

106TH CONGRESS
2D SESSION

H. R. 4945

AN ACT

To amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes.

106TH CONGRESS
2^D SESSION

H. R. 4945

AN ACT

To amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Small Business Competition Preservation Act of 2000”.

4 **SEC. 2. DATABASE, ANALYSIS, AND ANNUAL REPORT WITH**
5 **RESPECT TO BUNDLED CONTRACTS.**

6 Section 15 of the Small Business Act (15 U.S.C. 644)
7 is amended by adding at the end the following new sub-
8 section:

9 “(p) DATABASE, ANALYSIS, AND ANNUAL REPORT
10 WITH RESPECT TO BUNDLED CONTRACTS.—

11 “(1) BUNDLED CONTRACT DEFINED.—In this
12 subsection, the term ‘bundled contract’ includes—

13 “(A) each contract that meets the defini-
14 tion set forth in section 3(o) regardless of
15 whether the contracting agency has conducted a
16 study of the effects of the solicitation for the
17 contract on civilian or military personnel of the
18 United States; and

19 “(B) each new procurement requirement
20 that permits the consolidation of two or more
21 procurement requirements.

22 “(2) DATABASE.—

23 “(A) IN GENERAL.—Not later than 180
24 days after the date of the enactment of this
25 subsection, the Administrator of the Small
26 Business Administration shall develop and shall

1 thereafter maintain a database containing data
2 and information regarding—

3 “(i) each bundled contract awarded by
4 a Federal agency; and

5 “(ii) each small business concern that
6 has been displaced as a prime contractor
7 as a result of the award of such a contract.

8 “(3) ANALYSIS.—For each bundled contract
9 that is to be recompeted as a bundled contract, the
10 Administrator shall determine—

11 “(A) the amount of savings and benefits
12 (in accordance with subsection (e)) achieved
13 under the bundling of contract requirements;
14 and

15 “(B) whether such savings and benefits
16 will continue to be realized if the contract re-
17 mains bundled, and whether such savings and
18 benefits would be greater if the procurement re-
19 quirements were divided into separate solicita-
20 tions suitable for award to small business con-
21 cerns.

22 “(4) ANNUAL REPORT ON CONTRACT BUN-
23 DLING.—

24 “(A) IN GENERAL.—Not later than 1 year
25 after the date of the enactment of this para-

1 graph, and annually in March thereafter, the
2 Administration shall transmit a report on con-
3 tract bundling to the Committees on Small
4 Business of the House of Representatives and
5 the Senate.

6 “(B) CONTENTS.—Each report trans-
7 mitted under subparagraph (A) shall include—

8 “(i) data on the number, arranged by
9 industrial classification, of small business
10 concerns displaced as prime contractors as
11 a result of the award of bundled contracts
12 by Federal agencies; and

13 “(ii) a description of the activities
14 with respect to previously bundled con-
15 tracts of each Federal agency during the
16 preceding year, including—

17 “(I) data on the number and
18 total dollar amount of all contract re-
19 quirements that were bundled; and

20 “(II) with respect to each bun-
21 dled contract, data or information
22 on—

23 “(aa) the justification for
24 the bundling of contract require-
25 ments;

1 “(bb) the cost savings real-
2 ized by bundling the contract re-
3 quirements over the life of the
4 contract;

5 “(cc) the extent to which
6 maintaining the bundled status
7 of contract requirements is pro-
8 jected to result in continued cost
9 savings;

10 “(dd) the extent to which
11 the bundling of contract require-
12 ments complied with the con-
13 tracting agency’s small business
14 subcontracting plan, including
15 the total dollar value awarded to
16 small business concerns as sub-
17 contractors and the total dollar
18 value previously awarded to small
19 business concerns as prime con-
20 tractors; and

21 “(ee) the impact of the bun-
22 dling of contract requirements on
23 small business concerns unable to
24 compete as prime contractors for
25 the consolidated requirements

1 and on the industries of such
2 small business concerns, includ-
3 ing a description of any changes
4 to the proportion of any such in-
5 dustry that is composed of small
6 business concerns.”.

Passed the House of Representatives September 20,
2000.

Attest:

Clerk.