
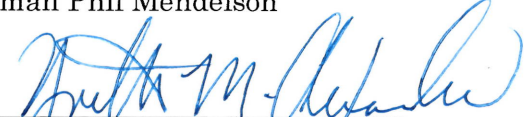



1 
2 Chairman Phil Mendelson


Councilmember David Grosso

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6 Councilmember Yvette Alexander


Councilmember Charles Allen

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10 Councilmember Mary Cheh


Councilmember Brianne Nadeau

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19 A BILL
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24 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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29 Chairman Phil Mendelson introduced the following bill which was referred to the
30 Committee _____.

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32 To amend the Procurement Practices Reform Act to require a potential contractor to
33 provide a sworn statement to the District confirming their eligibility to enter into a
34 contract or agreement with the District, and to prohibit a person that makes a
35 contribution to a covered recipient from entering into a contract or agreement with
36 the District; to amend the Street and Alley Closing and Acquisition Procedures Act
37 to prohibit a person that makes a contribution to a prohibited recipient from
38 receiving title or any other property interest in a street or alley, and to require a
39 person to provide a sworn statement to the District confirming their eligibility to
40 receive title or any other property interest in a street or alley; to prohibit a person
41 that makes a contribution to a covered recipient from receiving a grant or tax
42 abatement, or entering into an agreement for the acquisition, sale, or lease of any
43 land or building; and to require that a person provide a sworn statement to the
44 District confirming their eligibility to receive a grant or tax abatement, or enter into
45 an agreement for the acquisition, sale, or lease of any land or building.

46 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That
47 this act may be cited as the "Contractor Pay-to-Play Elimination Amendment Act of 2015".

48 TITLE I -- PAY-TO-PLAY IN GOVERNMENT CONTRACTS & PROCUREMENT

49 Sec. 101. The Procurement Practices Reform Act of 2010, effective April 8, 2011
50 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*) is amended as follows:

51 (a) A new section 303 is added to read as follows:

52 “Sec. 303. Sworn statement on contractor eligibility.

53 “(a) Prior to awarding any contract to procure goods or services with the District of
54 Columbia, the District or any contracting authority of the District shall receive a sworn
55 statement from a potential contractor made under penalty of perjury that to the best of the
56 potential contractor’s knowledge, after due diligence, the potential contractor is in
57 compliance with section 951 of this act, and is therefore eligible to enter into a contract or
58 agreement with the District.

59 “(b) For purposes of this section, the term “contracting authority” means the same
60 as that term is defined by section 950(3) of this act.”.

61 (b) A new Title IX-A is added to read as follows:

62 “TITLE IX-A. ELIGIBILITY TO CONTRACT WITH THE DISTRICT.

63 “Sec. 950. Definitions.

64 “For purposes of this title, the term:

65 “(1) “Business contributor” means the same as that term is defined in section
66 101(4A) of the Board of Ethics and Government Accountability Establishment and
67 Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law
68 19-124; D.C. Official Code § 1-1161.01(4A)), as amended by section 2(a)(4) of the Campaign
69 Finance Reform and Transparency Amendment Act of 2013, approved on second reading on
70 December 3, 2013 (D.C. Act 20-249).

71 “(2) “Candidate” means the same as that term is defined in section 101(6) of the
72 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics

73 Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official
74 Code § 1-1161.01(6)), as amended by section 2(a)(5) of the Campaign Finance Reform and
75 Transparency Amendment Act of 2013, approved on second reading on December 3, 2013
76 (D.C. Act 20-249).

77 “(3) “Contracting authority” means:

78 “(A) The Chief Procurement Officer as defined in section 104(11) of the
79 Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-
80 351.04(11));

81 “(B) Any subordinate agency, instrumentality, employee of the District
82 government, independent agency, board, or commission, other than the District of Columbia
83 courts and the District of Columbia Public Defender Service, that is exempted from Chapter
84 3A of this act pursuant to section 105(c) of this act;

85 “(C) Any subordinate agency, instrumentality, employee of the District
86 government, independent agency, board, or commission authorized to conduct
87 procurements under section 201 of this act.

88 “(3) “Contribution” means the same as that term is defined in section 101(10) of the
89 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics
90 Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official
91 Code § 1-1161.01(10)), as amended by section 2(a)(6) of the Campaign Finance Reform and
92 Transparency Amendment Act of 2013, approved on second reading on December 3, 2013
93 (D.C. Act 20-249).

