

  
Chairman Phil Mendelson

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson introduced the following bill which was referred to the Committee

\_\_\_\_\_.

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contractor Pay-to-Play Elimination Amendment Act of 2014”.

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

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

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

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

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

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

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

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

12          “Sec. 950. Definitions.

13          “For purposes of this title, the term:

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

20          “(2) “Candidate” means the same as that term is defined in section 101(6) of the Board  
21 of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform  
22 Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-

1 1161.01(6)), as amended by section 2(a)(5) of the Campaign Finance Reform and Transparency  
2 Amendment Act of 2013, approved on second reading on December 3, 2013 (D.C. Act 20-249).

3 “(3) “Contracting authority” means:

4 “(A) The Chief Procurement Officer as defined in section 104(11) of the  
5 Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code § 2-  
6 351.04(11));

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

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

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

20 “(4) “Covered recipient” means:

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

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

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

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

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

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

11           “(E) Any political party.

12           “(F) Any entity or organization:

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

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

17           “(5) “Election” means the same as that term is defined in section 101(15) of the Board of  
18 Ethics and Government Accountability Establishment and Comprehensive Ethics Reform  
19 Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-  
20 1161.01(15)).

21           “(6) “Immediate family” means the same as that term is defined in section 101(26) of the  
22 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics

1 Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official  
2 Code § 1-1161.01(26)).

3 “(7) “Person” means the same as that term is defined in section 101(42) of the Board of  
4 Ethics and Government Accountability Establishment and Comprehensive Ethics Reform  
5 Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-  
6 1161.01(42)).

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

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

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

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

1           “(b)(1) For contributions made to persons described under section 950(4)(A), (B), or (C)  
2 of this act, the restriction on a person, including a business contributor, entering into a contract or  
3 agreement with the District under this section shall apply beginning on the date the contribution  
4 or solicitation for contribution was made and continuing until one year following the general  
5 election for which the contribution or solicitation for contribution was made whether or not the  
6 contribution was made prior to the primary election.

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

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

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

19           “(b)(1) For contributions made to persons described under sub-paragraphs (d)(3)(A), (B),  
20 or (C) of this section, the restriction on a person, including a business contributor, receiving any  
21 interest in a street or alley under this section shall apply beginning on the date the contribution or  
22 solicitation for contribution was made and continuing until one year following the general

1 election for which the contribution or solicitation for contribution was made whether or not the  
2 contribution was made prior to the primary election.

3 “(2) For contributions made to persons described under sub-paragraphs (d)(3)(D),  
4 (E), or (F) of this section, the restriction on a person, including a business contributor, receiving  
5 any interest in a street or alley under this section shall apply beginning on the date the  
6 contribution or solicitation for contribution was made and continuing for eighteen months  
7 following that date.

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

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

14 “(1) “Business contributor” means the same as that term is defined in section  
15 101(4A) of the Board of Ethics and Government Accountability Establishment and  
16 Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-  
17 124; D.C. Official Code § 1-1161.01(4A)), as amended by section 2(a)(4) of the Campaign  
18 Finance Reform and Transparency Amendment Act of 2013, approved on second reading on  
19 December 3, 2013 (D.C. Act 20-249).

20 “(2) “Contribution” means the same as that term is defined in section 101(10) of  
21 the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics  
22 Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official  
23 Code § 1-1161.01(10)), as amended by section 2(a)(6) of the Campaign Finance Reform and

1 Transparency Amendment Act of 2013, approved on second reading on December 3, 2013 (D.C.  
2 Act 20-249).

3 “(3) “Covered recipient” means:

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

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

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

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

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

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

16 “(E) Any political party.

17 “(F) Any entity or organization:

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

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

22 “(4) “Election” means the same as that term is defined in section 101(15) of the  
23 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics



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

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

7 TITLE II -- ELIGIBILITY OF PERSONS TO ENGAGE IN BUSINESS DEALINGS WITH  
8 THE DISTRICT

9 Sec. 201. Definitions.

10 For purposes of this title, the term:

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

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

22 (3) “Contribution” means the same as that term is defined in section 101(10) of the  
23 Board of Ethics and Government Accountability Establishment and Comprehensive Ethics

1 Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official  
2 Code § 1-1161.01(10)), as amended by section 2(a)(6) of the Campaign Finance Reform and  
3 Transparency Amendment Act of 2013, approved on second reading on December 3, 2013 (D.C.  
4 Act 20-249).

5 (4) “Covered recipient” means:

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

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

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

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

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

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

22 (E) Any political party.

23 (F) Any entity or organization:

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

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

5 (5) “Election” means the same as that term is defined in section 101(15) of the Board of  
6 Ethics and Government Accountability Establishment and Comprehensive Ethics Reform  
7 Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-  
8 1161.01(15)).

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

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

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

12 or

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

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

19 (8) “Person” means the same as that term is defined in section 101(42) of the Board of  
20 Ethics and Government Accountability Establishment and Comprehensive Ethics Reform  
21 Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-  
22 1161.01(42)).

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

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

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

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

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

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

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

7 Before a person, including a business contributor, may engage in business dealings with  
8 the District, that person shall provide the District with a sworn statement, under penalty of  
9 perjury, that to the best of the person's knowledge, after due diligence, the person is in  
10 compliance with this title and is therefore eligible to engage in business dealings with the  
11 District.

### 12 TITLE III -- FISCAL IMPACT AND EFFECTIVE DATE

13 Sec. 301. Fiscal impact statement.

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

17 Sec. 302. Effective date.

18 This act shall take effect following approval by the Mayor (or in the event of veto by the  
19 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
20 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
21 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
22 Columbia Register.