

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To require the Mayor to establish a comprehensive grading system for all businesses contracting with the District government, including Certified Business Enterprises, which will assess the quality of the work done by and the performance of a business pursuant to a District contract, and assign a grade to the business that will determine its participation in competing for and winning future government contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Excellence in Local Business Contract Grading Act of 2008”.

Sec. 2. Establishment of grading system for businesses contracting with the District.

(a) The Mayor shall establish a grading system for businesses contracting with the District government to provide quality assurance of performance on District contracts and create a standard for businesses to provide high-quality goods and services to the District. The grading system, which shall be managed by the Office of Contract and Procurement in conjunction with the Department of Small and Local Business Development, shall include the following grades:

(1) A (Excellent – going above and beyond the performance stipulated in the contact);

(2) C (Satisfactory – performing as stipulated in the contract); or

(3) F (Unsatisfactory – the contractor did not complete performance as stipulated in the contract).

(b) The Office of Contracting and Procurement shall review the grading system on an annual basis.

(c) A contractor that has performed on multiple contracts with the District shall receive a cumulative grade.

(d) An annual report shall be produced and submitted to the Department of Small and Local Business Development by the Office of Contracting and Procurement pertaining to performance by contractors that are Certified Business Enterprises, as that term is defined in the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective March 2, 2007 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(e) A business receiving a grade of “F” has the right to appeal the grade pursuant to a process to be determined by the Mayor. At the conclusion of the appeals process, a business that still has a grade of “F” will not be allowed to apply for or work on any District contract for at least one year after receiving the grade.

Sec. 3. Rules.

Within 90 days of the effective date of this act, the Mayor, pursuant to Title 1 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 implement the provisions of this act. The proposed rules shall be submitted by the Mayor to the Council for a 45-day period of review, excluding weekends, holidays, and days of Council recess. If the Council does not approve or disapprove the rules within the 45-day review period, in whole or in part, by resolution, the rules shall be deemed approved.

Sec. 4. 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. 5. 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 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