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

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

“(C) Is a licensed general contractor; and

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

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


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

Sec. 14. Project Labor Agreements

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:

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

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

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

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

“(a) The Mayor shall require, as part of a solicitation for a construction contract pursuant to this title, that every contractor and subcontractor that will engage in the construction project
agree to negotiate or become a party to a project labor agreement, for that project, with one or more labor organizations if:

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

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

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

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

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

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

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

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

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

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

“(1) A project does not meet the criteria set forth in subsection (a); or
“(2) A project labor agreement would be contrary to the interests of the District.”.

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

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

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

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

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

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

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

“Sec. 1104. Transparency in contracting.

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

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

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

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