AMENDMENT TO RULES COMMITTEE PRINTER 118–10

OFFERED BY MR. MFUME OF MARYLAND

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

SEC. 8. INCREASING PRIME CONTRACTING OPPORTUNITIES FOR SMALL BUSINESS CONCERNS.

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

(1) in subsection (A)(iii), by striking “an unnecessary or unjustified” and inserting “a”;

(2) in subparagraph (B)—

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

(B) by amending clause (i) to read as follows:

“(i) why the proposed procurement cannot be divided into smaller quantities, lots, or tasks to permit offers on less than the total requirement;”; and
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(3) by amending subparagraph (D) to read as

follows:

“(D) FAILURE TO AGREE ON AN ALTERNATIVE PROCUREMENT METHOD.—

“(i) SELECTION.—If the procurement center representative and the contracting agency fail to agree on an alternative procurement method under subparagraph (C), the Administrator shall select an alternative procurement method from the recommendations presented by the procurement center representative under such subparagraph and notify the head of the appropriate Federal agency.

“(ii) DETERMINATION.—Not later than 60 calendar days after receipt of a notification under clause (i) and except as provided in clause (iii), such head shall adopt the selected alternative procurement method unless such head, on a nondelegable basis, issues a determination to the Administrator that includes—

“(I) a cost-benefit analysis of the proposed procurement; and
“(II) an explanation of how the benefits of the proposed procurement outweigh the harm to small business concerns compared to the selected alternative procurement method.

“(iii) Submission.—The Administrator shall submit any determinations issued under clause (ii) or (ii) along with the report required under subsection (p)(4).”