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2 Council Chair Vincent C. Gray

\_\_\_\_\_ Councilmember Kwame R. Brown

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4 \_\_\_\_\_  
5 Councilmember Carol Schwartz

\_\_\_\_\_ Councilmember Mary Cheh

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8 Councilmember Yvette Alexander

\_\_\_\_\_ Councilmember Harry Thomas, Jr.

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11 Councilmember Marion Barry

\_\_\_\_\_ Councilmember Tommy Wells

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14 Councilmember Phil Mendelson

\_\_\_\_\_ Councilmember David Catania

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16 \_\_\_\_\_  
17 Councilmember Muriel Bowser

\_\_\_\_\_ Councilmember Jack Evans

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22 A BILL

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26 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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30 Councilmember Kwame R. Brown introduced the following bill, which was referred to  
31 the Committee on \_\_\_\_\_.

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33 To establish a Compliance and Enforcement Agency within the Office of the Deputy  
34 Mayor for Planning and Economic Development for the purpose of monitoring  
35 and enforcing the following requirements: developer selection and performance;  
36 selection of goods and services; environmental standards; affordable housing;  
37 local workforce participation, and; Certified Business Enterprise participation  
38 related to real estate development transactions and agreements involving land  
39 currently or previously owned by the District of Columbia.

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41 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
42 that this act may be cited as the “Compliance and Enforcement Agency Establishment  
43 Act of 2007”

1           Sec. 2. Establishment of a Compliance and Enforcement Agency.

2           (a) There is hereby established a Compliance and Enforcement Agency  
3 (“Agency”).

4           (b) The purpose of the Agency will be to monitor and enforce the following  
5 requirements related to real estate development transactions and agreements involving  
6 land currently or previously owned by the District of Columbia and which currently fall  
7 under the purview of the Office of the Deputy Mayor for Planning and Economic  
8 Development:

9                   (1) Developer selection and performance guidelines, as defined in the  
10 Mayor’s Source Selection process.

11                   (2) Selection of goods and services, as defined in the District of  
12 Columbia Procurement Practices Act of 1985, effective September 20, 2007(D.C. Code  
13 §2-301.01, et. seq.).

14                   (3) 51% of the new jobs created in connection with the development projects  
15 are filled by residents of the District of Columbia, as defined in the Anacostia Waterfront  
16 Initiative Framework Plan dated November 2003 as amended or supplemented  
17 (“Framework Plan”).

18                   (4) Certified Business Enterprise Requirements, including but not limited to:

19                           (A) 35% of the dollar value of all construction contracts shall be  
20 subcontracted to small business enterprises pursuant to the Local Small Disadvantaged  
21 Business Enterprise Development and Assistance Act of 2005, effective March 2, 2007  
22 (D.C. Law 16-33; D.C. Official Code §2-218.01 *et seq.* (“LSDBE Assistance Act”).

23                           (B) 20% in equity and development participation for Local Small

1 Disadvantaged Business Enterprises in all development projects supported by District  
2 funds and that take place on District owned property pursuant to the LSDBE Assistance  
3 Act.

4 (5) Environmental standards, including, but not limited to, the Framework  
5 Plan's environmental standards, the Green Building Act of 2006, effective March 8 2007,  
6 (D.C. Law 16-234; D.C. Official Code 6-1451.01, *et seq.*) and the Leadership in Energy  
7 and Environmental Design (LEED) Green Building Rating System.

8 (6) Affordable housing mandates pursuant to the Inclusionary Zoning  
9 Implementation Amendment Act of 2006, effective March 14, 2007(D.C. Law 16-275;  
10 D.C. Official Code § 6-1041.01, *et seq.*).

11 (d) The Mayor, with the advice and consent of Council, shall appoint a  
12 Director for the Agency. The Mayor shall transmit to the Council within 60 days of the  
13 Effective date of this bill a proposed resolution to approve the appointment of the  
14 Director for the Agency for a 30-day period of review, excluding days of Council recess.  
15 If the Council does not approve or disapprove the resolution within the 30-day period, the  
16 resolution shall be deemed approved.

17

18 Sec. 3. The Agency's Powers

19 (a) The Agency shall have subpoena powers.

20 (b) In analyzing compliance for all real estate development projects under the  
21 purview of the Deputy Mayor's Office, the Agency is authorized to look at:

22 (1) All contracts for completed projects;

23 (2) All contracts for projects currently being developed;

- 1 (3) All contracts for projects developed after the execution of this Bill;
- 2 (4) All relevant District of Columbia legislation;
- 3 (5) All procurement documents including, but not limited to, Requests for
- 4 Proposals, Requests for Expressions of Interest, Requests for Qualifications, and all
- 5 responses;
- 6 (6) All Budget documents;
- 7 (7) All documents related to payment of contractors; and
- 8 (8) Any other documents relevant to investigating contract compliance or
- 9 procurement procedures.

10 (c) In analyzing compliance for all real estate development projects under the  
11 purview of the Deputy Mayor’s Office, the Agency is authorized to make site visits and  
12 talk to all project staff members (in the government and private sectors) to evaluate  
13 whether each project was completed or is being completed according to the documents  
14 referenced in Section 3, subsection (b).

15

16 Sec. 4. The Agency’s Reporting Requirements shall include the following:

17 (a) A public record of any contractor found to be under-compliant or  
18 noncompliant after a correction period to be determined at the discretion of the Agency  
19 on a per project basis.

20 (b) Public policy recommendations addressing problems with under-compliance  
21 and noncompliance with a goal of 100% compliance for all relevant contract,  
22 procurement or legislative mandates.

1 (c) A report on each project identifying which contract, procurement or  
2 legislative mandates were met, which were not met and reasons for under-compliance  
3 and noncompliance.

4 (d) The Mayor shall report bi-annually to the Council regarding its findings.

5 (e) An annual report compiling the findings over the previous year must be  
6 submitted to the Council at the end of each Fiscal Year.

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8 Sec. 5. Fiscal impact statement.

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

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14 Sec. 6. Effective date.

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