals set forth in 2341, the Department may require that
42 a portion of the agency’s contracts and procurements be made part of a set-aside program for small
43 business enterprises.” In addition, the agency director’s annual salary shall be reduced by a
44 percentage in direct proportion to the agency CBE spending shortfall.

45 Sec. 3. Fiscal impact statement.

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

49 Sec. 4. Effective date.

50 This act shall take effect following approval by the Mayor (or in the event of veto by the
51 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
52 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
53 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
54 Columbia Register.

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