

112TH CONGRESS
2D SESSION

H. R. 4203

To amend the Small Business Act with respect to the procurement program for women-owned small business concerns, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2012

Ms. VELÁZQUEZ (for herself, Ms. CLARKE of New York, Ms. CHU, and Ms. HAHN) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To amend the Small Business Act with respect to the procurement program for women-owned small business concerns, 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 “Women’s Procurement
5 Program Improvement Act of 2012”.

6 **SEC. 2. PROCUREMENT PROGRAM FOR WOMEN-OWNED**
7 **SMALL BUSINESS CONCERNS.**

8 Section 8(m) of the Small Business Act (15 U.S.C.
9 637(m)) is amended—

1 (1) in paragraph (2)—

2 (A) by striking subparagraph (D);

3 (B) by redesignating subparagraph (E) as
4 subparagraph (D) respectively; and

5 (C) by striking subparagraph (F), and in-
6 serting the following:

7 “(E) each of the concerns—

8 “(i) is certified by a Federal agency,
9 a State government, or a national certi-
10 fying entity approved by the Adminis-
11 trator, as a small business concern owned
12 and controlled by women; or

13 “(ii) is certified by the Administrator
14 as a small business concern owned and
15 controlled by women.”;

16 (2) in paragraph (3), by striking “subpara-
17 graph (2)(A)” inserting the following: “paragraph
18 (2)(A) or paragraph (7)(A)”;

19 (3) in paragraph (5) by striking “under para-
20 graph (2)(F)” each place it appears and inserting
21 “under paragraph (2)(E)”;

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

23 “(7) SOLE SOURCE CONTRACTS FOR ECONOMICALLY
24 DISADVANTAGED WOMEN-OWNED SMALL
25 BUSINESSES.—In accordance with this section, a

1 contracting officer may award a sole source contract
2 to any small business concern meeting the require-
3 ments of section 8(m)(2)(A) of this Act if—

4 “(A) such concern is determined to be a
5 responsible contract with respect to perform-
6 ance of such contract opportunity and the con-
7 tracting officer does not have a reasonable ex-
8 pectation that 2 or more businesses meeting the
9 requirements of section 8(m)(2)(A) will submit
10 offers;

11 “(B) the anticipated award price of the
12 contract (including options) will not exceed—

13 “(i) \$6,500,000 in the case of a con-
14 tract opportunity assigned a standard in-
15 dustrial code for manufacturing; or

16 “(ii) \$4,000,000 in the case of any
17 other contract opportunity; and

18 “(C) in the estimation of the contracting
19 officer, the contract award can be made at a
20 fair and reasonable price.

21 “(8) SOLE SOURCE CONTRACTS FOR WOMEN-
22 OWNED SMALL BUSINESSES IN SUBSTANTIALLY
23 UNDERREPRESENTED INDUSTRIES.—In accordance
24 with this section, a contracting officer may award a
25 sole source contract to any small business concerns

1 meeting the requirements of section 8(m)(3) of this
2 Act if—

3 “(A) such concern is determined to be a
4 responsible contract with respect to perform-
5 ance of such contract opportunity and the con-
6 tracting officer does not have a reasonable ex-
7 pectation that 2 or more businesses meeting the
8 requirements of section 8(m)(3) will submit of-
9 fers;

10 “(B) the anticipated award price of the
11 contract (including options) will not exceed—

12 “(i) \$6,500,000 in the case of a con-
13 tract opportunity assigned a standard in-
14 dustrial code for manufacturing; or

15 “(ii) \$4,000,000 in the case of any
16 other contract opportunity; and

17 “(C) in the estimation of the contracting
18 officer, the contract award can be made at a
19 fair and reasonable price.”.

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