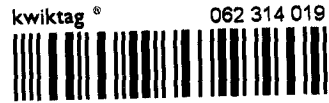


# ENROLLMENT(S)



(5)

# COUNCIL OF THE DISTRICT OF COLUMBIA


## NOTICE

### D.C. LAW 10- 236

#### "Contractors Guarantee Association Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-535 on first and second readings, November 1, 1994 and December 6, 1994, respectively. Following the signature of the Mayor on December 27, 1994, this legislation was assigned Act No. 10-379, and published in the January 6, 1995, edition of the D.C. Register (Vol. 42 page 33) and transmitted to Congress on February 3, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-236, effective March 21, 1995.

  
DAVID A. CLARKE  
Chairman of the Council

#### Dates Counted During the 30-day Congressional Review Period:

Feb. 3,6,7,8,9,10,13,14,15,16,21,22,23,24,27,28

Mar. 1,2,3,6,7,8,9,10,13,14,15,16,17,20

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

New Subchapter V,  
Chapter 22, Title 1

DECEMBER 27, 1994

To establish a Financial Assurance Fund and Technical Assistance Program, and remove the Council Chairman and Chairperson of the Council's Committee on Economic Development from the Board of Directors of the Economic Development Finance Corporation and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contractors Guarantee Association Act of 1994".

Sec. 2. Establishment of Technical Assistance Program.

(a) The District of Columbia Economic Development Finance Corporation ("Corporation") shall establish a Technical Assistance Program ("TAP") that shall provide to Contractors the training necessary to prepare and qualify for bond readiness and shall identify the financial and other management resources needed by a Contractor to meet the bond readiness criteria established by the Corporation.

New  
Section  
1-2261

(b) The Corporation shall promulgate bond readiness criteria which shall be based on sound actuarial principles and approved by the Corporation's Board of Directors ("Board") and insurance companies licensed in the District of Columbia who have agreed to underwrite the risk of a Contractor.

(c) The Corporation shall request, and the Mayor shall provide to the Corporation, a list of insurance companies licensed to underwrite surety business in the District of Columbia.

(d) TAP shall provide, to those Contractors seeking assistance to become bond ready, technical assistance in the following areas:

- (1) Financial management arrangements and resources;
- (2) Business structure and organization;
- (3) Preparation of financial statements;
- (4) Preparation of applications for surety bonds; and
- (5) Demonstration and availability of collateral resources.

Sec. 3. Contractor fees.

(a) A Contractor seeking assistance under TAP shall pay a filing fee of \$150 for each TAP application received by the Corporation. The Board shall approve the format of the applications. Monies received pursuant to the filing fee shall be deposited in the Corporation's Financial Assurance Fund.

New  
Section  
1-2262

(b) Contractors shall execute and deliver to the Corporation an assignment of 1/2 of 1 percent of the value of all contracts which have an aggregate value of at least \$100,000 and which have been awarded to the Contractor by the District government. Monies received pursuant to the assignment shall be deposited in the Corporation's Financial Assurance Fund.

Sec. 4. Establishment of Financial Assurance Fund.

New  
Section  
1-2263

(a) A Financial Assurance Fund ("fund") is hereby established by the Corporation to serve as a source of capital to Contractors as determined by the Board.

(b) The fund shall be capitalized with the Contractor fees paid pursuant to section 3.

(c) All monies in the fund shall at all times be maintained in an account separate and distinct from other monies of, or under the control of, the Corporation.

(d) All monies in the fund shall be deposited in a banking or financial institution eligible for the placement of District of Columbia funds under the District of Columbia Depository Act of 1977, effective October 26, 1977 (D.C. Law 2-32; D.C. Code § 47-341 *et seq.*), or any successor acts thereto.

Sec. 5. Conforming amendments.

The District of Columbia Economic Development Finance Corporation Act of 1984, effective June 29, 1984 (D.C. Law 5-89; D.C. Code § 1-2211 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Code § 1-2212) is amended as follows:

Section  
1-2212

(1) By adding a new paragraph (3A) to read as follows:

"(3A) "Contractor" means any eligible business doing or seeking to do business, directly or on a subcontract basis, with the District of Columbia.";

(2) By adding a new paragraph (7A) to read as follows:

"(7A) "Financial Assurance Fund" means the fund established by the Corporation to provide for technical assistance and to provide a source of capital to Contractors in connection with a contract awarded by the District of Columbia."; and

(3) By adding a new paragraph (14A) to read as follows:

"(14A) "Technical Assistance Program" means a program providing technical assistance to achieve bond readiness, as prescribed by the Corporation, and the implementation by the Corporation of a bond readiness program and supporting criteria.".

(b) Section 4(b)(1) (D.C. Code § 1-2213(b)(1)) is amended to read as follows:

Section  
1-2213

"(b) The Corporation shall be governed by a Board of Directors which shall have 7 members.

"(1) There shall be 2 *ex officio* members, who may designate from time to time a representative to perform the respective duties and powers under this act including the power to vote, as follows:

"(A) The Mayor of the District of Columbia; and

"(B) The Deputy Mayor for Economic Development.".

(c) Section 7 (D.C. Code § 1-2216) is amended by striking the word "and" after the phrase "Corporation;" and by adding a new subsection (u-1) to read as follows:

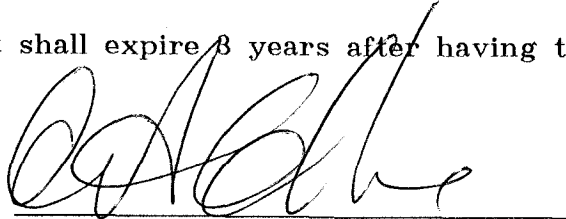
Section  
1-2216

"(u-1) Create a comprehensive assistance and funding program to assist Contractors; and".

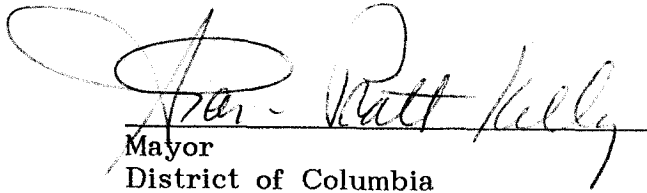
Sec. 6. Effective date.

(a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

((b) This act shall expire 8 years after having taken effect.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: December 27, 1994



# COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

## RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B10-535

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-1-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Brazil, Cropp and Chavous

ROLL CALL VOTE — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote    A.B. — Absent    N.V. — Present, not voting

### CERTIFICATION RECORD

[Signature]  
Secretary to the Council

December 13, 1994  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-6-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Smith, Thomas and Nathanson

ROLL CALL VOTE — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote    A.B. — Absent    N.V. — Present, not voting

### CERTIFICATION RECORD

[Signature]  
Secretary to the Council

December 13, 1994  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote    A.B. — Absent    N.V. — Present, not voting

### CERTIFICATION RECORD

\_\_\_\_\_  
Secretary to the Council

\_\_\_\_\_  
Date