

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF GENERAL SERVICES**

**DESIGN-BUILD SERVICES
BARRY FARM RECREATION CENTER**

Solicitation #: DCAM-12-CS-0176

**Addendum No. 1
Issued: August 13, 2012**

This Addendum Number 01 is issued by e-mail on August 13, 2012. Except as modified hereby, the Request for Proposals (“RFP”) remains unmodified.

Item #1

Sign-In Sheet: The sign-in sheet from the preproposal conference are attached.

Item #2

Requests for Information: Below is a list of questions regarding the project and the Department’s response.

1. Please clarify the first source requirements for this project. **Response: DGS expects the selected design-builder to comply with the new First Source Act requirements. A copy of this law is attached.**
2. The RFP indicates that the Design-Builder is to include an A/E on the team, and will evaluate the A/E’s experience, key personnel, and management plan. Considering the very advanced level of the design for this project, it seems that we would be expected to contract with the A/E responsible for the design development Drawings & Specifications (provided in Attachment A), as has been done on other DGS Modified-Design-Build RFPs. Please clarify the teaming expectation for this project. **Response: Each Offeror must determine, as an individual business decision, which A/E to include on its team. The Department expects that each Offeror will team with an A/E that will complete the design in a cost-effective way and deliver a fully functioning Project. The Department is neither mandating nor prohibiting the Offerors’ teaming with Torti Gallas Urban, Inc.**
3. Please clarify the Project square footage. **Response: The Project consists of a recreation center building with an approximate square footage of 32,000 sq. ft., as well as a partially below-grade parking structure of approximately 15,000 sq. ft.**
4. What are the LEED requirements? **Response: The Project has a statutory minimum requirement of LEED Silver, however, the Departments expects that the Project will be able to achieve a higher level of LEED certification.**
5. **Clarification: The selected design-builder will be required to design and construct (or complete tenant-fit-out) approximately 4,000 to 6,000 square feet of office space for the DC Housing Authority.**

Item #3

The bid date remains unchanged. Proposals are due by **August 28, 2012 at 2:00 pm EDT.** Proposals that are hand-delivered should be delivered to **Frank D. Reeves Center, 2000 14th Street, NW, 8th floor, Washington, DC 20009.**

- End of Addendum No. 1 -

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Preproposal Conference

August 9, 2012

Sign-in Sheet

1. Name: DAVID S. WALDON Phone: 410 290 9680
Company: WALDON STUDIO ARCHITECTS / DC
Email Address: RWALDON@WALDONSTUDIO.COM
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: DENNIS ROBERTS Phone: 571-243-4259
Company: RESTL DESIGNERS, INC
Email Address: d.roberts8484@VERIZON.NET
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: Jon Fith Phone: _____
Company: Landscape Architecture Bureau
Email Address: jf@labindc.com
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: DAVID ALMY Phone: 301 949 7813
Company: ALMY ARCHITECTS/SEL ARCH
Email Address: Dave@AlmyARCH.COM
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: Neil Sullivan Phone: 202-628-1033
Company: MYERS SAINT GROSS
Email Address: nsullivan@asg-architects.com
Have you registered for the Constant Contact E-Mailing List? YES NO

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Sign-in Sheet

1. Name: danny williams Phone: 202 483 2878
Company: d+p partners (dennoux-purnell architects)
Email Address: williams-danny@d-p-architects.com
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: JOE WU Phone: 202-332-0186
Company: MONTAGE INC.
Email Address: PM8@MONTAGEINC.COM
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: KISHOR MEHTA Phone: 301-258-0748
Company: RESTL DESIGNERS INC
Email Address: KMEHTA@RESTL.COM
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: Amy Cuddy Phone: 202-628-1033
Company: Ayers Saint Gross
Email Address: acuddy@asg-architects.com
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: Gavin Chazc Phone: _____
Company: Paddach Swimming Pool
Email Address: gchazc@paddachpools.com
Have you registered for the Constant Contact E-Mailing List? YES NO

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Sign-in Sheet

1. Name: Maggie Best Phone: 716 983 9605 / 703 553 7446
Company: Rand* construction corporation
Email Address: best@randec.com
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: Nick Hunter Phone: 202-543-9431
Company: POUNDS
Email Address: nidd@poundsdc.com
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: Jeff Plotz Phone: 202-539-0666
Company: Broughton Construction
Email Address: estimating@broughtonconstruction.com
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: ANDREI BANKS Phone: 2026741287
Company: MWB Architects, PC
Email Address: atbanks@mwbarchitects.com
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: SARAH PARKER Phone: 202 446 0000
Company: VEE AND ASSOCIATES, INC.
Email Address: SPARKER@VEEANDASSOCIATESINC.COM
Have you registered for the Constant Contact E-Mailing List? YES NO

