

104TH CONGRESS
2D SESSION

H. R. 3934

To provide protections against bundling of contract requirements in Federal procurement.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 1996

Mr. ZELIFF (for himself, Mr. PAXON, and Mr. QUINN) introduced the following bill; which was referred to the Committee on National Security, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide protections against bundling of contract requirements in Federal procurement.

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. REQUIREMENT FOR FEDERAL ACQUISITION**
2 **REGULATION TO ENSURE AVOIDANCE OF UN-**
3 **NECESSARY BUNDLING OF CONTRACT RE-**
4 **QUIREMENTS.**

5 (a) ARMED SERVICES ACQUISITIONS.—Section 2304
6 of title 10, United States Code, is amended by adding at
7 the end the following new subsection:

8 “(l) The Federal Acquisition Regulation shall ensure
9 that this chapter is implemented in a manner that avoids
10 the unnecessary bundling of contract requirements.”.

11 (b) CIVILIAN AGENCY ACQUISITIONS.—Section 303
12 of the Federal Property and Administrative Services Act
13 of 1949 (41 U.S.C. 253) is amended by adding at the end
14 the following new subsection:

15 “(j) The Federal Acquisition Regulation shall ensure
16 that this title is implemented in a manner that avoids the
17 unnecessary bundling of contract requirements.”.

18 **SEC. 2. DEFINITION OF BUNDLING OF CONTRACT REQUIRE-**
19 **MENTS.**

20 (a) DEFINITION.—Section 4 of the Office of Federal
21 Procurement Policy Act (41 U.S.C. 403) is amended by
22 adding at the end the following new paragraph:

23 “(16) The term ‘bundling of contract require-
24 ments’ means the practice of consolidating two or
25 more procurement requirements of a type that were
26 previously solicited and awarded as separate smaller

1 contracts into a single large contract solicitation
2 likely to be unsuitable for award to a small business
3 concern because of—

4 “(A) the diversity and size of the elements
5 of performance specified;

6 “(B) the aggregate dollar value of the an-
7 ticipated award;

8 “(C) the geographical dispersion of the
9 contract performance sites; or

10 “(D) any combination of the factors de-
11 scribed in subparagraphs (A), (B), and (C).”.

12 (b) CROSS REFERENCES.—(1) Section 2302(3) of
13 title 10, United States Code, is amended by adding at the
14 end the following new subparagraph:

15 “(M) The term ‘bundling of contract re-
16 quirements’.”

17 (2) Section 309(c) of the Federal Property and Ad-
18 ministrative Services Act of 1949 (41 U.S.C. 259(c)) is
19 amended by adding at the end the following new para-
20 graph:

21 “(15) The term ‘bundling of contract require-
22 ments’.”.

1 **SEC. 3. REPORTING OF BUNDLED CONTRACT OPPORTUNI-**
2 **TIES.**

3 The Federal Procurement Data System described in
4 section 6(d)(4)(A) of the Office of Federal Procurement
5 Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to
6 collect data regarding bundling of contract requirements.

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