94 “(4) “Covered recipient” means:

95 “(A) Any elected District official who is or could be involved in influencing
96 the award of a contract or grant.

97 “(B) Any candidate for elective District office who is or could be involved in
98 influencing the award of a contract or grant.

99 “(C) Any political committee affiliated with a District candidate or official
100 described in subparagraphs (A) and (B).

101 “(D) Any constituent-service program or fund, or substantially similar entity,
102 controlled, operated, or managed by:

103 “(i) Any elected District official who is or could be involved in
104 influencing the award of a contract or grant; or

105 “(ii) Any person under the supervision, direction, or control of an
106 elected District official who is or could be involved in influencing the award of a contract or
107 grant.

108 “(E) Any political party.

109 “(F) Any entity or organization:

110 “(i) Which a candidate or public official described in subparagraphs
111 (A) and (B), or a member of his or her immediate family, controls; or

112 “(ii) In which a candidate or public official described in subparagraphs
113 (A) and (B) has an ownership interest of 10 percent or more.

114 “(5) “Election” means the same as that term is defined in section 101(15) of the
115 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics
116 Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official
117 Code § 1-1161.01(15)).

118 “(6) “Immediate family” means the same as that term is defined in section 101(26) of
119 the Board of Ethics and Government Accountability Establishment and Comprehensive
120 Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.
121 Official Code § 1-1161.01(26)).

122 “(7) “Person” means the same as that term is defined in section 101(42) of the Board
123 of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform
124 Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-
125 1161.01(42)).

126 “(8) “Political committee” means the same as that term is defined in section 101(44)
127 of the Board of Ethics and Government Accountability Establishment and Comprehensive
128 Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.
129 Official Code § 1-1161.01(44)), as amended by section 2(a)(16) of the Campaign Finance
130 Reform and Transparency Amendment Act of 2013, approved on second reading on
131 December 3, 2013 (D.C. Act 20-249).

132 “(9) “Political party” means the same as that term is defined in section 101(45) of
133 the Board of Ethics and Government Accountability Establishment and Comprehensive
134 Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.
135 Official Code § 1-1161.01(45)).

136 “Sec. 951. Eligibility of contractor to enter into contract or agreement with the
137 District.

138 “(a) A person, including a business contributor, that makes a contribution or
139 solicitation for contribution to a covered recipient shall be ineligible to enter into a contract
140 or agreement for the provision of goods or services to the District valued at \$100,000 or
141 more. Neither the District of Columbia nor any contracting authority of the District shall
142 enter into an agreement or otherwise contract with a person that is ineligible to engage in
143 business dealings with the District during the time period provided in subsection (b) of this
144 section.

145 “(b)(1) For contributions made to persons described under section 950(4)(A), (B), or
146 (C) of this act, the restriction on a person, including a business contributor, entering into a

147 contract or agreement with the District under this section shall apply beginning on the date
148 the contribution or solicitation for contribution was made and continuing until one year
149 following the general election for which the contribution or solicitation for contribution was
150 made whether or not the contribution was made prior to the primary election.

151 “(2) For contributions made to persons described under section 950(4)(D), (E),
152 or (F) of this act, the restriction on a person, including a business contributor, entering into
153 a contract or agreement with the District under this section shall apply beginning on the
154 date the contribution or solicitation for contribution was made and continuing for eighteen
155 months following that date.”.

156 Sec. 102. The Street and Alley Closing and Acquisition Procedures Act of 1982,
157 effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01 *et seq.*), is amended
158 by adding a new section 216 to read as follows:

159 “Sec. 216. (a) Notwithstanding any other provision of law, a person, including a
160 business contributor, that makes a contribution or solicitation for contribution to a covered
161 recipient shall be ineligible to receive title to a street or alley, or any easement or other
162 property interest in a street or alley, during the time period provided in subsection (b) of
163 this section.

164 “(b)(1) For contributions made to persons described under sub-paragraphs (d)(3)(A),
165 (B), or (C) of this section, the restriction on a person, including a business contributor,
166 receiving any interest in a street or alley under this section shall apply beginning on the
167 date the contribution or solicitation for contribution was made and continuing until one
168 year following the general election for which the contribution or solicitation for contribution
169 was made whether or not the contribution was made prior to the primary election.

170 “(2) For contributions made to persons described under sub-paragraphs
171 (d)(3)(D), (E), or (F) of this section, the restriction on a person, including a business

172 contributor, receiving any interest in a street or alley under this section shall apply
173 beginning on the date the contribution or solicitation for contribution was made and
174 continuing for eighteen months following that date.

175 “(c) An application to close all or part of a street or alley shall contain a sworn
176 statement, under penalty of perjury, from the person to which title to the land to be closed
177 is to revert or vest that to the best of the person’s knowledge, after due diligence, the person
178 is in compliance with this section and is therefore eligible to receive an interest in the street
179 or alley as proposed in the application.

180 “(d) For purposes of this section, the term:

181 “(1) “Business contributor” means the same as that term is defined in section
182 101(4A) of the Board of Ethics and Government Accountability Establishment and
183 Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law
184 19-124; D.C. Official Code § 1-1161.01(4A)), as amended by section 2(a)(4) of the Campaign
185 Finance Reform and Transparency Amendment Act of 2013, approved on second reading on
186 December 3, 2013 (D.C. Act 20-249).

187 “(2) “Contribution” means the same as that term is defined in section 101(10)
188 of the Board of Ethics and Government Accountability Establishment and Comprehensive
189 Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.
190 Official Code § 1-1161.01(10)), as amended by section 2(a)(6) of the Campaign Finance
191 Reform and Transparency Amendment Act of 2013, approved on second reading on
192 December 3, 2013 (D.C. Act 20-249).

193 “(3) “Covered recipient” means:

194 “(A) Any elected District official who is or could be involved in
195 approval of the closing of a street or alley.

196 “(B) Any candidate for elective District office who is or could be
197 involved in approval of the closing of a street or alley.

198 “(C) Any political committee affiliated with a District candidate or
199 official described in subparagraphs (A) and (B).

200 “(D) Any constituent-service program or fund, or substantially similar
201 entity, controlled, operated, or managed by:

202 “(i) Any elected District official who is or could be involved in
203 approval of the closing of a street or alley; or

204 “(ii) Any person under the supervision, direction, or control of
205 an elected District official who is or could be involved in approval of the closing of a street
206 or alley.

207 “(E) Any political party.

208 “(F) Any entity or organization:

209 “(i) Which a candidate or public official described in
210 subparagraphs (A) and (B), or a member of his or her immediate family, controls; or

211 “(ii) In which a candidate or public official described in
212 subparagraphs (A) and (B) has an ownership interest of 10 percent or more.

213 “(4) “Election” means the same as that term is defined in section 101(15) of
214 the Board of Ethics and Government Accountability Establishment and Comprehensive
215 Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.
216 Official Code § 1-1161.01(15)).

217 “(5) “Person” means the same as that term is defined in section 101(42) of the
218 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics
219 Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official
220 Code § 1-1161.01(42)).”.

221 TITLE II -- ELIGIBILITY OF PERSONS TO ENGAGE IN BUSINESS DEALINGS WITH
222 THE DISTRICT

223 Sec. 201. Definitions.

224 For purposes of this title, the term:

225 (1) "Business contributor" means the same as that term is defined in section
226 101(4A) of the Board of Ethics and Government Accountability Establishment and
227 Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law
228 19-124; D.C. Official Code § 1-1161.01(4A)), as amended by section 2(a)(4) of the Campaign
229 Finance Reform and Transparency Amendment Act of 2013, approved on second reading on
230 December 3, 2013 (D.C. Act 20-249).

231 (2) "Candidate" means the same as that term is defined in section 101(6) of the
232 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics
233 Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official
234 Code § 1-1161.01(6)), as amended by section 2(a)(5) of the Campaign Finance Reform and
235 Transparency Amendment Act of 2013, approved on second reading on December 3, 2013
236 (D.C. Act 20-249).

237 (3) "Contribution" means the same as that term is defined in section 101(10) of the
238 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics
239 Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official
240 Code § 1-1161.01(10)), as amended by section 2(a)(6) of the Campaign Finance Reform and
241 Transparency Amendment Act of 2013, approved on second reading on December 3, 2013
242 (D.C. Act 20-249).

243 (4) "Covered recipient" means:

244 (A) Any elected District official who is or could be involved in influencing or
245 approving the award of a grant, tax abatement, or agreement for the acquisition, sale, or
246 lease of any land or building.