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Sign-in Sheet

1. Name: Michael Sigal Phone: 202 944-6681
Company: GCS Inc
Email Address: MSIGAL@GCS-DC.COM
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: Nikki Sorg Phone: 202 393 6445
Company: Sorg Architects
Email Address: nikkis@sorgarchitects.com
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: BILL CONKEY Phone: 202-393-6445
Company: SORG ARCHITECTS
Email Address: BILL@SORGARCHITECTS.COM
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: Michael Brabson Phone: 202-526-7500
Company: Ideal Electric Supply Co
Email Address: MBrabson@IdealElectric.com
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: PATRICK WILLIAMS Phone: (202) 244-4199
Company: MOODY. NOLAN - DC
Email Address: pwilliams@mn-dc.com
Have you registered for the Constant Contact E-Mailing List? YES NO

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August 9, 2012
Sign-in Sheet

1. Name: Mack BAZZAS Phone: 202-375-9197
Company: Blue Skye / Cookley William Const.
Email Address: mbazzas@Blueskye Construction.com
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: Nicole LUKOSIUS Phone: 202-621-1324
Company: OTJ Architects
Email Address: LUKOSIUS@otj.com
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: Brian Gruetzmacher Phone: 202-758-2037
Company: istudio architects
Email Address: bgruetzmacher@istudio architects.com
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: Susan Goldstein Phone: _____
Company: Donohoe Construction Company
Email Address: Susang@donohoe.com
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: Jenny Richardson Phone: 240-297-3002
Company: The Whiting-Turner Contracting Co.
Email Address: Jennifer.Richardson@whiting-turner.com
Have you registered for the Constant Contact E-Mailing List? YES NO

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Sign-in Sheet

1. Name: ARLAND KNIPE Phone: 202/578-2243
Company: SAUER INC.
Email Address: AKNIPE@SAUER-INC.COM
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: NICHOLE MCGUIRE Phone: 410 837-5040
Company: GAUDREAU INC
Email Address: NMcguire@Gaudreauinc.com
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: Jennifer Moyes Phone: 202 886-6101
Company: AMMKA Inc
Email Address: Annka@aol.com
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: Kelly Chi Phone: 301 795 3100
Company: Skanska
Email Address: Kelly.chi@skanska.com
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: CHARLIE HERMANN Phone: 473-277-2064
Company: A THRU 2 CONSTRUCTION, LLC
Email Address: CHARLIE@ATHRU2STRIPING.COM
Have you registered for the Constant Contact E-Mailing List? YES NO

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1. Name: Mary Marcinko Phone: 202-289-4545
Company: AMT LLC (CBE)
Email Address: mmarcinko@amtengineering.com
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: Heidi Deishl Phone: (703) 929-1732
Company: Ideal Electric Supply
Email Address: hdeishl@idealelectric.com
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: Alexandra Hallheimer Phone: (202) 223-1941
Company: Keast & Hood Co. Structural Engineers
Email Address: ahallheimer@keasthood.com
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: Philip Paule-Corres Phone: 202-944-9400
Company: KADCON Corporation
Email Address: ppc@kadcon.com
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: AMADO FERNANDEZ Phone: 703-437-6600
Company: Hughes Group Architects
Email Address: amado@hgaarch.com
Have you registered for the Constant Contact E-Mailing List? YES NO

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Sign-in Sheet

1. Name: MARK WILKINSON Phone: 301-424-0780, X250
Company: PADDOCK SWIMMING POOL CO
Email Address: M.WILKINSON@PADDOCKPOOLS.COM
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: LAM NGUYEN Phone: 202 529 2140
Company: FORNEY ENTERPRISES, INC
Email Address: lam@forneyent.com
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: SUSAN CASTELLAN Phone: 301-656-7800
Company: WHITING-TURNER
Email Address: SUSAN.CASTELLAN@WHITING-TURNER.COM
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: _____ Phone: _____
Company: _____
Email Address: _____
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: DAVANI DURETTE Phone: 703-582-7150
Company: CAP8 CONSTRUCTION
Email Address: CAP8@CAP8CONSTRUCTION.COM
Have you registered for the Constant Contact E-Mailing List? YES NO

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1. Name: DANIEL CURRY Phone: 202 591 2541
Company: QUINN EVANS ARCH ITCTS
Email Address: DCURRY@QUINNEVANS.COM
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: SCOTT STEWART Phone: 202-659-2020
Company: SKA GROUP. ENGINEERS (CBE)
Email Address: scottg@skaengineers.com
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: Marvin Turner Phone: 202 393 1523
Company: Setty & Associates, Inc - MEP-CBE
Email Address: marvin.turner@setty.com
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: Austin Beyraud Phone: _____
Company: Motin Services
Email Address: ~~motin~~ areyraud@motinservices.com
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: _____ Phone: _____
Company: _____
Email Address: _____
Have you registered for the Constant Contact E-Mailing List? YES NO

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1. Name: Ronnie Elam Phone: 202-369-5060
Company: HDI Systems LLC
Email Address: RonnieElam@Verizon.net
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: Cedric Elam Phone: 202-369-5060
Company: Elam Services LLC
Email Address: RonnieElam@Verizon.net
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: Toulson Enterprises Phone: 301-684-8007
Company: Toulson Enterprises "Cliff Toulson"
Email Address: ~~Info@Enterprises~~. Info@Toulsonenterprises.com
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: ADRIANA NIÑO Phone: 202 548 5820
Company: Turner construction.
Email Address: _____
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: _____ Phone: _____
Company: _____
Email Address: _____
Have you registered for the Constant Contact E-Mailing List? YES NO

