

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on a temporary basis, the Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998 to clarify District agency contracting and procurement goals, to require the Office of Local Business Development to transmit a detailed annual report to the Council each fiscal year, and to require that the Office of Local Business Development promulgate detailed rules setting forth how the expendable budget of an agency shall be calculated.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Local, Small and Disadvantaged Business Enterprises Program Temporary Amendment Act of 2003”.

Sec. 2. The Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998, effective April 27, 1999 (D.C. Law 12-268; D.C. Official Code § 2-217.01 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 2-217.02) is amended by adding a new subsection (a-1) to read as follows:

Note,
§ 2-217.02

“(a-1) In calculating whether an agency meets its goals under paragraphs (1) and (2) of subsection (a) of this section, an agency and the Office shall include only certified small business enterprises, as defined by section 2(9).”.

(b) Add new sections 3a and 3b to read as follows:

“Sec. 3a. Expendable budget.

“(a) The goals set forth in section 3 shall be based on the expendable budget of an agency.

“(b) The expendable budget of each agency for each fiscal year shall be calculated by the Office and transmitted by the Office to the Commission; provided, that the chief financial officer for the agency may make the initial calculation of the expendable budget of the agency, in which case the calculation shall then be certified by the Office and shall be transmitted by the Office to the Commission.

“(c)(1) Within 90 days after the effective date of the Local, Small and Disadvantaged Business Enterprises Program Emergency Amendment Act of 2002, passed on an emergency basis on December 17, 2002 (Enrolled version of Bill 14-989), the Office shall publish draft rules

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establishing how the expendable budget of an agency shall be calculated. The draft rules shall include a list of the budget objects or object classes that shall be included in, or excluded from, the expendable budget of an agency, whether and when federal, private, and other funding shall be included in the expendable budget of an agency, and the types of contracts and procurements (such as, for example, heavy equipment, guns), if any, that may be excluded from the expendable budget of an agency and how such exclusions shall be reviewed and approved.

“(2) The rules promulgated under this subsection shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules within the 45-day period, the rules shall be deemed approved.

“Sec. 3b. Annual report by the Office of Local Business Development.

“Within 45 days after the end of each fiscal year, the Office shall submit to the Commission and the Council a report containing the following information:

“(1) A chart listing for the prior fiscal year:

“(A) Each agency;

“(B) The expendable budget of each agency;

“(C) Every goal of each agency under section 3 in dollar and percentage terms;

“(D) The percentage of each agency’s expendable budget actually allocated under each goal in section 3;

“(E) The amount of dollars actually spent by each agency (including dollars expended on subcontractors, but excluding dollars committed but not spent) under each goal in section 3;

“(F) The percentage of the expendable budget, the percentage of dollars actually expended, and the percentage of the total budget, of each agency that was contracted or procured with the following types of business enterprises:

(i) Business enterprises certified as local business enterprises;

(ii) Business enterprises certified as small business enterprises;

and

(iii) Business enterprises certified as disadvantaged business enterprises; and

“(G) Each contract or procurement of each agency, including a description of the contract or procurement, the dollar amount of the contract or procurement, the name of the party from which the goods or services were contracted or procured (“contracted party”), whether the contracted party was a certified local, small, or disadvantaged business enterprise and the source of funding for the contract (that is, local, federal, other, or capital). If the contracted party was a certified local, small, or disadvantaged business enterprise, the list shall include the contracted party's certification categories (that is, local, small, disadvantaged) and the unique identifying code for the contracted party.

“(2) A chart listing for the current fiscal year:

“(A) Each agency;

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“(B) The total budget of each agency;

“(C) The expendable budget of each agency;

“(D) A description of each object, object class, item, or group of items that was excluded from the total budget of each agency in the calculation of the expendable budget of the agency and the reason for the exclusion;

“(E) Every goal of each agency under section 3, in percentage and dollar terms; and

“(F) The commitment letter of each agency, signed by the Director and the director of the agency and including a detailed breakdown of the total budget of the agency and the expendable budget of the agency.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia