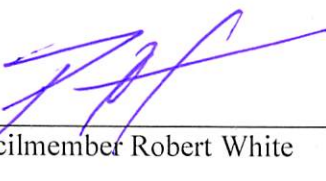
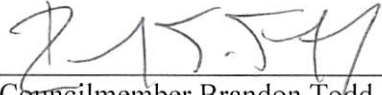


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3 Councilmember Anita Bonds


Councilmember Kenyan R. McDuffie

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7 Councilmember Robert White


8 Councilmember Brandon Todd

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12 Councilmember Brianne Nadeau

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17 A BILL

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22 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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26
27 To amend the District of Columbia Quick Payment Act of 1984 to establish an expeditious
28 procedure for resolving disputes between contractors and subcontractors.

29
30 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
31 act may be cited as the "Government Contractor-Subcontractor Dispute Resolution Amendment
32 Act of 2017".

33
34 Sec. 2. Section 5 of the District of Columbia Quick Payment Act of 1984, effective
35 March 15, 1985 (D.C. Law 5-164, D.C. Code § 2-221.04), is amended by adding new
36 subsections (e) through (k) to read as follows:

37 "(e) Whenever the Director is notified of a dispute between a contractor and a
38 subcontractor of a government contract, the Director shall be authorized to resolve the matter
39 through conference and conciliation or investigate and issue findings and impose fines.

40 “(f)(1) A District agency, prime contractor, or subcontractor claiming to be
41 aggrieved may request the Director to initiate an investigation by submitting a written complaint
42 setting forth the alleged violations.

43 “(2) If the investigation establishes that a clause of the prime or
44 subsequent contract has been materially breached and the Director determines the matter cannot
45 be resolved through conference and conciliation, the Director shall promptly notify all parties
46 and appoint a neutral hearing officer.

47 “(g)(1) Hearing officers shall be appointed from an established pool of District
48 agency-trained hearing officers.

49 “(2) Within 5 business days an entity named in the counts and allegations
50 may object to the hearing officer assigned to the dispute resolution for good cause shown and the
51 Director may appoint a new hearing officer.

52 “(3) Upon the appointment of a hearing officer, the Director shall notify
53 all parties of the appointment and supply each party and the hearing officer with the counts and
54 allegations of the disputed matter within 10 business days of the hearing officer’s appointment.

55 “(4) Within 10 business days after the counts and allegations are
56 distributed, parties to the matter shall submit any written requests for material changes directly to
57 the hearing officer.

58

59 “(5) Within 15 days of appointment, the hearing officer shall notify the
60 Director and each individual person or business concern named in the counts and allegations of
61 the scheduled hearing date. The hearing date shall be set at the hearing officer’s sole discretion;
62 except, that the hearing must commence within 120 days of the date the Director served the

63 counts and allegations. The hearing officer may extend the 120-day period only upon good cause
64 shown.

65 “(h)(1) The hearing officer may, in his or her sole discretion, direct the persons or
66 business concerns named in the counts and allegations and the Director to submit in advance of
67 the hearing:

68 “(A) Statements;

69 “(B) Legal analyses;

70 “(C) Lists of witnesses;

71 “(D) Exhibits;

72 “(E) Documents; or

73 “(F) Any other information the hearing officer considers pertinent

74 to the determination of the disputed matter.

75 “(2) The hearing officer may request the respective parties to submit
76 rebuttals to the submitted information. The hearing officer may limit the length, scope, or content
77 of any:

78 “(A) Statement;

79 “(B) Analysis;

80 “(C) List;

81 “(D) Rebuttal;

82 “(E) Document; or

83 “(F) Other requested information.

84 “(3) The hearing officer shall set firm due dates for all written presentations.

85 “(i) If the hearing officer determines with the written agreement of each
86 individual person or business concern named in the counts and allegations and that of the
87 Director, that the hearing shall be by written presentation, all final writings shall be due no later
88 than 45 days of the date the Director served the counts and allegations, unless the hearing officer
89 extends the 45-day period only upon good cause shown.

90 “(j) The hearing officer shall consider the evidence submitted by the Director and
91 the persons or business concerns named in the counts and allegations. Within 15 days of the
92 hearing, or of the date final written presentations are due, the hearing officer shall issue his or her
93 findings and recommendations. The hearing officer shall serve the findings and
94 recommendations on the Director, the persons or business concerns named in the counts and
95 allegations or their respective counsel or authorized representatives and to any other entity
96 considered appropriate.

97 “(k) Discovery pursuant to District of Columbia Official Code of Civil Procedure
98 shall not be applicable to the administrative proceeding set forth in subsection (e) through (j) of
99 this subsection.”.

100 Sec. 3. Fiscal impact statement.

101 The Council adopts the fiscal impact statement in the committee report as the fiscal
102 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
103 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

104 Sec. 4. Effective date.

105 This act shall take effect following approval by the Mayor (or in the event of veto by the
106 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
107 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

108 24, 1973 (87 Stat. 788; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of

109 Columbia Register.