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1. Name: Louis E Naylor Phone: 2028294870
Company: Standard Business Furniture
Email Address: LNaylor@mdmstandard.com
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: Dallas R Evans Phone: 202-258-0940
Company: ELM Projects, LLC
Email Address: devans.elmprojects@gmail.com
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: Sherief Elfir Phone: 202)352-5433
Company: TORTI GALLAS URBAN
Email Address: selfir@tortigallas.com
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: _____ Phone: _____
Company: _____
Email Address: _____
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: _____ Phone: _____
Company: _____
Email Address: _____
Have you registered for the Constant Contact E-Mailing List? YES NO

Please
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1. Name: JOSEPH KHOURY Phone: 2/3333424
Company: MCN BUILD
Email Address: joseph@mcnbuild.com
Have you registered for the Constant Contact E-Mailing List? YES NO
2. Name: _____ Phone: _____
Company: _____
Email Address: _____
Have you registered for the Constant Contact E-Mailing List? YES NO
3. Name: _____ Phone: _____
Company: _____
Email Address: _____
Have you registered for the Constant Contact E-Mailing List? YES NO
4. Name: _____ Phone: _____
Company: _____
Email Address: _____
Have you registered for the Constant Contact E-Mailing List? YES NO
5. Name: _____ Phone: _____
Company: _____
Email Address: _____
Have you registered for the Constant Contact E-Mailing List? YES NO

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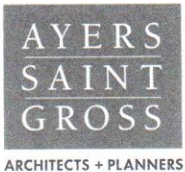
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KADCON

Philip Paule-Carres
Project Manager

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MARVIN TURNER, R.A., CCM
PROJECT MANAGER

Kelly M. Chi, LEED® AP
Preconstruction Manager, SPG

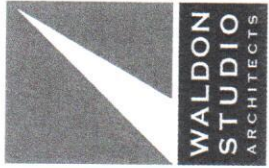
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PRESIDENT

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AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

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Publisher**

To amend the First Source Employment Agreement Act of 1984 to clarify and add definitions, to require that the Department of Employment Services (“DOES”) receive 7 days notice prior to any new First Source project moving forward, to increase the base subsidy level that triggers First Source agreements to \$300,000 and to require that each government-assisted construction project receiving government assistance totaling \$5 million or more adhere to enhanced First Source hiring requirements, to update reporting requirements associated with the hiring requirements, to require DOES to issue new hiring and reporting requirements for government-assisted non-construction projects that receive government assistance of \$5 million or more, to allow beneficiaries to double-count hours worked by District residents who are hard to employ, to clarify the duration of time beneficiaries are subject to First Source requirements, to allow beneficiaries to count hours that exceeded previous requirements towards their current requirements, to require bidders and offerors of government contracts valued at \$5 million or more to submit initial employment plans that review past compliance and employment practices as part of their bid package that will be scored and will account for 10% of their total bid score, to require beneficiaries to submit a detailed employment plan that identifies specific details regarding associated jobs and strategies to meet their hiring requirements, to require the Mayor to review and report to the Council the appropriateness of the hiring and reporting requirements every 3 years, to allow DOES to consider altering the ratio of journey worker to apprentice positions based on a compelling District-resident hiring rationale, to require specific documentation evidencing a good-faith effort to comply with First Source requirements prior to obtaining a waiver from a First Source employment agreement, to include additional pro-rated fines for not reaching specific hiring requirements, to debar from consideration for award of contracts and to deem ineligible of consideration for government-assisted projects those who have been found in violation 2 times over a 10-year period, to provide online public access to executed First Source employment agreements, current compliance status of each project, and the contact information for the relevant compliance officer, to establish a workforce intermediary pilot program that shall act as an intermediary between employers and training providers to provide employers with qualified job applicants, and to establish a workforce trust fund in which contributions and monetary fines for breach of First Source

employment agreements shall be deposited for the purpose of establishing and operating a District of Columbia workforce intermediary program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Workforce Intermediary Establishment and Reform of First Source Amendment Act of 2011”.

Sec. 2. The First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-219.01) is amended as follows:

Amend
§ 2-219.01

(1) Paragraph (1) is amended as follows:

(A) Subparagraph (A) is amended as follows:

(i) Strike the phrase “, or the successful applicant for any street or alley closing pursuant to the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*)”.

(ii) Strike the phrase “government-assisted project” and insert the phrase “government-assisted project or contract” in its place.

(B) Subparagraph (B) is amended as follows:

(i) Strike the phrase “A beneficiary” and insert the phrase “A recipient” in its place.

(ii) Strike the word “public”.

(iii) Strike the figure “\$100,000” and insert the figure “\$300,000” in its place.

(C) Subparagraph (C) is amended as follows:

(i) Strike the phrase “a direct beneficiary” and insert the phrase “a direct recipient” in its place.

