

698 “(A) Is a nonprofit corporation, as defined in section 2(6) of the Nonprofit
699 Corporation Act of 2010, effective July 2, 2011 (D.C. Law 18-378, D.C. Official Code 29-
700 401.02(6));

701 “(B) Had a net worth of at least \$1 million in the preceding fiscal year;

702 “(C) Is a licensed general contractor; and

703 “(D) Has done business as a construction contractor for at least 5 years.”

704 (2) A new section 702a is added to read as follows:

705 “Sec. 702a. Security in non-construction service contracts.

706 “The CPO shall issue rules pursuant to section 1106 to require performance bonds,
707 payment bonds, letters of credit, or other forms of security for non-construction service contract
708 prime contractors in cases in which such security may be effective in furthering the District’s
709 interests or such security may assist subcontractors doing business under a prime contract to
710 receive payment for goods or services.”

711 **Sec. 14. Project Labor Agreements**

712 The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-
713 371; D.C. Official Code § 2-351.01 *et seq.*), is amended as follows:

714 (1) Section 104 is amended by adding a new paragraph (38A) to read as follows:

715 “(38A) “Labor Organization” shall have the same meaning as set forth in section
716 102(15) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-48, D.C.
717 Official Code § 2-1401.02(15))”.

718 (2) A new section 606 is added to read as follows:

719 “Sec. 606. Use of project labor agreements for construction projects

720 “(a) The Mayor shall require, as part of a solicitation for a construction contract pursuant
721 to this title, that every contractor and subcontractor that will engage in the construction project

722 agree to negotiate or become a party to a project labor agreement, for that project, with one or
723 more labor organizations if:

724 “(1) Use of a project labor agreement will advance the District’s interest
725 producing labor-management stability, and ensuring compliance with laws and regulations
726 governing safety and health, equal employment opportunity, labor and employment standards,
727 and other matters;

728 “(2) The project will require multiple construction contractors and/or
729 subcontractors employing workers in multiple crafts or trades; and

730 “(3) The total cost, not including ongoing operations and maintenance, of contract
731 to the District is anticipated to be \$50 million or more.

732 “(b) A project labor agreement agreed to pursuant to subsection (a) shall:

733 “(1) Bind all contractors and subcontractors engaged in construction on the
734 construction project to comply with the project labor agreement;

735 “(2) Contain guarantees against strikes, lockouts, and similar job disruptions;

736 “(3) Set forth effective, prompt, and mutually binding procedures for resolving
737 labor disputes arising during the term of the project labor agreement;

738 “(4) Provide other mechanisms for labor-management cooperation on matters of
739 mutual interest and concern, including productivity, quality of work, safety, and health; and

740 “(5) Include any additional requirements that the CPO deems necessary to
741 promote the District’s interest.

742 “(c) The Mayor may waive the requirements of this section by issuing a determination
743 and findings, posted on the internet for at least 10 calendar days before advertising the
744 solicitation, that:

745 “(1) A project does not meet the criteria set forth in subsection (a); or

746 “(2) A project labor agreement would be contrary to the interests of the District.”.

747 **Sec. 15. Review of bid protests.**

748 Section 1008 of the Procurement Practices Reform Act of 2010, effective April 8, 2011
749 (D.C. Law 18-371; D.C. Official Code § 2-360.08(d)) is amended as follows:

750 (a) Subsection (d) is amended by striking the phrase “proceeding shall be de novo and
751 the”.

752 (b) A new subsection (d-1) is added to read as follows:

753 “(d-1) An agency’s determination of its minimum needs and its determination of best
754 method of accommodating those minimum needs are business judgments primarily within the
755 agency’s discretion. The Board may not sustain a protest on the basis of either determination
756 unless a protester demonstrates by clear and convincing evidence that the determination lacked a
757 reasonable basis.”

758 **Sec. 16. Transparency in contracting.**

759 Section 1104 of the Procurement Practices Reform Act of 2010, effective April 8, 2011
760 (D.C. Law 18-371; D.C. Official Code § 2-361.04 *et seq.*), is amended to read follows:

761 “Sec. 1104. Transparency in contracting.

762 “(a) The CPO shall establish and maintain on the Internet a website containing publicly-
763 available information regarding District procurement.

764 “(b) The website established pursuant to subsection (a) shall contain, at a minimum, the
765 following:

766 “(1) Information regarding the statutes and rules that govern procurement for all
767 District agencies and instrumentalities, including those exempt from the authority of the CPO;

768 “(2) Links to the contract solicitation websites of OCP and all district agencies
769 exempt from the authority of the CPO.