

AN ACT

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Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to establish the District of Columbia Small and Local Business Opportunity Commission as the administrative hearing body for certified business enterprise certification violations, to authorize the District of Columbia Small and Local Business Opportunity Commission to assess penalties for violations, to require the Department of Small and Local Business Development to provide stabilization services to certified business enterprises, to establish the Volunteer Corp of Executives and Entrepreneurs within the Department of Small and Local Business Development, to provide mentoring, education, consulting, and networking services to certified business enterprises, and to develop a plan for using small business development resources as a catalyst for job creation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Small Business Stabilization and Job Creation Strategy Amendment Act of 2010”.

Sec. 2. The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new subpart 3A of part D to read as follows:

- “Subpart 3A. Stabilization and job creation strategy.
- “Sec. 2366. Services to certified business enterprises.
- “Sec. 2367. Establishment of the Volunteer Corp of Executives and Entrepreneurs.
- “Sec. 2368. Management and direction.
- “Sec. 2369. Procurement training and assistance.

(b) Section 2346(i) is amended by striking the phrase “each developer or beneficiary shall provide a copy of the certified business agreement,” and inserting the phrase “each contractor or beneficiary shall provide a copy of the contract,” in its place.

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(c) Section 2348(a) (D.C. Official Code § 2-218.48(a)) is amended as follows:

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(1) Paragraph (1) is amended by striking the word “or” at the end.

(2) Paragraph (2) is amended to read as follows:

“(2) Submits a monitoring or compliance report containing a false statement;
or”.

(3) A new paragraph (3) is added to read as follows:

“(3) Fails to disclose required information.”.

(d) Section 2353(a) (D.C. Official Code § 2-218.53(a)) is amended as follows:

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(1) The lead-in language is amended by striking the phrase “, except for the 4th quarter report.” and inserting the phrase “, except for the 4th quarter report. The 4th quarter and annual report shall be submitted together.” in its place.

(2) Paragraph (8) is amended to read as follows:

“(8) If the vendor is a certified business enterprise, the percentage the amount from paragraph (7) of this subsection is of the agency’s total expenditure on all certified business enterprises.”.

(e) Section 2363 (D.C. Official Code § 2-218.63) is amended as follows:

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(1) Subsection (a-1)(1) is amended by striking the phrase “person or business enterprise” and inserting the phrase “business enterprise” in its place.

(2) Subsection (b) is amended as follows:

(A) Paragraph (1)(A) is amended by striking the phrase “the Department” and inserting the phrase “the Commission through the Department” in its place.

(B) Paragraph (2) is amended as follows:

(i) Strike the word “Department” wherever it appears and insert the word “Commission” in its place.

(ii) Strike the word “Director” and insert the word “Commission” in its place.

(C) Paragraph (3) is amended by striking the word “Director” and inserting the word “Commission” in its place.

(D) New paragraphs (4), (5), and (6) are added to read as follows:

“(4) If the Commission does not determine that a complaint is frivolous or otherwise without merit, it shall hold a hearing on the complaint within 3 months of the filing of the complaint. The Commission shall determine the time and place of the hearing. The Commission shall cause to be issued and served on the person or business enterprise alleged to have committed the violation, hereafter called the “respondent”, a written notice of the hearing together with a copy of the complaint at least 30 days prior to the scheduled hearing. Notice shall be served by registered or certified mail, return receipt requested, or by personal service. At the hearing, the respondent shall have the right to appear personally or by a representative and to cross-examine witnesses and to present evidence and witnesses.

“(5) If, after the conclusion of the hearing, the Commission determines that the respondent has violated the provisions of this subtitle or regulations issued pursuant to this

subtitle, the Commission shall issue, and cause to be served on the respondent, a decision and order, accompanied by findings of fact and conclusions of law, revoking or suspending the respondent's registration, or taking any other action it considers appropriate.

“(6) The Commission shall have the authority to issue subpoenas requiring the attendance of witnesses and to compel the production of records, papers, and other documents.”.

(3) Subsection (d-1) is repealed.

(f) Section 2364(a) is amended as follows:

(1) Paragraph (1)(A)(i) is amended to read as follow:

“(i) Has obtained authorization from the certified business enterprise to identify the certified business enterprise in its bid or proposal;”

(2) Paragraph (2) is amended by striking the phrase “imprisonment,” and inserting the phrase “imprisonment not to exceed 5 years,” in its place.

(g) A new subpart 3A of part D is added to read as follows:

“Subpart 3A. Stabilization and job creation strategy.

