

  
Chairman Phil Mendelson

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To extend, on a temporary basis, 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 subcontracting requirements, clarify grantmaking authority for public health emergency response grants, and waive community service requirements for school graduations for the 2020-2021 school year; and to repeal an obsolete provision of the Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Coronavirus Public Health Extension Temporary Amendment Act of 2020”.

Sec. 2. Section 7(c-1) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306(c-1)), is amended to read as follows:

“(c-1) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the Mayor to extend the 15-day March 11, 2020, emergency executive order and public health emergency executive order (“emergency orders”) issued in response to the coronavirus (SARS CoV-2) until March 31, 2021. After the extension authorized by this subsection, the Mayor may

37 extend the emergency orders for additional 15-day periods pursuant to subsection (b) or (c) of  
38 this section.”.

39 Sec. 3. The Coronavirus Support Temporary Amendment Act of 2020, effective October  
40 9, 2020 (D.C. Law 23-130; 67 DCR 12236) is amended as follows:

41 (a) Section 203 is amended by adding new subsections (a-1) and (a-2) to read as follows:

42 “(a-1) Notwithstanding subsection (a) of this section, a certified business enterprise  
43 awarded a contract for a government-assisted project in excess of \$250,000 that is unrelated to  
44 the District’s response to the COVID-19 emergency, but entered into during the COVID-19  
45 emergency, shall:

46 “(1) Perform at least 35% of the contracting effort with its own organization and  
47 resources if the certified business enterprise is granted points or a price reduction pursuant to  
48 section 2343 of the CBE Act or selected through a set-aside program; and

49 “(2) If the certified business enterprise subcontracts, ensure that 50% of the dollar  
50 volume of the subcontracted effort be with certified business enterprises unless a waiver is  
51 granted pursuant to section 2351 of the CBE Act.

52 “(a-2) Notwithstanding subsection (a) of this section, a certified joint venture awarded a  
53 contract for a government-assisted project in excess of \$250,000 that is unrelated to the District’s  
54 response to the COVID-19 emergency, but entered into during the COVID-19 emergency, shall:

55 “(1) Include a requirement that the certified business enterprise perform at least  
56 50% of the contracting effort with its own organization and resources if the certified joint  
57 venture is granted points or a price reduction pursuant to section 2343 of the CBE Act or selected  
58 through a set-aside program; and

59                   “(2) If the certified joint venture subcontracts, 50% of the dollar volume of the  
60 subcontracted effort shall be with certified business enterprises unless a waiver is granted  
61 pursuant to section 2351 of the CBE Act.”

62                   (b) Amendatory Section 5b(a) contained in Section 507(c) is amended as follows:

63                   (1) Strike the phrase “program or organization” and insert the phrase “program,  
64 organization, business, or entity” in its place.

65                   (2) Paragraph (4) is amended by striking the phrase “; or” and inserting a  
66 semicolon in its place.

67                   (3) Paragraph (5) is amended by striking the phrase “services.” and inserting the  
68 phrase “services;” in its place.

69                   (4) New paragraphs (6) and (7) are added to read as follows:

70                   “(6) Covering the costs of operating a business or organization including rent,  
71 utilities or employee wages and benefits; or

72                   “(7) Providing technical assistance to the business community.”

73                   (c) Section 601 is amended to read as follows:

74                   “Sec. 601. Graduation requirements.

75                   “Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR  
76 § 2201 *et seq.*) is amended as follows:

77                   “(a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase “shall  
78 be satisfactorily completed” and inserting the phrase “shall be satisfactorily completed; except,  
79 that this requirement shall be waived for a senior who otherwise would be eligible to graduate  
80 from high school in the District of Columbia in the 2019-2020 or 2020-2021 school year” in its  
81 place.

82           “(b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase “one  
83 hundred and twenty (120) hours of classroom instruction over the course of an academic year”  
84 and inserting the phrase “one hundred and twenty (120) hours of classroom instruction over the  
85 course of an academic year; except, that following the Superintendent’s approval to grant an  
86 exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A  
87 DCMR § 2100.3 for school year 2019-2020 or 2020-2021, a Carnegie Unit may consist of fewer  
88 than one hundred and twenty (120) hours of classroom instruction over the course of the 2019-  
89 2020 or 2020-2021 academic year for any course in which a student in grades 9-12 is enrolled”  
90 in its place.

91           Sec. 4. Section 301 of the Protecting Businesses and Workers from COVID-19  
92 Temporary Amendment Act of 2020, enacted on October 28, 2020 (D.C. Act 23-443; 67 DCR  
93 13025), is amended as follows:

94           (a) Amendatory section 7(c-1) of the District of Columbia Public Emergency Act of  
95 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306(c-1)), in  
96 subsection (a) is amended by striking the date “December 31, 2020” and inserting the date  
97 “March 31, 2021” in its place.

98           (b) Subsection (b) is repealed.

99           Sec. 5. Fiscal impact statement.

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

103           Sec. 6. Effective date.

104           (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
105 the Mayor, action by the Council to override the veto), a 30-day period of congressional review

106 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
107 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
108 Columbia Register.

109 (b) This act shall expire after 225 days of its having taken effect.