



Councilmember Kenyan R. McDuffie

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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1 To amend, the Small and Certified Business Enterprise Development and Assistance Act of 2005  
2 to amend the total permitted limit on a contract for small business enterprise or certified  
3 business enterprise set aside contract, to amend the to revise the percentage of civil  
4 penalty that shall be assessed for the failure to comply with the District of Columbia  
5 subcontracting requirements. To amend the Procurement Practices Reform Act of 2010 to  
6 define material change for contracts and create an approval process for Council, to add a  
7 disapproval for contracts that fail to submit to Council all required materials, to allow for  
8 set aside contracts for architectural and engineering services that are performed by  
9 certified business enterprises.

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11 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
12 act may be cited as “The Certified Business Enterprise Program Protection Amendment Act of  
13 2024”.

14 Sec. 2. Small and Certified Business Enterprise Development and Assistance Act of  
15 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is  
16 amended as follows:

17 (a) Section 2344(a) is amended by striking the figure “\$250,000 and inserting the  
18 figure “\$1,000,000” in its place.

19 (b) Section 2363(c)(4) is amended by striking “equal to 10%” and inserting the  
20 “up to 300%” in its place.

21           Sec. 3. Local Procurement Act of 2010, effective Apr. 8, 2011 (D.C. Law 18-371; D.C.  
22 Official Code § 2–356.02 et. Seq) is amended as follows:

23                   (a) Section 202 (D.C. Official Code § 2-352.02) is amended as follows:

24                           (1) Section (a) is amended as follows:

25                                   (i) Paragraph (2) is redesignated as (2)(A) and is amended to read  
26 as follows:

27   “(2)(A) For a contract modification to exercise an option period  
28 when the exercise of the option period does not result in a material change in the terms of the  
29 underlying contract, submission of the modification to exercise the option period and the SBE  
30 spend goal result of original contract and updated goals for the option year shall constitute  
31 submission of the contract pursuant to this subsection.”

32                                   (ii) A new paragraph (2)(B) is added to read as follows:

33   “(B) Material Change is a substantial change in scope, spend, or  
34 subcontracting to the original contract that was approved by Council.”

35                                   (ii) A new paragraph (2)(C) is added to read as follows:

36   “(C) A proposed contract that has had a material change in excess  
37 of \$1 million during a 12-month period shall be deemed approved by the Council if during the  
38 45-day period beginning on the 1st day (excluding Saturdays, Sundays, and holidays) following  
39 its receipt by the Office of the Secretary to the Council, no member of the Council introduces a  
40 resolution to approve or disapprove the proposed contract.”

41                           (2) Section (b) is amended as follows:

42                                   (i) Paragraph (2)(A) is amended by striking the phrase “10 day”  
43 and inserting the phrase "20-day" in its place.

44 (ii) A new paragraph (b)(4) is added to read as follows:

45 “(b)(4) A proposed multiyear contract shall be deemed disapproved by the  
46 Council if the required items under subsection (c) of this section are not transmitted to Council  
47 during the 45-calendar-day review period beginning on the 1<sup>st</sup> day (excluding Saturdays,  
48 Sundays, and holidays) following its receipt by the Office of the Secretary to the Council.

49 (2) A new paragraph (a)(2)(B) is added to read as follows:

50 “(a)(2)(B) Material Change is a substantial change in scope, spend, or  
51 subcontracting to the original contract that was approved by Council.”

52 (3) A new paragraph (a)(2)(C) is added to read as follows:

53 “(a)(2)(C) A proposed contract that has had a material change in excess of  
54 \$1 million during a 12-month period shall be deemed approved by the Council if during the 45-  
55 day period beginning on the 1st day (excluding Saturdays, Sundays, and holidays) following its  
56 receipt by the Office of the Secretary to the Council, no member of the Council introduces a  
57 resolution to approve or disapprove the proposed contract.”

58 (b) Section 411 (D.C. Official Code § 2-354.11) is amended as follows:

59 (a) Paragraph (a) is amended to read as follows:

60 “(a) The CPO may participate in, sponsor, conduct, or administer cooperative  
61 purchasing agreements for the procurement of goods, services, or construction, only after having  
62 solicited a request for proposal.

63 (c) Section 604 (D.C. Official Code § 2-356.04) is amended as follows:

64 (1) A new paragraph (f) is added to read as follows:

65 “(f) (1) Set aside contracts for architectural and engineering services for  
66 certified business enterprises and certified joint ventures in which a certified business enterprise

67 holds a majority interest; or

68 (2) Award preferences to certified business enterprises as provided in § 2  
69 218.43 as part of the evaluation of statements of qualifications submitted in response to a request  
70 for qualifications.”

71 Sec. 4. Fiscal impact statement.

72 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal  
73 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
74 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

75 Sec. 5. Effective date.

76 This act shall take effect following approval by the Mayor (or in the event of veto by the  
77 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
78 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
79 24, 1973 (87 Stat. 813; D.C. Code § 1-206(c)(1)), and publication in the District of Columbia  
80 Register.