(ii) Strike the figure “\$100,000” and insert the figure “\$300,000” in its place.

(iii) Strike the phrase “; provided, that obligations imposed by this title shall apply only for 5 years following the commencement of the tenant’s initial lease date of the real estate. Developers of a government-assisted project with retail and commercial tenants that directly benefitted from that assistance shall require those tenants to sign an agreement stating that the tenants will adhere to the requirements of this act for 5 years following the commencement of the tenant’s initial lease date”.

(2) Paragraph (3) is amended by striking the phrase “managerial, nonmanagerial,” and inserting the phrase “union and non-union managerial, nonmanagerial” in its place.

(3) Paragraph (5) is amended to read as follows:

“(5) “Government-assisted project or contract” means any construction or non-construction project or contract receiving funds or resources from the District of Columbia,

or

funds or resources which, in accordance with a federal grant or otherwise, the District of Columbia

government administers, including contracts, grants, loans, tax abatements or exemptions, land transfers, land disposition and development agreements, tax increment financing, or any combination thereof, that is valued at \$300,000 or more.”

(4) Paragraph (6) is amended by striking the phrase “government-assisted project” and inserting the phrase “government-assisted project or contract” in its place.

(5) New paragraphs (7), (8), (9), and (10) are added to read as follows:

“(7) “Hard to employ” means a District resident who is confirmed by a District of Columbia government agency as:

“(A) An ex-offender who has been released from prison within the last 10 years;

“(B) A participant of the Temporary Assistance for Needy Families program;

“(C) A participant of the Supplemental Nutrition Assistance Program;

“(D) Living with a permanent disability verified by the Social Security Administration or District vocational rehabilitation program;

“(E) Unemployed for 6 months or more in the last 12-month period;

“(F) Homeless;

“(G) A participant or graduate of the Transitional Employment Program established by section 2102 of the Transitional Employment Program and Apprenticeship Initiative Establishment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 32-1331); or

“(H) An individual who qualified for inclusion in the Work Opportunity Tax Credit Program as certified by the Department of Employment Services.

“(8) “Direct labor costs” means all costs, including wages and benefits, associated with the hiring and employment of personnel assigned to a process in which payroll expenses are traced to the units of output and are included in the cost of goods sold.

“(9) “Indirect labor costs” means all costs, including wages and benefits, that are part of operating expenses and are associated with the hiring and employment of personnel assigned to tasks other than producing products.

“(10) “Workforce Act” means the Workforce Intermediary Establishment and Reform of the First Source Amendment Act of 2011, passed on 2nd reading on December 6, 2011 (Enrolled version of Bill 19-50).”

(b) Section 4 (D.C. Official Code § 2-219.03) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “government-assisted project” wherever it appears and inserting the phrase “government-assisted project or contract” in its place.

(2) Subsection (c) is amended to read as follows:

“(c) The Mayor shall transmit each employment agreement to the Department of

Amend
§ 2-219.03

Employment Services no less than 7 calendar days in advance of the project or contract start date, whichever is later, and no work associated with the relevant government assistance can begin on a project or contract until the employment agreement has been accepted by the Department of Employment Services."

(3) Subsection (d) is repealed.

(4) Subsection (e) is amended as follows:

(A) Paragraph 1 is amended to read as follows:

“(1)(A) The Mayor shall include in each government-assisted project or contract that receives government assistance totaling between \$300,000 and \$5,000,000, a provision that at least 51% of the new employees hired to work on the project or contract shall be District residents. Collective bargaining agreements shall not be the basis for a waiver from this requirement.

“(B) Prior to the employment agreement being accepted by the Department of Employment Services, each beneficiary covered by this paragraph shall choose whether the 51% of the new employees hired shall be:

“(i) Cumulative of all new hires, including those made by all subcontractors at any tier who work on the project or contract; or

“(ii) Met by each beneficiary covered by this paragraph and each individual subcontractor at any tier who works on the project or contract.

“(C) Each beneficiary covered by this paragraph shall submit to the Department of Employment Services each month following the start of the project or contract a hiring compliance report for the project or contract that includes the:

“(i) Number of employees who worked on the project or contract;

“(ii) Number of current employees transferred;

“(iii) Number of new job openings created;

“(iv) Number of job openings created by employee attrition;

“(v) Number of job openings listed with the Department of

Employment Services;

“(vi) Total monthly direct and indirect labor costs associated with the project or contract;

“(vii) Total number of all District residents hired for the reporting period and the cumulative total number of District residents hired; and

“(viii) Total number of all employees hired for the reporting period and the cumulative total number of employees hired, including each employee's:

“(I) Name;

“(II) Social security number;

“(III) Job title;

“(IV) Hire date;

“(V) Residence; and

“(VI) Referral source for all new hires.

“(D)(i) Government-assisted construction projects or contracts covered by this paragraph shall be subject to the hiring and reporting requirements set forth in this paragraph until construction is completed and a final certificate of occupancy has been issued.

