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3 Councilmember XX

Councilmember Kenyan R. McDuffie

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7 A BILL

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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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18 To amend, on an emergency basis, the Small and Certified Business Enterprise Development and
19 Assistance Act of 2005 to require that for a business enterprise to be certified as a local
20 business enterprise it must be independently owned, operated, and controlled; and to
21 require currently certified local business enterprises that are not independently owned,
22 operated, and controlled to be recertified by a time specified to remain a certified local
23 business enterprise.
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25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
26 act may be cited as the “Local Business Enterprise Clarification Emergency Amendment Act of
27 2020”.

28 Sec. 2. Section 2331 of the Small and Certified Business Enterprise Development and
29 Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-
30 218.31), is amended by adding a new paragraph (1A) to read as follows:

31 “(1A) Is independently owned, operated, and controlled;”.

32 Sec. 3. Grace period for compliance.

33 (a) Except as provided in subsection (b) of this section, a business enterprise currently
34 certified as a local business enterprise pursuant to the Small and Certified Business Enterprise
35 Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C.

36 Official Code § 2-218.01 *et seq.*), (“CBE Act”) that is not independently owned, operated, and
37 controlled, as required by section 2331(1A) of the CBE Act (“Requirement”) that fails to meet
38 the Requirement and submit a new application to the Department of Small and Local Business
39 Development to be recertified as a local business enterprise within 90 days of the effective date
40 of this act shall have its certification revoked pursuant to section 2363(a)(2)(B) of the CBE Act.

41 (b) A business enterprise currently certified as a local business enterprise pursuant to the
42 CBE Act that does not meet the Requirement but has an existing contract with the District shall
43 be permitted to complete the term of that contract and receive the appropriate credit towards
44 assisting an agency in meeting its goals pursuant to section 2341 of the CBE Act and
45 subcontracting points pursuant to section 2346 of the CBE Act under its current certification.
46 Upon completion of the term of that contract, the business enterprise must meet the
47 Requirement and be recertified to remain a local business enterprise.

48 Sec. 3. Fiscal impact statement.

49 The Council adopts the fiscal impact statement Budget Director as the fiscal impact
50 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
51 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

52 Sec. 4. Effective date.

53 This act shall take effect following approval by the Mayor (or in the event of veto by the
54 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
55 90 days, as provided for emergency acts of the Council of the District of Columbia in section
56 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
57 D.C. Official Code § 1-204.12(a)).