

COUNCIL OF THE DISTRICT OF COLUMBIA

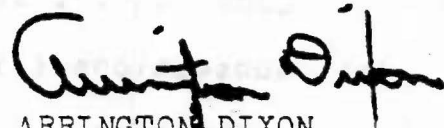
NOTICE

D.C. LAW 3-91

"Minority Contracting Act Amendments of 1980".

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. 3-252, on first and second readings, June 3, 1980 and June 17, 1980, respectively. Following the signature of the Mayor on July 9, 1980, this legislation was assigned Act No. 3-213, published in the August 1, 1980, edition of the D.C. Register, (Vol. 27 page 3280) and transmitted to Congress on July 15, 1980 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 3-91 effective September 13, 1980.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July	21,22,23,24,25,28,29,30,31
August	1,4,5,6,18,19,20,21,22,25,26,27,28
September	3,4,5,8,9,10,11,12

D.C. LAW 3-91

EFFECTIVE
DATE SEP 13 1980

Enrolled Original

AN ACT

D.C. ACT 3-213

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 9 1980

To amend the Minority Contracting Act of 1975, to extend the life of the Minority Business Opportunity Commission, to improve the provisions pertaining to appointment of the Commissioners and their terms of office, to clarify the definition of certain terms, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Minority Contracting Act Amendments of 1980".

Sec. 2. Section 3 of the Minority Contracting Act of 1975, effective March 29, 1977 (D.C. Law 1-95; D.C. Code, sec. 1-852) is amended as follows:

CODIFICATION
D.C. Code,
sec. 1-852

(a) Subsections (a), (b), and (c) are amended to read as follows:

"(a) The term 'minority' means black Americans; Native Americans; Hispanic Americans with origins in Central and South America, Mexico, and the Caribbean; who, by virtue of being a member of the

foregoing groups, have been found by the Council of the District of Columbia to be economically and socially disadvantaged because of historical discrimination practiced against these groups by institutions within the United States of America.

"(b) The term 'minority business enterprise' means a business enterprise of which more than 50 percent of the ownership and control is held by individuals who are members of a minority, and of which more than 50 percent of the net profit or loss accrues to members of a minority.

"(c) The term 'local business enterprise' means a minority business enterprise with its principal office physically located in the District of Columbia, and which is licensed pursuant to section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year

ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 622; D.C. Code, sec. 47-2301 at seq.) or subject to the tax levied under Title X of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 349; D.C. Code, sec. 47-1580 at seq.): PROVIDED, That such term includes any minority business enterprise deemed by the Commission to be a local business enterprise pursuant to section 10(m)."

Sec. 3. Section 4 of the Minority Contracting Act of 1975, effective March 29, 1977 (D.C. Law 1-75; D.C. Code, sec. 1-853) is amended as follows:

D.C. Code,
sec. 1-853

(a) Strike the last sentence of subsection (a).

(b) Subsection (b) is amended to read as follows:

"(b) Composition of Commission.

"(1) Within 60 days from the effective date of act, the Mayor shall appoint four commissioners for terms that expire on March 29, 1982, and three

Commissioners for terms that expire on March 28, 1981. Thereafter, the Commission shall consist of seven persons appointed by the Mayor for staggered, two (2) - year terms.

"(2) All members of the Commission shall be residents of the District of Columbia, except that this provision shall not affect the status of present Commission members during the remainder of their current terms.

"(3) Commissioners are eligible for reappointment and shall continue in office until a successor has been qualified, appointed, and taken office.

"(4) All Commissioners shall have knowledge of the minority business community as it relates to employment and economic development."

(c) Strike subsection (c) and redesignate subsections (d), (e), and (f) as (c), (d), and (e) respectively.

(d) Subsection (g) is amended to read as follows:

"(f) The Mayor is authorized to establish the rates of compensation, if any, for members of the Minority Business Opportunity Commission (in accordance with section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-341.8))."

Sec. 4. Section 5 of the Minority Contracting Act of 1976, effective March 29, 1977 (D.C. Law 1-95; D.C. Code, sec. 1-854) is amended as follows:

D.C. Code,
sec. 1-854

(a) Strike the last sentence in subsection (c) and insert the following sentences:

"A majority of the members appointed to the Commission at any given time shall constitute a quorum for the transaction of business. Official actions of the

Commission shall be based on a majority vote of those present." in lieu thereof.

(b) Subsection (d) is amended to read as follows:

"The Mayor shall appoint the Chairperson of the Commission, who shall serve at the pleasure of the Mayor."

(c) Subsection (e) is the following is amended to read as follows:

"(e) The Mayor shall appoint a staff director and such additional staff as may be necessary to carry out the purposes of this act."

Sec. 5. The Minority Contracting Act of 1976, effective March 29, 1977 (D.C. Law 1-95; D.C. Code, sec. 1-851 et seq.) is further amended as follows:

(a) Strike the second sentence of section 6.

(b) Strike the word "contracts" in section 5(a) and insert the word "contractors" in lieu thereof.

