

106TH CONGRESS  
2D SESSION

# H. R. 4945

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## 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.



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## 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.*