

AN ACT

Bill 20-842

**Emergency
Declaration
Res. 20-523
20 DCStat 3924**

**Codification
District of
Columbia
Official Code
2001 Edition**

To amend, on an emergency basis, the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to require that, before granting a waiver under section 2346 of the act, the Director of the Department of Small and Local Business Development shall make a good-faith effort to determine that no qualified certified business enterprise or small business enterprise is able to meet the requirements of section 2346, complete a full search of the certified business enterprise and small business enterprise database to determine the existence of a qualified business enterprise, send an electronic written notice to each certified business enterprise and small business enterprise of the waiver request, publish a notice of the waiver request in the D.C. Register and on the agency website, provide for a 20-day period before the proposed waiver is granted, and certify in writing that all good-faith efforts to determine the existence of a qualified certified business enterprise or small business enterprise have been met .

**Small and
Certified
Business
Enterprise
Development
and
Assistance
Waiver
Certification
Emergency
Amendment
Act of 2014**

**Note,
§ 2-218.51**

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 Emergency 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) to read as follows:

“(c) Before the Director may grant a waiver request, the Director shall make a good-faith effort to determine that no registered certified business enterprise or small business enterprise is qualified to satisfy the contracting or subcontracting requirements of section 2346. The good-faith effort 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;

“(2) Providing an electronic written notice to each certified business enterprise and small business enterprise of all waiver requests of certified business enterprise or small business enterprise participation requirements;

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

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

“(d) Before the Director can approve a request for a waiver of the subcontracting requirements of section 2346, the Director shall certify in writing that the good-faith efforts

required under subsection (c) of this section have been met and that there are no certified business enterprises or small business enterprises qualified to perform the contract.” .

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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.

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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).