AMENDMENT TO THE RULES COMMITTEE PRINT

116–57

OFFERED BY MR. HAGEDORN OF MINNESOTA

At the end of subtitle D of title VIII, add the following new section:

SEC. 8. PAST PERFORMANCE RATINGS OF CERTAIN SMALL BUSINESS CONCERNS.

(a) Past Performance Ratings of Joint Ventures for Small Business Concerns.—Section 15(e) of the Small Business Act (15 U.S.C. 644(e)) is amended by adding at the end the following:

“(5) Past performance ratings of joint ventures for small business concerns.—With respect to evaluating an offer for a prime contract made by a small business concern that previously participated in a joint venture with another business concern (whether or not such other business concern was itself a small business concern), the Administrator shall establish regulations—

“(A) requiring contracting officers to consider the record of past performance of the joint venture when evaluating the past performance of the small business concern; and
“(B) requiring the small business concern to inform the contracting officer what duties and responsibilities the small business concern carried out as part of the joint venture.”.

(b) Past Performance Ratings of First-Tier Small Business Subcontractors.—Section 8(d)(17) of the Small Business Act (15 U.S.C. 637(d)(17)) is amended to read as follows:

“(17) Past Performance Ratings for Certain Small Business Subcontractors.—

“(A) In general.—Upon request by a small business concern that performed as a first tier subcontractor on a covered contract (as defined in paragraph 13(A)) that is submitting an offer for a solicitation, the prime contractor for such covered contract shall submit to the contracting agency issuing the solicitation or to such small business concern a record of past performance for such small business concern with respect to such covered contract.

“(B) Consideration.—A contracting officer shall consider the record of past performance of a small business concern provided under subparagraph (A) when evaluating an offer for
a prime contract made by such small business
concern.”.

(c) RULEMAKING.—

(1) SMALL BUSINESS ADMINISTRATION.—Not
later than the end of the 120-day period beginning
on the date of enactment of this Act, the Adminis-
trator of the Small Business Administration shall
issue rules to carry out this section and the amend-
ments made by this section.

(2) FEDERAL ACQUISITION REGULATION.—Not
later than the end of the 120-day period beginning
on the date that rules are issued under paragraph
(1), the Federal Acquisition Regulation shall be re-
vised to reflect such rules.