

A RESOLUTION

23-641

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public Emergency Act of 1980 to extend the Mayor’s authority to declare a public health emergency; to amend the Coronavirus Support Temporary Amendment Act of 2020 to clarify certified business enterprise and certified joint venture contracting and subcontracting requirements, to clarify grantmaking authority for public health emergency response grants, to waive community service requirements for school graduations for the 2020-2021 school year, and to extend its sunset date; and to amend the Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020 to repeal an obsolete provision.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Coronavirus Public Health Extension Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued Mayor’s Orders 2020-45 and 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. Additional orders since have been issued. It is clear that in order to continue to protect public health, the Mayor must continue the public health emergency for the foreseeable future. However, certain provisions of the Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622), and associated legislation, which is currently controlling, should be amended in light of the ongoing pandemic response.

(b) The Mayor’s current authority to declare a public health emergency expires on December 31, 2020. To continue to limit the spread of COVID-19, it is necessary to extend the Mayor’s authority to continue the public health emergency through March 31, 2021.

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(c) Under the current law, beneficiaries of certain government-assisted projects during the public health emergency are subject to a 50% CBE subcontracting requirement, even when the contractor is a CBE. Thus, a CBE acting as the prime contractor can perform only up to 50% of the dollar volume of the contract. It should be clarified that a CBE contractor is not subject to this 50% overall subcontracting requirement if it performs the work itself.

(d) The Bridge Fund provides entities with grant funding to continue operations through the pandemic. A clarification is necessary in the Mayor's grantmaking authority to administer the fund.

(e) Community service graduation requirements for the 2019-2020 school year were waived under previous COVID-related legislation and such waivers should be extended to the 2020-2021 school year.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Coronavirus Public Health Extension Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.