

106TH CONGRESS
2D SESSION

H. R. 4945

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

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2000

Mr. TALENT (for himself, Ms. VALAZQUEZ, Mr. ENGLISH, Mrs. BONO, Mr. DAVIS of Illinois, Mr. SWEENEY, Ms. MILLENDER-McDONALD, Mrs. CHRISTENSEN, Ms. BERKLEY, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Small Business

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

16 “(B) each new procurement requirement
17 that permits the consolidation of 2 or more pro-
18 curement requirements.

19 “(2) DATABASE.—

20 “(A) IN GENERAL.—Not later than 180
21 days after the date of enactment of this sub-
22 section, the Administrator of the Small Busi-
23 ness Administration shall develop and shall
24 thereafter maintain a database containing data
25 and information regarding—

1 “(i) each bundled contract awarded by
2 a Federal agency; and

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

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

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

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

20 “(4) ANNUAL REPORT ON CONTRACT BUN-
21 DLING.—

22 “(A) IN GENERAL.—Not later than 1 year
23 after the date of enactment of this paragraph,
24 and annually in March thereafter, the Adminis-
25 tration shall transmit a report on contract bun-

1 dling to the Committees on Small Business of
2 the House of Representatives and the Senate.

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

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

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

14 “(I) data on the number and
15 total dollar amount of all contract re-
16 quirements that were bundled; and

17 “(II) with respect to each bun-
18 dled contract, data or information
19 on—

20 “(aa) the justification for
21 the bundling of contract require-
22 ments;

23 “(bb) the cost savings real-
24 ized by bundling the contract re-

1 requirements over the life of the
2 contract;

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

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

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

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ing a description of any changes
to the proportion of any such in-
dustry that is composed of small
business concerns.”.

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