“(ii) Government-assisted non-construction projects or contracts covered by this paragraph shall be subject to the hiring and reporting requirements set forth in this paragraph for as long as the benefit is being received.

“(iii) A retail or commercial tenant that is a beneficiary as defined under section 2(1)(C) and is covered by this paragraph shall be subject to the hiring and reporting requirements set forth in this paragraph for 5 years following the commencement of the tenant’s initial lease date.”.

(B) New paragraphs (1A), (1B), and (1C) are added to read as follows:

“(1A)(A) The Mayor shall include in each government-assisted construction project or contract that receives government assistance totaling \$5 million or more, a provision requiring that:

“(i) At least 20% of journey worker hours by trade shall be performed by District residents;

“(ii) At least 60% of apprentice hours by trade shall be performed by District residents;

“(iii) At least 51% of the skilled laborer hours by trade shall be performed by District residents; and

“(iv) At least 70% of common laborer hours shall be performed by District residents.

“(B) Collective bargaining agreements shall not be a basis for a waiver from this requirement.

“(C) As part of the employment plan required by subparagraph (F)(ii) of this paragraph, each beneficiary covered by this paragraph shall choose whether all residency work requirements shall be:

“(i) Cumulative of all hours worked, including those hours worked by subcontractors at any tier who work on the project or contract; or

“(ii) Met by each beneficiary covered by this paragraph and each individual subcontractor at any tier who works on the project or contract.

“(D) Each month following the start of the project or contract, beneficiaries covered by this paragraph shall submit to the Department of Employment Services copies of their monthly and cumulative certified payrolls, monthly and cumulative certified payrolls from all subcontractors at any tier working on the project or contract, as well as a report of the total monthly direct and indirect labor costs associated with the project or contract.

“(E) Government-assisted construction projects or contracts covered by this paragraph shall be subject to the hiring and reporting requirements set forth in this paragraph until construction is completed and a final certificate of occupancy has been issued.

“(F)(i) Bids and proposals responding to a solicitation for a government-assisted project or contract covered by this paragraph shall include an initial employment plan outlining the bidder or offeror’s strategy to meet the local hiring requirements as part of its response to the solicitation. These plans shall be evaluated and scored by the Mayor based on the criteria listed in sub-sub-subparagraphs (I), (II), and (III) of this sub-subparagraph. The evaluation shall be worth 10% of the overall score of the bid or proposal. The employment plan shall include the following:

“(I) Descriptions of the health and retirement benefits provided to employees who worked on any of the bidder or offeror’s past 3 completed projects or contracts;

“(II) A description of the bidder or offeror’s efforts to provide District residents with ongoing employment and training opportunities after they complete work on the job for which they were initially hired; and

“(III) A disclosure of past compliance with the Workforce Act and the Davis-Bacon Act of 1931, approved March 3, 1931 (46 Stat. 1494; 40 U.S.C. § 3141 *et seq.*) (“Davis-Bacon Act”), where applicable, on projects or contracts completed within the last 2 years.

“(ii) The winning bidder or offeror shall submit a revised employment plan to the Mayor for approval prior to beginning work associated with the relevant government project or contract. The employment plan shall include:

“(I) A projection of the total number of hours to be worked on the project or contract by trade;

“(II) A projection of the total number of journey worker hours, by trade, to be worked on the project or contract and the total number of journey worker hours, by trade, to be worked by District residents;

“(III) A projection of the total number of apprentice hours, by trade, to be worked on the project or contract and the total number of apprentice hours, by trade, to be worked by District residents;

“(IV) A projection of the total number of skilled laborer hours, by trade, to be worked on the project or contract and the total number of skilled laborer hours, by trade, to be worked by District residents;

“(V) A projection of the total number of common laborer hours to be worked on the project or contract and the total number of common laborer hours to be worked by District residents;

“(VI) A timetable outlining the total hours worked by trade over the life of the project or contract and an associated hiring schedule;

“(VII) Descriptions of the skill requirements by job title or position, including industry-recognized certifications required for the different positions;

“(VIII) A strategy to fill the hours required to be worked by District residents pursuant to this paragraph, including a component on communicating these requirements to contractors and subcontractors and a component on potential community

outreach partnerships with the University of the District of Columbia, the University of the District of Columbia Community College, the Department of Employment Services, Jointly Funded Apprenticeship Programs, or other government-approved, community-based job training providers;

“(IX) A remediation strategy to ameliorate any problems associated with meeting these hiring requirements, including any problems encountered with contractors and subcontractors;

“(X) The designation of a senior official from the general contractor who will be responsible for implementing the hiring and reporting requirements;

“(XI) Descriptions of the health and retirement benefits that will be provided to District residents working on the project or contract;

“(XII) A strategy to ensure that District residents who work on the project or contract receive ongoing employment and training opportunities after they complete work on the job for which they were initially hired and a review of past practices in continuing to employ District residents from one project or contract to the next;

“(XIII) A strategy to hire graduates of District of Columbia Public Schools, District of Columbia public charter schools, and community-based job training providers, and hard-to-employ residents; and

“(XIV) A disclosure of past compliance with the Workforce Act and the Davis-Bacon Act, where applicable, and the bidder or offeror’s general District-resident hiring practices on projects or contracts completed within the last 2 years.

