

114TH CONGRESS
1ST SESSION

H. R. 1390

To amend the Small Business Act to modify the requirements for joint venture offers for bundled or consolidated contracts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2015

Mr. KNIGHT introduced the following bill; which was referred to the
Committee on Small Business

A BILL

To amend the Small Business Act to modify the requirements for joint venture offers for bundled or consolidated 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 Joint
5 Venturing Act of 2015”.

6 **SEC. 2. JOINT VENTURE OFFERS FOR BUNDLED OR CON-**
7 **SOLIDATED CONTRACTS.**

8 Section 15(e)(4) of the Small Business Act (15
9 U.S.C. 644(e)(4)) is amended to read as follows:

10 “(4) CONTRACT TEAMING.—

1 “(A) IN GENERAL.—In the case of a solici-
2 tation of offers for a bundled or consolidated
3 contract that is issued by the head of an agen-
4 cy, a small business concern may submit an
5 offer that provides for use of a particular team
6 of subcontractors or a joint venture of small
7 business concerns for the performance of the
8 contract.

9 “(B) EVALUATION OF OFFERS.—The head
10 of the agency shall evaluate the offer of a team
11 or a joint venture of small business concerns in
12 the same manner as other offers, with due con-
13 sideration to the capabilities of all of the pro-
14 posed subcontractors or members of the joint
15 venture as follows:

16 “(i) TEAMS.—When evaluating an
17 offer of a small business prime contractor
18 whose offer includes a proposed team of
19 small business subcontractors, the head of
20 the agency shall consider the capabilities
21 and past performance of each first tier
22 subcontractor that is part of the team as
23 the capabilities and past performance of
24 the team.

1 “(ii) JOINT VENTURES.—When evalu-
2 ating an offer of a joint venture of small
3 business concerns, if the joint venture does
4 not have sufficient capabilities or past per-
5 formance to be considered for award of a
6 contract opportunity, the head of the agen-
7 cy shall consider the capabilities and past
8 performance of each member of the joint
9 venture as the capabilities past perform-
10 ance of the joint venture.

11 “(C) STATUS AS A SMALL BUSINESS CON-
12 CERN.—Participation of a small business con-
13 cern in a team or a joint venture under this
14 paragraph shall not affect the status of that
15 concern as a small business concern for any
16 other purpose.”.

17 **SEC. 3. TEAM AND JOINT VENTURES OFFERS FOR MUL-**
18 **TIPLE AWARD CONTRACTS.**

19 Section 15(q)(1) of the Small Business Act (15
20 U.S.C. 644(q)(1))—

21 (1) in the heading, by inserting “AND JOINT
22 VENTURE” before “REQUIREMENTS”;

23 (2) by striking “Each Federal agency” and in-
24 serting the following:

1 “(A) IN GENERAL.—Each Federal agen-
2 cy”;

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

5 “(B) TEAMS.—When evaluating an offer of
6 a small business prime contractor whose offer
7 includes a proposed team of small business sub-
8 contractors for any multiple award contract
9 above the substantial bundling threshold of the
10 Federal agency, the head of the agency shall
11 consider the capabilities and past performance
12 of each first tier subcontractor that is part of
13 the team as the capabilities and past perform-
14 ance of the offeror.

15 “(C) JOINT VENTURES.—When evaluating
16 an offer of a joint venture of small business
17 concerns for any multiple award contract above
18 the substantial bundling threshold of the Fed-
19 eral agency, if the joint venture does not have
20 sufficient capabilities or past performance to be
21 considered for award of a contract opportunity,
22 the head of the agency shall consider the capa-
23 bilities and past performance of each member of
24 the joint venture as the capabilities and past
25 performance of the joint venture.”.

1 **SEC. 4. RULEMAKING.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Administrator of the Small Business Ad-
4 ministration shall issue any regulations necessary to carry
5 out the amendments made by this Act.

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