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SECRETARY OF THE  
DISTRICT OF COLUMBIA  
MAY 14 2018

**MURIEL BOWSER**  
MAYOR

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Chairman Mendelson:

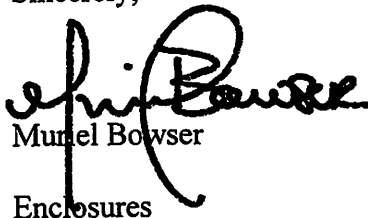
Enclosed for consideration by the Council are the "Power Line Undergrounding Program Certified Business Enterprise Utilization Emergency Act of 2018", the "Power Line Undergrounding Program Certified Business Enterprise Utilization Temporary Act of 2018", and the "Power Line Undergrounding Program Certified Business Enterprise Utilization Emergency Declaration Resolution Act of 2018". The legislation will clarify and update certain provisions of the Electric Company Infrastructure Improvement Financing Act of 2014 in order to expand contracting opportunities for certified business enterprises.

The District's power line undergrounding program (DC PLUG) is a multiyear effort to place certain overhead electrical lines underground, in order to reduce the number of power outages during weather events and to increase the resiliency of the power distribution system. The Electric Company Infrastructure Improvement Financing Act of 2014, which authorized certain aspects of the program, included a goal that 100% of the DC PLUG construction contracts be awarded to District businesses.


The enclosed legislation will amend the language of this goal, to make clear that the goal applies to certified business enterprises and certified joint ventures. In addition, the legislation will allow architectural and engineering services contracts for DC PLUG to be set aside for certified business enterprises and certified joint ventures.

I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,

  
Muriel Bowser

Enclosures

  
Chairman Phil Mendelson  
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Electric Company Infrastructure Improvement Financing Act of 2014 to clarify the requirements related to the utilization of certified business enterprises and procurements for certain architectural and engineering services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Power Line Undergrounding Program Certified Business Enterprise Utilization Emergency Act of 2018”.

Sec. 2. The Electric Company Infrastructure Improvement Financing Act of 2014, effective May 3, 2014 (D.C. Law 20-102; D.C. Official Code § 34-1311.01 *et seq.*), is amended as follows:

(a) The section heading of Title I is amended to read as follows:

“TITLE I. DEFINITIONS AND FINDINGS; PROCUREMENT”.

(b) Section 102(7) (D.C. Official Code § 34-1311.02(7)) is amended by striking the phrase “100% of the construction contracts are awarded to District businesses” and inserting the phrase “100% of the construction contracts are awarded to certified business enterprises or certified joint ventures” in its place.

(c) A new section 103 is added to read as follows:

“Sec. 103. Procurements.

32           “Section 604 of the Procurement Practices Reform Act of 2010 (“PPRA”), effective April  
33 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-356.04), shall apply to procurements for  
34 architectural and engineering services, as defined in section 104(3) of the PPRA (D.C. Official  
35 Code § 2-351.04(3)), to carry out the purposes of this act; provided, that the District may:

36           “(a) Set aside contracts for such services for certified business enterprises and certified  
37 joint ventures, as such terms are defined in section 2302(1D) and (1E) of the Small, Local, and  
38 Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October  
39 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D) and (1E)); or

40           “(b) Award preferences to certified business enterprises as provided in section 2343 of  
41 the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of  
42 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.43), as part of  
43 the evaluation of statements of qualifications submitted in response to a request for  
44 qualifications.”.

45           Sec. 3. Fiscal impact statement.

46           The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal  
47 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
48 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

49           Sec. 4. Effective date.

50           This act shall take effect following approval by the Mayor (or in the event of veto by the  
51 Mayor, action by the Council to override the veto), and shall remain in effect no longer than 90  
52 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a)  
53 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C.  
54 Official Code § 1-204.12(a)).

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

**MEMORANDUM**

**TO:** Alana Intrieri  
Director  
Office of Legislative Support

**FROM:** Janet M. Robins  
Deputy Attorney General  
Legal Counsel Division

**DATE:** December 10, 2018

**RE:** Power Line Underground Program Certified Business Enterprise Utilization  
Emergency and Temporary Acts of 2018 and an Accompanying Emergency  
Declaration Resolution  
(AE-18-666)

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**This is to Certify that** this Office has reviewed the legislation entitled the “Power Line Underground Program Certified Business Enterprise Utilization Emergency Act of 2018”, the “Power Line Underground Program Certified Business Enterprise Utilization Temporary Act of 2018”, and the “Power Line Underground Program Certified Business Enterprise Utilization Emergency Declaration Resolution of 2018”, and found it to be legally unobjectionable. If you have any questions, please do not hesitate to call me at 724-5524.

  
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Janet M. Robins