



Councilmember Kenyan R. McDuffie

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to revise the percentage of civil penalty that shall be assessed for the failure to comply with the District of Columbia subcontracting requirements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “The Certified Business Enterprise Program Protection Penalty Emergency Declaration Resolution of 2023”.

Sec. 2. (a) The Certified Business Enterprise program (“CBE Program”) is intended to give local and small businesses of the District of Columbia an opportunity to take part in government contracts via subcontracting. These small and local businesses do so by becoming certified by the Department of Small and Local Business Development, (“DSLBD” as a Certified Business Enterprise (“CBE”). The goal is to give those CBE’s the opportunity to have access to contracts they usually do not have access to.

(b) When a contract is awarded by the District of Columbia there is a 35% subcontracting minimum that the awardee must spend on a CBE. The penalty that DSLBD enforces for not meeting this requirement is up to 10% of the unspent subcontracting.

1           (c) The current state of the CBE program has created an issue as the  
2 subcontracting requirement is consistently not met. To ensure that the District of  
3 Columbia's CBE's and CBE program are expeditiously protected, the Council must  
4 consider emergency legislation to better protect the program and enhance penalty of not  
5 meeting the subcontracting requirement.

6           Sec. 3. The determines that the circumstances enumerated in section 2 constitute  
7 emergency circumstances making it necessary that the Certified Business Program  
8 Protection Penalty Emergency Amendment Act of 2023 be adopted after a single reading.

9           Sec. 4. This resolution shall take effect immediately.