

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

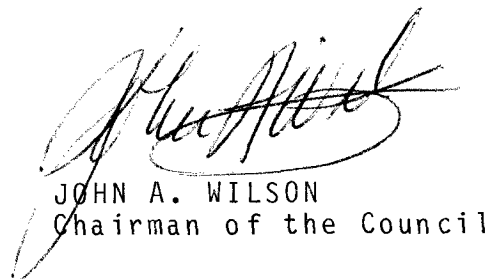
NOTICE

D.C. LAW 9-81

"District of Columbia Government Quick
Payment Act of 1984 Amendment Act of 1992".

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. 9-156 on first and second readings, December 3, 1991, and January 7, 1992, respectively. Following the signature of the Mayor on January 28, 1992, this legislation was assigned Act No. 9-139, published in the February 7, 1992, edition of the D.C. Register, (Vol. 39 page 681) and transmitted to Congress on January 30, 1992 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 9-81, effective March 20, 1992.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 30,31
February 3,4,5,6,7,18,19,20,21,24,25,26,27,28
March 2,3,4,5,6,9,10,11,12,13,16,17,18,19

AN ACT

D.C. ACT 9-139

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 1992

To amend the District of Columbia Government Quick Payment Act of 1984 to require timely payments to subcontractors and suppliers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Government Quick Payment Act of 1984 Amendment Act of 1992".

Sec. 2. The District of Columbia Quick Payment Act of 1984, effective March 15, 1985 (D.C. Law 5-164; D.C. Code §§1-1171 to 1172), is amended as follows:

(a) Section 2 (D.C. Code §1-1171) is amended as follows:

Section
1-1171

(1) A new paragraph (1A) is added to read as follows:

"(1A) "Contractor" means any entity that has a direct contract with a District agency, as that term is defined in paragraph (3) of this section."; and

(2) A new paragraph (5) is added to read as follows:

"(5) "Subcontractor" means any entity that furnishes labor, material, equipment, or services to a contractor in performance of the contractor's contract with a District agency."

(b) Section 3 (D.C. Code §1-1172) is amended by adding new subsections (d), (e) and (f) to read as follows:

Section
1-1172

"(d) Any contract awarded by a District agency shall include:

"(1) A payment clause that obligates the contractor to take 1 of the 2 following actions within 7 days of receipt of any amount paid to the contractor by the District agency for work performed by any subcontractor under a contract:

"(A) Pay the subcontractor for the proportionate share of the total payment received from the District agency that is attributable to the subcontractor for work performed under the contract; or

"(B) Notify the District agency and the subcontractor, in writing, of the contractor's intention to withhold all or part of the subcontractor's payment with the reason for the nonpayment;

"(2) An interest clause that obligates the contractor to pay interest to the subcontractor or supplier as provided in paragraphs (b)(1) and (2); and

"(3) A clause that obligates the contractor to include in any subcontract a provision that requires each subcontractor to include the payment and interest clauses required under paragraphs (1) and (2) of this section in a contract with any lower-tier subcontractor or supplier.

"(e)(1) A contractor's obligation to pay an interest charge to a subcontractor pursuant to subsection (d)(2) of this section shall not constitute an obligation of the District agency.

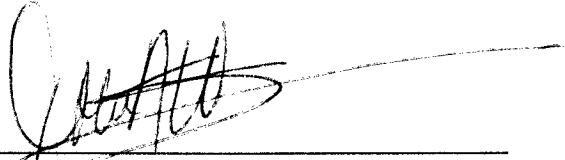
"(2) A contract modification shall not be made for the purpose of providing reimbursement for any interest charge pursuant to subsection (d)(2) of this section.

"(3) A cost reimbursement claim shall not include any amount for reimbursement for any interest charge pursuant to subsection (d)(2) of this section.

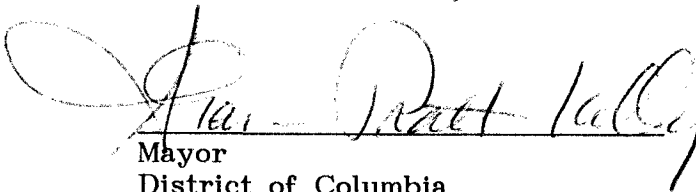
"(f)(1) A dispute between a contractor and subcontractor relating to the amount or entitlement of a subcontractor to a payment or a late payment interest penalty under the provisions of this act does not constitute a dispute to which the District of Columbia is a party. The District of Columbia may not be interpleaded in any judicial or administrative proceeding involving such a dispute.

"(2) This subsection shall not limit or impair any contractual, administrative or judicial remedies otherwise available to a contractor or subcontractor in the event of a dispute involving late payment or nonpayment by a prime contractor or deficient subcontract performance or non-performance by a subcontractor."

Sec. 3. 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: January 28, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

B9-156

DOCKET NO: _____

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-3-91

VOICE VOTE: Approved

Recorded vote on request

Absent: All Present

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. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

CERTIFICATION RECORD

Shyria Ford
Secretary to the Council

January 10, 1992
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 1-7-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot

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. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

CERTIFICATION RECORD

Shyria Ford
Secretary to the Council

January 10, 1992
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. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

CERTIFICATION RECORD

Secretary to the Council

Date