

AMENDMENT TO RULES COMMITTEE PRINT 118-

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OFFERED BY MR. MFUME OF MARYLAND

At the end of subtitle F of title VIII, insert the following new section:

1 **SEC. 8___ . INCREASING PRIME CONTRACTING OPPORTUNI-**
2 **TIES FOR SMALL BUSINESS CONCERNS.**

3 Section 15(a)(4) of the Small Business Act (15
4 U.S.C. 644(a)(4)) is amended—

5 (1) in subsection (A)(iii), by striking “an un-
6 necessary or unjustified” and inserting “a”;

7 (2) in subparagraph (B)—

8 (A) in the matter preceding clause (i), by
9 striking “With respect to” and all that follows
10 through “issuing a solicitation” and inserting
11 “Not later than 30 days before issuing a solici-
12 tation for a proposed procurement,”; and

13 (B) by amending clause (i) to read as fol-
14 lows:

15 “(i) why the proposed procurement
16 cannot be divided into smaller quantities,
17 lots, or tasks to permit offers on less than
18 the total requirement;”; and

1 (3) by amending subparagraph (D) to read as
2 follows:

3 “(D) FAILURE TO AGREE ON AN ALTER-
4 NATIVE PROCUREMENT METHOD.—

5 “(i) SELECTION.—If the procurement
6 center representative and the contracting
7 agency fail to agree on an alternative pro-
8 curement method under subparagraph (C),
9 the Administrator shall select an alter-
10 native procurement method from the rec-
11 ommendations presented by the procure-
12 ment center representative under such sub-
13 paragraph and notify the head of the ap-
14 propriate Federal agency.

15 “(ii) DETERMINATION.—Not later
16 than 60 calendar days after receipt of a
17 notification under clause (i) and except as
18 provided in clause (iii), such head shall
19 adopt the selected alternative procurement
20 method unless such head, on a nondele-
21 gable basis, issues a determination to the
22 Administrator that includes—

23 “(I) a cost-benefit analysis of the
24 proposed procurement; and

1 “(II) an explanation of how the
2 benefits of the proposed procurement
3 outweigh the harm to small business
4 concerns compared to the selected al-
5 ternative procurement method.
6 “(iii) SUBMISSION.—The Adminis-
7 trator shall submit any determinations
8 issued under clause (ii) or (ii) along with
9 the report required under subsection
10 (p)(4).”.