“(iii) The Mayor shall require all beneficiaries of government-assisted projects or contracts covered by this paragraph that are not awarded through the contracting process to develop and submit to the Department of Employment Services the employment plan required in sub-subparagraph (ii) of this subparagraph.

“(iv) Once approved, the employment plan required by sub-subparagraph (ii) of this subparagraph shall not be amended except with the approval of the Mayor.

“(G) For the purpose of calculating hours worked by District residents, beneficiaries covered by this paragraph may receive double credit for hours worked by District residents who are certified by the Department of Employment Services as hard to employ as long as they include the resident’s hard-to-employ certification as part of the monthly reporting. No more than 15% of the total hours worked by District residents may be comprised of double-credit hours.

“(H) For the purpose of calculating hours worked by District residents, beneficiaries covered by this paragraph may count any hours worked by District residents on other completed projects or contracts subject to and in excess of the Workforce Act’s hiring requirements that are certified by the Mayor.

“(I) Within one year of the effective date of the Workforce Act, the Mayor shall review the hiring and reporting requirements set forth by this paragraph to determine the

appropriateness of each percentage and make relevant findings of the determination in a report to the Council. After the initial submission of this report the Mayor shall regularly, but at least once every 3 years, conduct a new review of the hiring and reporting requirements set forth by this paragraph to determine the appropriateness of each percentage and make relevant findings of the determination in a report to the Council.

“(J) The Department of Employment Services shall consider requests from beneficiaries to recommend to the D.C. Apprenticeship Council to alter the ratio of journey worker to apprentice positions as long as the request does not jeopardize the quality or safety of the project or contract and there is a compelling District-resident hiring rationale.

“(1B)(A) Within one year of the effective date of the Workforce Act, the Mayor shall issue rules establishing enhanced hiring and reporting requirements for government-assisted non-construction projects or contracts that receive government assistance totaling \$5 million or more.

“(B)(i) These rules shall include industry-specific requirements by percentage of total hours worked for full-time and part-time hourly wage employees and by percentage of full-time and part-time salaried employees, broken out by job category. The proposed rules shall also establish the length of time that these projects or contracts shall comply with the hiring and reporting requirements.

“(ii) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within this 45-day review period, the proposed rules shall be deemed disapproved.

“(iii) Until the final rules have been adopted after approval by the Council pursuant to this paragraph and paragraph (1C)(F) of this subsection, government-assisted non-construction projects or contracts that receive government assistance totaling \$5 million or more shall be subject to the hiring and reporting requirements set forth in paragraph (1) of this subsection.

“(1C)(A) Once final rules have been adopted after Council approval pursuant to paragraph (1B) of this subsection and subparagraph (F) of this paragraph, the Mayor shall include these District hiring and reporting requirements in each government-assisted non-construction project or contract that receives government assistance totaling \$5 million or more. These government-assisted non-construction projects or contracts shall be subject to the procedures set forth in this paragraph.

“(B)(i) Bids and proposals responding to a solicitation for a government-assisted project or contract covered by this paragraph shall include an initial employment plan outlining the bidder or offeror’s strategy to meet the local hiring requirements as part of its response to the solicitation. These plans shall be evaluated and scored by the Mayor based on the criteria listed in sub-sub-subparagraphs (I), (II), and (III) of this sub-subparagraph. The evaluation shall be worth 10% of the overall score of the bid or proposal. The employment plan shall include the following:

“(I) Descriptions of the health and retirement benefits provided to employees who worked on any of the bidder or offeror’s past 3 completed projects or contracts;

“(II) A description of the bidder or offeror’s efforts to provide District residents with ongoing employment, training, and career advancement opportunities; and

“(III) A disclosure of past compliance with the Workforce Act, where applicable, on projects or contracts completed within the past 2 years.

“(ii) The winning bidder or offeror shall submit a revised employment plan to the Mayor for approval, before beginning work associated with the project or contract. The revised employment plan shall include:

“(I) A projection of the total number of hours to be worked by full-time and part-time hourly wage employees on an annual basis by job category and the total number of hours to be worked by full-time and part-time hourly wage employees who are District residents;

“(II) A projection of the total number of full-time and part-time salaried employees on an annual basis by job category and the total number of full-time and part-time salaried employees that will be District residents;

“(III) A timetable outlining the total hours worked by full-time and part-time hourly wage employees by job category and the total number of full-time and part-time salaried employees by job category over the duration of the life of the hiring requirements set forth by the Department of Employment Services and an associated hiring schedule which predicts when specific job openings will be available;

“(IV) Descriptions of the skill requirements, including industry-recognized certifications required for the different positions;

“(V) A strategy to fill the District-resident hiring requirements, including whether the bidder plans to pursue potential community outreach partnerships with the University of the District of Columbia, the University of the District of Columbia Community College, the Department of Employment Services, or other government-approved, community-based job training providers;

“(VI) A remediation strategy to ameliorate any problems associated with meeting these hiring requirements;

“(VII) The designation of a senior official from the beneficiary who will be responsible for implementing the hiring and reporting requirements;

“(VIII) Descriptions of the health and retirement benefits that will be provided to District residents working on the project or contract;

“(IX) A strategy to hire graduates of District of Columbia Public Schools, District of Columbia public charter schools, and community-based job training providers, and hard-to-employ residents; and

“(X) A disclosure of past compliance with the Workforce Act, where applicable, and the bidder or offeror’s general District hiring practices on projects or contracts completed within the past 2 years.