247 (B) Any candidate for elective District office who is or could be involved in
248 influencing or approving the award of a grant, tax abatement, or agreement for the
249 acquisition, sale, or lease of any land or building.

250 (C) Any political committee affiliated with a District candidate or official
251 described in subparagraphs (A) and (B).

252 (D) Any constituent-service program or fund, or substantially similar entity,
253 controlled, operated, or managed by:

254 (i) Any elected District official who is or could be involved in
255 influencing or approving the award of a grant, tax abatement, or agreement for the
256 acquisition, sale, or lease of any land or building; or

257 (ii) Any person under the supervision, direction, or control of an
258 elected District official who is or could be involved in influencing or approving the award of
259 a grant, tax abatement, or agreement for the acquisition, sale, or lease of any land or
260 building.

261 (E) Any political party.

262 (F) Any entity or organization:

263 (i) Which a candidate or public official described in subparagraphs (A)
264 and (B), or a member of his or her immediate family, controls; or

265 (ii) In which a candidate or public official described in subparagraphs
266 (A) and (B) has an ownership interest of 10 percent or more.

267 (5) "Election" means the same as that term is defined in section 101(15) of the Board
268 of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform

269 Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-
270 1161.01(15)).

271 (6) “Engage in business dealings with the District” means to:

272 (A) Receive a grant from the District of Columbia valued at \$100,000 or
273 more;

274 (B) Receive a tax abatement from the District that is valued at \$100,000 or
275 more; or

276 (C) Enter into an agreement for the acquisition, sale, or lease of any land or
277 building.

278 (7) “Immediate family” means the same as that term is defined in section 101(26) of
279 the Board of Ethics and Government Accountability Establishment and Comprehensive
280 Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.
281 Official Code § 1-1161.01(26)).

282 (8) “Person” means the same as that term is defined in section 101(42) of the Board
283 of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform
284 Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-
285 1161.01(42)).

286 (9) “Political committee” means the same as that term is defined in section 101(44)
287 of the Board of Ethics and Government Accountability Establishment and Comprehensive
288 Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.
289 Official Code § 1-1161.01(44)), as amended by section 2(a)(16) of the Campaign Finance
290 Reform and Transparency Amendment Act of 2013, approved on second reading on
291 December 3, 2013 (D.C. Act 20-249).

292 (10) “Political party” means the same as that term is defined in section 101(45) of
293 the Board of Ethics and Government Accountability Establishment and Comprehensive

294 Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.
295 Official Code § 1-1161.01(45)).

296 Sec. 202. Eligibility to engage in business dealings with the District.

297 (a) A person, including a business contributor, that makes a contribution or
298 solicitation for contribution to a covered recipient shall be ineligible to engage in business
299 dealings with the District. The District shall not enter into an agreement or otherwise
300 contract with a person that is ineligible to engage in business dealings with the District
301 during the time period provided in subsection (b) of this section.

302 (b)(1) For contributions made to persons described under section 201(4)(A), (B), or
303 (C) of this title, the restriction on the ability of a person, including a business contributor, to
304 engage in business dealings with the District under this section shall apply beginning on
305 the date the contribution or solicitation for contribution was made and continuing until one
306 year following the general election for which the contribution or solicitation for contribution
307 was made whether or not the contribution was made prior to the primary election.

308 (2) For contributions made to persons described under section 201(4)(D), (E),
309 or (F) of this title, the restriction on the ability of a person, including a business contributor,
310 to engage in business dealings with the District under this section, shall apply beginning on
311 the date the contribution or solicitation for contribution was made and continuing for
312 eighteen months following that date.

313 Sec. 203. Sworn statement on eligibility to engage in business dealings with the
314 District.

315 Before a person, including a business contributor, may engage in business dealings
316 with the District, that person shall provide the District with a sworn statement, under
317 penalty of perjury, that to the best of the person's knowledge, after due diligence, the

318 person is in compliance with this title and is therefore eligible to engage in business
319 dealings with the District.

320 TITLE III -- FISCAL IMPACT AND EFFECTIVE DATE

321 Sec. 301. Fiscal impact statement.

322 The Council adopts the fiscal impact statement in the committee report as the fiscal
323 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
324 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

325 Sec. 302. Effective date.

326 This act shall take effect following approval by the Mayor (or in the event of veto by
327 the Mayor, action by the Council to override the veto), a 30-day period of Congressional
328 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved
329 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the
330 District of Columbia Register.