

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:

1 **SEC. 8___. PAST PERFORMANCE RATINGS OF CERTAIN**
2 **SMALL BUSINESS CONCERNS.**

3 (a) PAST PERFORMANCE RATINGS OF JOINT VEN-
4 TURES FOR SMALL BUSINESS CONCERNS.—Section 15(e)
5 of the Small Business Act (15 U.S.C. 644(e)) is amended
6 by adding at the end the following:

7 “(5) PAST PERFORMANCE RATINGS OF JOINT
8 VENTURES FOR SMALL BUSINESS CONCERNS.—With
9 respect to evaluating an offer for a prime contract
10 made by a small business concern that previously
11 participated in a joint venture with another business
12 concern (whether or not such other business concern
13 was itself a small business concern), the Adminis-
14 trator shall establish regulations—

15 “(A) requiring contracting officers to con-
16 sider the record of past performance of the
17 joint venture when evaluating the past perform-
18 ance of the small business concern; and

1 “(B) requiring the small business concern
2 to inform the contracting officer what duties
3 and responsibilities the small business concern
4 carried out as part of the joint venture.”.

5 (b) PAST PERFORMANCE RATINGS OF FIRST-TIER
6 SMALL BUSINESS SUBCONTRACTORS.—Section 8(d)(17)
7 of the Small Business Act (15 U.S.C. 637(d)(17)) is
8 amended to read as follows:

9 “(17) PAST PERFORMANCE RATINGS FOR CER-
10 TAIN SMALL BUSINESS SUBCONTRACTORS.—

11 “(A) IN GENERAL.—Upon request by a
12 small business concern that performed as a first
13 tier subcontractor on a covered contract (as de-
14 fined in paragraph 13(A)) that is submitting an
15 offer for a solicitation, the prime contractor for
16 such covered contract shall submit to the con-
17 tracting agency issuing the solicitation or to
18 such small business concern a record of past
19 performance for such small business concern
20 with respect to such covered contract.

21 “(B) CONSIDERATION.—A contracting offi-
22 cer shall consider the record of past perform-
23 ance of a small business concern provided under
24 subparagraph (A) when evaluating an offer for

1 a prime contract made by such small business
2 concern.”.

3 (c) RULEMAKING.—

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

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

