

Union Calendar No. 529

112TH CONGRESS
2^D SESSION

H. R. 4118

[Report No. 112–726, Part I]

To amend the Small Business Act to provide for increased small business participation in multiple award contracts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2012

Mr. CRITZ (for himself, Ms. VELÁZQUEZ, Mr. CICILLINE, and Ms. HAHN) introduced the following bill; which was referred to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, 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

DECEMBER 21, 2012

Additional sponsors: Ms. CHU, Mr. RICHMOND, Mr. PETERS, and Ms. CLARKE
of New York

DECEMBER 21, 2012

Reported from the Committee on Small Business

DECEMBER 21, 2012

The Committee on Oversight and Government Reform discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Small Business Act to provide for increased small business participation in multiple award contracts, 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 This Act may be cited as the “Small Business Pro-
 5 curement Improvement Act of 2012”.

6 **SEC. 2. INCREASING SMALL BUSINESS PARTICIPATION IN**
 7 **MULTIPLE AWARD CONTRACTS.**

8 (a) IN GENERAL.—Section 15(r) of the Small Busi-
 9 ness Act (15 U.S.C. 644(r)) is amended—

10 (1) by striking “may, at their discretion” and
 11 inserting the following: “shall, to the maximum ex-
 12 tent practicable, include small business concerns in
 13 multiple award contracts, as defined in section 3(v)
 14 of this Act, including”;

15 (2) in paragraph (1), by striking “set” and in-
 16 serting “setting”;

17 (3) in paragraph (2)—

18 (A) by striking “set” and inserting “set-
 19 ting”; and

20 (B) by striking “and” at the end;

21 (4) in paragraph (3)—

22 (A) by striking “reserve” and inserting
 23 “reserving”; and

24 (B) by striking the period at the end and
 25 inserting “; and”; and

1 (5) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) making full use of the set-aside programs
4 established in sections 8(a), 8(m), 31, and 36 of this
5 Act and any other program under this Act that pro-
6 vides for set-asides of contracts for small busi-
7 nesses.”.

8 (b) AGENCY OUTREACH.—Section 15 of the Small
9 Business Act (15 U.S.C. 644) is amended by adding at
10 the end the following:

11 “(s) AGENCY OUTREACH PROGRAM.—The Adminis-
12 trator, in consultation with the Administrator of the Office
13 of Federal Procurement Policy and any agency that ob-
14 tains 5 percent of procurement requirements through a
15 multiple award contract, shall carry out a program to in-
16 crease the participation of small business concerns in mul-
17 tiple award contracts, as defined in section 3(v) of this
18 Act. Such program shall—

19 “(1) increase awareness among small business
20 concerns regarding multiple award contracts;

21 “(2) provide small business concerns with edu-
22 cation and training on Federal agency procedures
23 for the bid and award of multiple award contracting
24 procedures;

1 “(3) assist small business concerns with becom-
2 ing listed on multiple award contracts, including the
3 Federal Supply Schedules of the General Services
4 Administration; and

5 “(4) develop measures to track small business
6 participation in multiple award contracts, including
7 awards pursuant to those contracts.”.

8 **SEC. 3. DEFINITIONS.**

9 Section 3 of the Small Business Act (15 U.S.C. 632)
10 is amended—

11 (1) in subsection (v)—

12 (A) in paragraph (1), by striking “and” at
13 the end; and

14 (B) by redesignating paragraph (2) as
15 paragraph (5), and inserting after paragraph
16 (1) the following:

17 “(2) a contract under the Federal Supply
18 Schedule program of the General Services Adminis-
19 tration;

20 “(3) a multi-agency contract which is a con-
21 tract, or a task order or delivery order awarded pur-
22 suant to such a contract, established by one agency
23 for use by Government agencies to obtain supplies,
24 services, or both, in accordance with section 1535 of
25 title 31, United States Code;

1 “(4) a Government-wide acquisition contract
 2 which is a contract, task order contract, or delivery
 3 order contract for information technology established
 4 by one agency for Government-wide use pursuant to
 5 section 11302(e) of title 40, United States Code;
 6 and”; and

7 (2) by adding at the end the following:

8 “(dd) BLANKET PURCHASE AGREEMENT.—In this
 9 Act, the term ‘blanket purchase agreement’ has the mean-
 10 ing given such term in sections 13.303–01 and 13.303–
 11 2 of title 48, Code of Federal Regulations (as in effect
 12 on October 1, 2011).

13 “(ee) BASIC ORDERING AGREEMENT.—In this Act,
 14 the term ‘basic ordering agreement’ has the meaning given
 15 such term in section 16.703 of title 48, Code of Federal
 16 Regulations (as in effect on October 1, 2011).”.

17 **SEC. 4. ENSURING SMALL BUSINESS PARTICIPATION IN**
 18 **MULTIPLE AWARD CONTRACTS, MULTI-AGEN-**
 19 **CY CONTRACTS, AND GOVERNMENT-WIDE AC-**
 20 **QUISITION CONTRACTS.**

21 Section 15(g)(1) of the Small Business Act (15
 22 U.S.C. 644(g)(1)) is amended—

23 (1) by striking “(g)(1) The President shall”
 24 and inserting “(g)(1)(A) The President shall”; and

1 (2) by inserting after paragraph (1) the fol-
2 lowing:

3 “(B) The President shall annually estab-
4 lish Government-wide goals for the total dollar
5 value of all task orders and delivery orders
6 placed against multiple award contracts, blan-
7 ket purchase agreements, and basic ordering
8 agreements awarded to small business concerns,
9 small business concerns owned and controlled
10 by service disabled veterans, qualified HUB-
11 Zone small business concerns, small business
12 concerns owned and controlled by socially and
13 economically disadvantaged individuals, and
14 small business concerns owned and controlled
15 by women.”.

16 **SEC. 5. IMPROVEMENTS TO THE SMALL BUSINESS RE-**
17 **SERVE.**

18 Section 15(j) of the Small Business Act (15 U.S.C.
19 644(j)) is amended—

20 (1) by striking “\$100,000” each place it ap-
21 pears and inserting “\$200,000”; and

22 (2) by adding at the end the following:

23 “(4) MULTIPLE AWARD CONTRACT APPLICA-
24 BILITY.—

1 “(A) This subsection applies to all task or
2 delivery orders placed against multiple award
3 contracts, including any contract under the
4 Federal Supply Schedule program of the Gen-
5 eral Services Administration.

6 “(B) The Administrator, in consultation
7 with the Administrator of General Services Ad-
8 ministration, shall within 120 days of the date
9 of enactment of this Act, issue regulations re-
10 garding—

11 “(i) how the Administrator of the
12 General Services Administration will en-
13 sure that the correct size standard is ap-
14 plied to each task order;

15 “(ii) how the Administrator of the
16 General Services Administration will en-
17 sure that the non-manufacturer rule and
18 limitation on subcontracting provisions are
19 implemented at the task order level; and

20 “(iii) how the Administrator of the
21 General Services Administration will en-
22 sure that its electronic ordering systems
23 display the correct size information for
24 small business concerns seeking the set
25 aside of a task order.”.

1 **SEC. 6. SMALL BUSINESS REPRESENTATION ON THE FED-**
2 **ERAL ACQUISITION REGULATORY COUNCIL.**

3 (a) IN GENERAL.—Section 1302(b)(1) of title 41,
4 United States Code, is amended—

5 (1) by striking “and” at the end of subpara-
6 graph (C);

7 (2) by striking the period at the end of sub-
8 paragraph (D) and inserting “; and”; and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(E) the Administrator of the Small Busi-
12 ness Administration.”.

13 (b) DECIDING VOTE.—Section 1302 of such title is
14 further amended by adding at the end the following:

15 “(c) DECIDING VOTE.—In the case of an equal vote
16 among council membership, the Administrator of the Of-
17 fice of Federal Procurement Policy will have the deciding
18 vote.”.

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