“(iii) The Mayor shall require all beneficiaries of government-assisted projects or contracts covered by this paragraph that are not awarded through the contracting process to develop and submit to the Department of Employment Services the employment plan required in sub-subparagraph (ii) of this subparagraph.

“(iv) Once approved, the employment plan required by sub-subparagraph (ii) of this subparagraph shall not be amended except with the approval of the Mayor.

“(C) For the purpose of calculating hours worked and full-time and part-time salaried positions filled by District residents, beneficiaries covered by this paragraph may receive double credit for hours worked and for full-time and part-time salaried positions filled by District residents who are certified by the Department of Employment Services as hard to employ as long as they include the resident’s hard-to-employ certification as part of the monthly reporting. No more than 15% of the total hours worked and full-time and part-time salaried positions filled by hard-to-employ District residents may be comprised of double-credit hours or double-credit full-time and part-time salaried positions.

“(D) For the purpose of calculating hours worked and full-time and part-time salaried positions filled by District residents, beneficiaries covered by this paragraph may count any hours worked and full-time and part-time salaried positions filled by District residents on other completed projects or contracts subject to and in excess of the Workforce Act’s hiring requirements that are certified by the Mayor.

“(E) Within one year of the effective date of the rules approved by the Council pursuant to paragraph (1B) of this subsection, the Mayor shall review the hiring and reporting requirements set forth by this paragraph to determine the appropriateness of each percentage and make relevant findings of the determination in a report submitted to the Council. After the initial submission of this report the Mayor shall regularly, but at least once every 3 years, conduct a new review of the hiring and reporting requirements set forth by this paragraph to determine the appropriateness of each percentage and make relevant findings of the determination in a report submitted to the Council.

“(F) Within 90 days of the effective date of the rules approved by the Council pursuant to paragraph (1B) of this subsection, the Mayor shall issue rules to implement the provisions of this paragraph. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.”

(C) Paragraph (2) is amended to read as follows:

“(2) With the submission of the final request for payment from the District, the beneficiary shall:

“(A) Document in a report to the Mayor its compliance with paragraph (1), (1A), (1B), or (1C) of this subsection; or

“(B) Submit a request to the Mayor for a waiver of compliance with

paragraphs (1), (1A), (1B), or (1C) of this subsection, which shall include the following documentation:

- “(i) Material supporting a good-faith effort to comply;
- “(ii) Referrals provided by the Department of Employment Services and other referral sources; and
- “(iii) Advertisement of job openings listed with the Department of Employment Services and other referral sources.”.

(D) Paragraph (3) is amended to read as follows:

“(3)(A) The Mayor may waive the provisions of paragraph (1), (1A), (1B), or (1C) of this subsection if the Mayor finds that:

- “(i) The Department of Employment Services has certified that a good-faith effort to comply has been demonstrated by the beneficiary;
- “(ii)(I) The beneficiary is located outside of the Washington Standard Metropolitan Statistical Area;
- “(II) None of the contract work is performed inside the Washington Standard Metropolitan Statistical Area;
- “(III) The beneficiary published each job opening or part-time work needed for 7 calendar days in a District newspaper of city-wide circulation; and
- “(IV) The Department of Employment Services certifies that there are insufficient eligible applicants from the First Source Register that possess the skills required by the positions, or the eligible applicants are not available for part-time work or do not have a means to travel to the onsite job; or
- “(iii) The beneficiary enters into a special workforce development training or placement arrangement with the Department of Employment Services.

“(B) The Department of Employment Services shall consider the following when making a determination of a good-faith effort to comply:

- “(i) Whether the Department of Employment Services has certified that there is an insufficient number of District residents in the labor market who possess the skills required to fill the positions that were created as a result of the project or contract;
- “(ii) Whether the beneficiary posted the jobs on the Department of Employment Services job website for a minimum of 10 calendar days;
- “(iii) Whether the beneficiary posted each job opening or part-time work needed in a District newspaper with city-wide circulation for a minimum of 7 calendar days;
- “(iv) Whether the beneficiary has substantially complied with the relevant monthly reporting requirements set forth in this section;
- “(v) For government-assisted projects or contracts covered by paragraph (1A) or (1C) of this subsection, whether the beneficiary has submitted and substantially complied with its most recent employment plan that has been approved by the Department of Employment Services; and

“(vi) Any additional documented efforts.”