(c) Section 8 is amended to read as follows:

"Sec. 8. (a) To achieve the goals set forth in section 7, programs designed to

D.C.Code,
sec. 1-855

D.C.Code,
sec. 1-857

assist local minority contractors shall be established under regulations issued by the Commission pursuant to section 10(n). Such programs shall be implemented by each agency within sixty (60) days after issuance of such regulations. Minority contractors shall not be limited to bidding or negotiating only on contracts within these programs.

"(b) The Commission shall include among these programs a sheltered market approach to contracts. Only certified minority business enterprises are eligible to participate in any sheltered market program established pursuant to this subsection.

"(c) The prime contractor shall perform at least 50 percent of the contracting effort, excluding the cost of materials, goods and supplies, with his own organization and resources, and if he subcontracts, 50 percent of the subcontracting effort excluding the cost of materials, goods and supplies shall be

with Certified Minority Business Enterprises. The contract shall contain a certified statement to this effect. Waivers of the above requirements must be given in writing by the contracting officer with the approval and consent of the Minority Business Opportunity Commission.

"(d) For construction contracts of up to 1 million dollars, the prime contractor shall perform at least 50 percent of the on-site work with his own work force, excluding the cost for materials, goods, supplies and equipment. The prime contractor shall award at least 50 percent of his subcontracts to certified minority business enterprises. The bid document shall contain a certification form to be signed by all bidders to this effect. Waivers of the above requirements must be given in writing by the contracting officer with the approval and consent of the Minority Business Opportunity Commission."

(d) Strike the phrase "or joint venture" in the first sentence of section 9(a) and (b).

D.C.Code,
sec. 1-858

(e) Insert the following sentence immediately following the first sentence in section 9(b):

D.C.Code,
sec. 1-858

"Any joint venture desiring to be registered as a joint venture in the District of Columbia shall make and file with the Commission a written application on such form as may be prescribed by the Commission."

(f) Insert the phrase "or suspend" in the first sentence of section 9(d) immediately following the word "revoke".

D.C.Code,
sec. 1-858

(g) Redesignate section 10(1) as section 10(n) and add the following new subsections to section 10 in the appropriate place:

D.C.Code,
sec. 1-859

"(1) May recommend that any agency subdivide contracts into smaller parts where the Commission has determined that subdivision of such contracts is necessary to achieve the purposes of this act. Subdivision may be recommended in order to fall within the \$25,000 bond exemption provided by An Act In relation

to contracts with the District of Columbia, approved June 28, 1905 (34 Stat. 546; D.C. Code, sec. 1-805) where feasible;

"(m) May determine on a case-by-case basis that a minority business enterprise without a principal office physically located in the District of Columbia is a local business enterprise.

"(1) In exercising this authority, the Commission shall consider the following factors:

"(a) whether the applicant's principal place of business is located in the Metropolitan Washington Standard Metropolitan Statistical Area (SMSA);

"(b) The location(s) of the assets of the business enterprise;

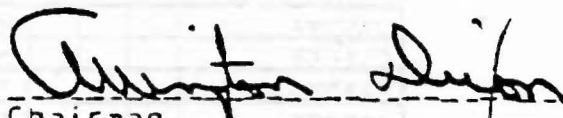
"(c) The number and percentage of the applicant's employees who reside in the District of Columbia;

- "(d) The place of residence of the owners of the business enterprise;
- "(e) The percentage of total sales or other revenues derived from the transaction of business in the District of Columbia; and
- "(f) Other evidence that the business enterprise is doing business in the District of Columbia.

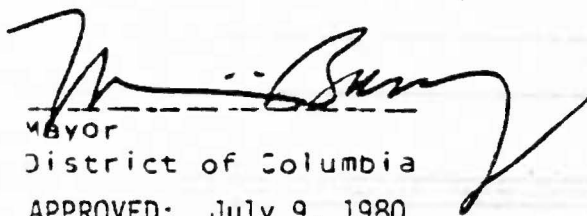
"(2) Each minority business enterprise to be a local business enterprise pursuant to this section is also required to be licensed pursuant to section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 622; D.C. Code, secs. 47-2301 et seq.) or subject to the tax levied under Title X of the District of Columbia Income and Franchise Tax

Act of 1947, approved July 15, 1947 (61 Stat. 349; D.C. Code, sec. 47-1580 et seq.)."

Sec. 6. This act shall take effect after a thirty (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 502(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 313; D.C. Code, sec. 1-147(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED: July 9, 1980

COUNCIL OF THE DISTRICT OF COLUMBIA

RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: B 3-252

ACTION: Adopted First Reading 6/3/80

VOICE VOTE: Unanimous

Absent: Winter

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TADWTS					ROTARK									

CERTIFICATION OF RECORD

John T. Brown
Secretary to the Council

ACTION: Adopted Final Reading 6/17/80

VOICE VOTE: Unanimous

Absent: Moore

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TADWTS					ROTARK									

CERTIFICATION OF RECORD

John T. Brown
Secretary to the Council

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.	COUNCIL MEMBER	AYE	NAY	EX.	AB.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
TADWTS					ROTARK									

CERTIFICATION OF RECORD

SECRETARY TO THE COUNCIL