“Sec. 2366. Services to certified business enterprises.

“(a) The Department shall provide the following services to certified business enterprises:

“(1) Specialized programs to assist certified business enterprises in securing capital and repairing damaged credit;

“(2) Informational seminars on securing credit and loans; and

“(3) Access to non-traditional financing sources, as well as traditional lending sources.

“(b) The Department shall:

“(1) Develop a catalog of on-line survival and growth tools and resources that certified business enterprises can access through the Internet or other organizations;

“(2) Enter into a memorandum of understanding with a third-party vendor to provide expert consulting and education to assist certified businesses enterprises at risk of failure, including certified business enterprises that are considering filing for bankruptcy;

“(3) Develop a formal listing of financing options for business enterprises;

“(4) Deliver services that assist workers who become unemployed due to economic fluctuations to begin new businesses; and

“(5) Enter into a memorandum of understanding with a third-party vendor to provide one-on-one counseling with potential borrowers to improve financial presentations to lenders.

“Sec. 2367. Establishment of the Volunteer Corp of Executives and Entrepreneurs.

“(a) There is established the Volunteer Corp of Executives and Entrepreneurs to provide mentoring, education, consulting, and networking services to certified business enterprises within the Department. Notwithstanding any other provision of law, the Volunteer Corp of Executives and Entrepreneurs may solicit contributions from the private sector to be

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used to carry out its functions under this section.

“(b)(1) The Volunteer Corp of Executives and Entrepreneurs shall consist of individuals with at least 10 years of experience in the industry.

“(2) Individuals serving within the Volunteer Corp of Executives and Entrepreneurs shall serve without compensation for their services.

“(c) The Director shall:

“(1) Ensure that the Volunteer Corp of Executives and Entrepreneurs carries out a plan to increase the proportion of persons within the certified business enterprises who are from socially and economically disadvantaged backgrounds;

“(2) Ensure that the Volunteer Corp of Executives and Entrepreneurs establishes benchmarks for use in evaluating the performance of its activities and the performance of the individuals serving in the Volunteer Corp of Executives and Entrepreneurs, including the following:

“(A) The demographic characteristics and the geographic characteristics of persons within the certified business enterprises assisted by the Volunteer Corp of Executives and Entrepreneurs;

“(B) The hours spent mentoring by individuals within the Volunteer Corp of Executives and Entrepreneurs; and

“(C) The performance evaluations of the persons or the certified business enterprises assisted by the Volunteer Corp of Executives and Entrepreneurs;

“(3) Ensure that the Volunteer Corp of Executives and Entrepreneurs provides one-on-one advice to certified business enterprises; and

“(4) Implement a networking program through the Volunteer Corp of Executives and Entrepreneurs, which provides certified business enterprises with the opportunity to make business contacts in their industry.

“(d) The Council shall receive an annual report on the implementation of this section.

“Sec. 2368. Management and direction.

“(a)(1) Beginning with fiscal year 2011, the Department shall develop an annual job creation plan (“Plan”) for using District small business development resources as a catalyst for job creation and submit the Plan to the Council within 45 days of October 1st.

“(2) The Plan shall include the Department’s strategy for drawing on existing programs and other available resources. To evaluate the success of the Department’s actions regarding these efforts, the Director shall identify, in consultation with the appropriate personnel from small business development programs, the performance measures and criteria, to include job creation, retention, and retraining goals.

“(b)(1) The Department, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to develop and implement a consistent data collection process to cover all small business development programs in the District.

“(2) The data collection process shall include data relating to:

“(A) Job creation;

“(B) Performance; and

“(C) Any other data determined appropriate by the Director.

“(c) Beginning with fiscal year 2011, the Director, in consultation with other departments and agencies, shall submit, within 45 days of October 1, an annual report to the Council on opportunities to foster coordination, limit duplication, and improve program delivery for small business development programs.

“(d)(1) The Director shall designate a staff member as a community specialist who is responsible for working with local small development service providers to increase coordination with federal resources.

“(2) The Director shall develop benchmarks for measuring the performance of the community specialist under this subsection.

“Sec. 2369. Procurement training and assistance.

“The Department shall:

“(1) Identify contracts that are suitable for certified business enterprises;

“(2) Assist certified business enterprises in identifying and preparing for business opportunities made available under the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5; 123 Stat.115), through informational presentations and the dissemination of information; and

“(3) Provide technical assistance regarding the District and federal procurement processes, including assisting certified business enterprises to comply with local and federal regulations and bonding requirements.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia