

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MR. IVEY OF MARYLAND

At the appropriate place in subtitle F of title VIII,
insert the following:

1 **SEC. 8___. MODIFICATIONS TO SUBCONTRACTING PLANS**
2 **TO ENHANCE OPPORTUNITIES FOR SMALL**
3 **BUSINESS CONCERNS OWNED AND CON-**
4 **TROLLED BY SOCIALLY AND ECONOMICALLY**
5 **DISADVANTAGED INDIVIDUALS.**

6 (a) IN GENERAL.—Each covered person that is re-
7 quired to submit a subcontracting plan under paragraph
8 (4) or (5) of section 8(d) of the Small Business Act (15
9 U.S.C. 637(d)) for a contract shall update such subcon-
10 tracting plan to include the following:

11 (1) The names, addresses, phone numbers,
12 types of business, and North American Industrial
13 Classification System code of the small business con-
14 cerns owned and controlled by socially and economi-
15 cally disadvantaged individuals that were considered
16 or solicited as subcontractors.

17 (2) With respect to such concerns that were
18 considered or solicited but not included in the up-

1 dated subcontracting plan, the reasons for the deci-
2 sion not to include such concerns.

3 (3) Information on the process and efforts of
4 the covered person in developing such subcontracting
5 plan, including—

6 (A) the actions taken by the covered per-
7 son to identify, solicit, and provide outreach to
8 small business concerns owned and controlled
9 by socially and economically disadvantaged indi-
10 viduals for possible inclusion in its subcon-
11 tracting plan;

12 (B) the information provided by the cov-
13 ered person to such concerns about subcon-
14 tracting opportunities under the contract;

15 (C) the means by which the subcontractors
16 that were included in the subcontracting plan
17 were selected by the covered person; and

18 (D) the directories or lists of small busi-
19 ness concerns owned and controlled by socially
20 and economically disadvantaged individuals,
21 websites and website search tools, business or
22 professional associations, industry databases,
23 and other resources that the covered person
24 consulted or used to identify such concerns for
25 possible inclusion in the subcontracting plan.

1 (4) A description of the plans of the covered
2 person to—

3 (A) increase the number of such concerns
4 in the subcontracting plan for subsequent years
5 of contract performance; and

6 (B) increase the dollar amount under the
7 contract allocated for goods and services pro-
8 vided by such concerns.

9 (b) OUTREACH.—The Secretary of Defense, acting
10 through the Defense Contract Management Agency, shall
11 increase outreach on contracting with the Department of
12 Defense (either as a prime contractor or a subcontractor
13 at any tier) to small business concerns owned and con-
14 trolled by socially and economically disadvantaged individ-
15 uals by taking the following actions:

16 (1) Providing briefings, electronic and printed
17 announcements, and other information to minority
18 business associations, nonprofit organizations, and
19 national and local business organizations that rep-
20 resent minority businesses and small business con-
21 cerns owned and controlled by socially and economi-
22 cally disadvantaged individuals about such con-
23 tracting opportunities.

24 (2) Directly contacting small business concerns
25 owned and controlled by socially and economically

1 disadvantaged individuals through the means de-
2 scribed in subsection (a)(3)(D) about such con-
3 tracting opportunities.

4 (c) ENFORCEMENT.—

5 (1) COMPLIANCE WITH SUBCONTRACTING
6 PLAN.—An covered person described in subsection
7 (a) that is awarded a prime contract and granted a
8 modification of a contract by the Secretary of De-
9 fense under such subsection shall remain in compli-
10 ance with the terms of the updated subcontracting
11 plan during the term of performance of the contract
12 before receiving any amounts related to such modi-
13 fication.

14 (2) SUBSEQUENT CONTRACTS.—If a covered
15 person described in paragraph (1) submits an offer
16 for a subsequent contract with the Department of
17 Defense through a sealed bid or negotiated acquisi-
18 tion proposal and the Secretary determines such cov-
19 ered person is not in compliance with in a subcon-
20 tracting plan described in subsection (a), the Sec-
21 retary may not award the subsequent contract to
22 such contractor.

23 (d) ACCOUNTABILITY.—The appropriate head of a
24 Federal agency shall consider the performance of a con-

1 tracting officer of responsibilities under this section in any
2 evaluation of the performance of the contracting officer.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “small business concerns owned
5 and controlled by socially and economically disadvan-
6 taged individuals” has the meaning given under sec-
7 tion 8(d)(3)(C) of the Small Business Act (15
8 U.S.C. 637(d)(3)(C)).

9 (2) The term “covered person” means an ap-
10 parently successful offeror, bidder for a contract, or
11 contractor seeking a modification of a contract.