(E) Paragraph (4) is amended to read as follows:

“(4)(A) Willful breach of the employment agreement, or failure to submit the required hiring compliance report pursuant to paragraph (1), (1A), (1B), or (1C) of this subsection, or deliberate submission of falsified data, shall be enforced by the Mayor through the imposition of a monetary fine of 5% of the total amount of the direct and indirect labor costs of the project or contract, in addition to other penalties provided by law.

“(B) Failure to meet the required hiring requirements pursuant to paragraph (1), (1A), (1B), or (1C) of this subsection or failure to receive a good-faith waiver pursuant to paragraph (3) of this subsection may result in the Mayor imposing a penalty equal to 1/8 of 1% of the total amount of the direct and indirect labor costs of the project or contract for each percentage by which the beneficiary fails to meet the hiring requirements.

“(C) Upon a second violation within a 10-year time frame of the required hiring or reporting requirements set forth within paragraphs (1), (1A), (1B), or (1C) of this subsection or failure to receive a good-faith waiver pursuant to paragraph (3) of this subsection, the Mayor shall debar a person or entity from consideration for award of contracts or subcontracts with the District of Columbia for a period of not more than 5 years.

“(D) Upon a second violation within a 10-year time frame of the required hiring or reporting requirements set forth within paragraphs (1), (1A), (1B), or (1C) of this subsection or failure to receive a good-faith waiver pursuant to paragraph (3) of this subsection, the Mayor may deem a person or entity ineligible of consideration for government-assisted projects with the District of Columbia for a period of not more than 5 years.

(F) Paragraph (5) is amended to read as follows:

“(5) The beneficiary may appeal any decision of the Mayor regarding a contract pursuant to paragraph (4) of this subsection to the Contract Appeals Board. For those projects that are not awarded through the contracting process, the Mayor shall establish by rule an administrative appeals process that allows the beneficiary to appeal any decision of the Mayor pursuant to paragraph (4) of this subsection.”

(G) Paragraph (6) is amended by striking the phrase “government-assisted projects” and inserting the phrase “government-assisted projects or contracts” in its place.

(c) Section 4a (D.C. Official Code § 2-219.03a) is amended by striking the phrase “government-assisted projects” and inserting the phrase “government-assisted projects or contracts” in its place.

Amend § 2-219.03a

(d) Section 5 (D.C. Official Code § 2-219.04) is amended by striking the phrase “government-assisted projects” wherever it appears and inserting the phrase “government-assisted projects or contracts” in its place.

Amend § 2-219.04

(e) New sections 5a, 5b, and 5c are added to read as follows:

“Sec. 5a. Modernization of First Source recordkeeping.

“Within 120 days of the effective date of the Workforce Act, the Department of Employment Services shall provide public access on its website to all employment agreements

entered into in 2009 through the present and shall make available online all future employment agreements, their status of compliance, and the project or contract's assigned Contracting Officer or First Source Compliance Officer and their contact information.

"Sec. 5b. Establishment of a workforce intermediary pilot program.

"(a)(1) By April 1, 2012, the Mayor shall establish a workforce intermediary pilot program for Fiscal Year 2012 based on Council and Mayor-approved recommendations made by the Workforce Intermediary Task Force established by the Workforce Intermediary Task Force Establishment Second Emergency Act of 2011, effective October 18, 2011 (D.C. Act 19-167; 58 DCR 8900), or succeeding legislation.

"(2) The workforce intermediary pilot program shall act as an intermediary between employers and training providers to provide employers with qualified District resident job applicants.

"(3) The workforce intermediary pilot program shall have a start-up budget not to exceed \$2 million, which shall be funded by all funds deposited in the District of Columbia Jobs Trust Fund ("Fund"), established in section 5c, and other existing local funds.

"(4) Thirty days before the end of the pilot program, the Deputy Mayor for Planning and Economic Development, in consultation with the Department of Employment Services and the workforce intermediary, shall develop a progress report and recommendations for continued operations of the workforce intermediary that take into account the Council and Mayor-approved recommendations made by the Workforce Intermediary Task Force.

"Sec. 5c. Establishment of the District of Columbia Jobs Trust Fund.

"(a) There is established as a nonlapsing fund the District of Columbia Jobs Trust Fund, which shall be administered by the Deputy Mayor for Planning and Economic Development. The funds in the Fund shall be used solely for the purpose of establishing and operating the workforce intermediary pilot program, established in section 5b, or any succeeding program. The following shall be deposited into the Fund:

"(1) Voluntary and negotiated contributions and donations, including past contributions for similar purposes that have yet to be collected or expended; and

"(2) All outstanding monetary fines for breach of this act.

"(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress."

(f) Section 6 (D.C. Official Code § 2-219.05) is amended to read as follows:

"Sec. 6. Rules.

"(a)(1) Except as provided in section 4(e)(1B) and (1C), within 180 days of the effective date of the Workforce Act, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of the Workforce Act.

Amend
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“(2) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the rules shall be deemed approved.

“(b) Any subsequent rules issued by the Mayor to implement the provisions of this act shall be submitted to the Council for a 45-day period of review in accordance with subsection (a)(2) of this section.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia