

B 26-0665 -- Redline

Engrossed to Enrolled -- Certified Business Enterprise Program Compliance and Enforcement Support Temporary Amendment Act of 2026

Deletions ~~struck~~ · Insertions underlined

~~ENGROSSED~~ENROLLED ORIGINAL ~~AAN BILL~~ACT 3 ~~26-665-5~~ IN THE COUNCIL OF THE DISTRICT OF COLUMBIA--8 To amend, on a temporary basis, the Small and Certified Business Enterprise Development and Assistance Act of 2005 to require a business applying for certification as a local business enterprise to be independently owned and operated, to amend minimum certified business enterprise performance requirements in a certified joint venture, and to establish uniform hearing procedures for enforcement actions.

"(7) "Economically disadvantaged individual" means an individual who owns at least a 51% interest in a business enterprise and whose personal net worth does not exceed the limits set by the ~~federal~~United States Department of Transportation, pursuant to 49 CFR Sec. ~~26.68.~~"26.68." ~~-(2) Paragraph (8A) is amended to read as follows:~~

~~"(8A)(2) EquityParagraph impact(8A) enterprise" means a business enterprise that is amended resident to ENCLOSED read ORIGINAL owned business, small business enterprise, and disadvantaged business enterprise."~~
~~(3) Paragraph (9) is redesignated as paragraph follows: (8B).~~

"(8A) "Equity impact enterprise" means a business enterprise that is a resident- owned business, small business enterprise, and disadvantaged business enterprise."

(3) Paragraph (9) is redesignated as paragraph (8B).

"(10B) "Independently owned and operated" means that the business enterprise ENROLLED ORIGINAL manages and controls its day-to-day operations without being subject to control, restriction, modification, or limitation by another business enterprise or not-for-profit business that has an ownership or other financial interest in the business enterprise."

~~(7)(8) ParagraphA (13B) new paragraph (13A-i) is redesignated added as to paragraph read (13C) as follows:~~

~~(8)"(13A-i) A"Person" newmeans paragraphany (13B)individual, isfirm, addedpartnership, tojoint readventure, asgeneral follows:partner of a partnership, limited liability company, registered limited liability partnership, foreign limited liability partnership, association, corporation, unincorporated business, company, syndicate, estate, trust, business trust, trustee, trustee in bankruptcy, receiver, executor, administrator, assignee, fiduciary, or entity of any kind."~~

~~"(13B) "Person" means any individual, firm, partnership, joint venture, general partner of a partnership, limited liability company, registered limited liability partnership, foreign limited liability partnership, association, corporation, unincorporated business, company, syndicate, estate, trust, business trust, trustee, trustee in bankruptcy, receiver, executor, administrator, ENCLOSED ORIGINAL assignee, fiduciary, or entity of any kind."~~

Official Code Sec. 2-218.46(b)(2)(A)) is amended by striking the phrase "the certified business enterprise perform at least 35% of the contracting effort with its own organization and resources and, if it subcontracts, 35% of the subcontracted effort shall be with certified business enterprises." and inserting the phrase "each certified business enterprise holding a majority or minority interest in the certified joint venture shall, with its own organization and resources, perform a percentage of the work equal to reador asgreater follows:than its percentage interest in the joint venture, and, if the certified joint venture subcontracts, at least 35% of the subcontracted effort shall be with certified business enterprises." in its place.

~~"(2)(A) Each government-assisted construction and non-construction contract for which a certified joint venture is selected as a beneficiary and is granted points or a price reduction pursuant to section 2343 or is selected through a set-aside program under this subpart shall include a requirement that each certified business enterprise holding a majority or minority interest in the certified joint venture shall, with its own organization and resources, perform a percentage of the work equal to or greater than its percentage interest in the joint venture, and, if the certified joint venture subcontracts, at least 35% of the subcontracted effort shall be with certified business enterprises."~~

~~ENGROSSED ORIGINAL~~-(1) Subsection (c) is amended by striking the phrase ", in accordance with procedures set forth in subsection (e) of this ~~section,~~section, that" and inserting the word "that" in its place.

If the ENROLLED ORIGINAL Department dismisses a formal complaint as frivolous or otherwise without merit, the Department shall prepare a report that includes:

~~ENGROSSED ORIGINAL~~-(B) Paragraph (4) is repealed.

"(5) After the completion of an investigation conducted pursuant to this subsection, the Department shall take such enforcement action, if any, it deems ~~appropriate,~~appropriate."

"(2) Pursuant to paragraph (3) of this subsection, a person, or a designated representative on behalf of a certified joint venture, may request a hearing before the Office of ~~ENGROSSED ORIGINAL~~ Administrative Hearings within 10 days after receiving the notice.

"(3) If a hearing is requested, the Office of Administrative Hearings shall consider ~~the~~such ~~matter~~hearing pursuant to ~~section 19 of~~ the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C.

Official Code Sec. ~~2-1831.16), 2-1831.01 such~~et hearing~~seq.)~~, pursuant ~~and to the Office~~rules of ~~Administrative~~issued ~~pursuant Hearing~~to ~~Establishment~~it. Act of 2001, effective March 6, 2002 (D.C. Law 14-76;

~~D.C.~~

~~Official Code Sec. 2-1831.01 et seq), and the rules issued pursuant to it.~~

ENROLLED ORIGINAL "(5) Notice of a final suspension or revocation of a certification shall be published on the Department's website.

"(7)(A) The Department may at any time, upon motion by a business enterprise or ~~ENGROSSED ORIGINAL~~ joint venture whose certification has been suspended or revoked, remove the suspension or reissue a certification if the Department determines that it is in the District government's interest to remove the suspension or reissue the certification before the end of the 36-month period and the removal or reissuance will not endanger the health, safety, or welfare of the general public.

~~ENGROSSED ORIGINAL~~ "(ii) If a business enterprise or joint venture timely requests a hearing on a summary suspension, the Office of Administrative Hearings shall conduct the hearing within ~~14~~ days after receiving the request, unless a longer period of time is agreed to by the business enterprise or joint venture, and the Office of Administrative Hearings shall issue a decision within ~~14~~ days after the record of the hearing closes."

ENROLLED ORIGINAL Sec.

(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) and 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.

Chairman Council of the District of Columbia
Mayor District of Columbia 5