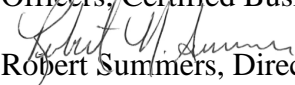




## MEMORANDUM

**TO:** Agency Directors, Contracting Officers, Contract Specialists, Compliance Officers, Certified Business Enterprises and Private Developers

**FROM:**  Robert Summers, Director, Department of Small and Local Business Development

**DATE:** September 18, 2014

**SUBJECT:** Special Notice

The Small and Certified Business Enterprise Development and Assistance Amendment Act of 2014, L20-0108, D.C. Code 2-218.01 et seq (“New Act”) will become applicable Wednesday, October 1, 2014. The New Act makes significant changes to the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, D.C. Law 16-33 (“Previous Law”). The changes in the New Act affect all agencies, departments, and instrumentalities of the District government, in addition to Certified Business Enterprises (“CBE”) and private projects that receive certain District subsidies or benefits. The Department of Small and Local Business Development (“DSLBD”) will continue to apply the Previous Law until the New Act becomes applicable on October 1, 2014.

As outlined in D.C. Code § 2-218.51, the New Act provides for a new waiver process of the 35% Small Business Enterprise (“SBE”) subcontracting requirements of D.C. Code § 2-218.46, for all District contracts over \$250,000 and most private projects with District subsidies over \$250,000. The New Act establishes a twenty (20) day time period before DSLBD may render a final determination; and requires DSLBD to post the draft decision for five (5) days to allow the public reasonable access to the determination before any waiver is granted. Further, the New Act requires DSLBD to notify the CBE community of all waiver requests, as well as publish all waiver requests in the D.C. Register and on DSLBD’s website.

To effectively implement the waiver process required by the New Act, all waiver requests must be submitted to DSLBD in Quickbase as soon as possible but not less than thirty (30) days in advance of the date by which DSLBD’s final decision on the waiver is desired. As each request is different and may require additional time, each agency must



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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take into consideration the process time and procedures when submitting a waiver request.

When DSLBD posts the draft decision for five (5) days as required by the New Act, SBEs and CBEs who are qualified to provide goods or services for the particular solicitation will be permitted to provide a justification of their qualifications to subcontract. It will be the responsibility of the requesting agency to review the information provided by the SBE/CBE and advise DSLBD of its findings. Upon receipt and consideration of the requesting agency's findings, DSLBD will proceed with making the final decision on the waiver request which will include the qualification justification from each SBE/CBE and the requesting agency's findings – which will all be posted.

Please contact Ronnie Edwards, Deputy Director Compliance & Enforcement ([Ronnie.edwards@dc.gov](mailto:Ronnie.edwards@dc.gov)), if you have any questions or comments regarding this notice.