

AMENDMENT TO RULES COMMITTEE PRINT 119-

33

OFFERED BY MR. MOYLAN OF GUAM

Add at the end of subtitle F of title XVIII, the following new section:

1 **SEC. 18__ . FIRST LOOK PERIOD FOR CONTRACTS WITHIN**
2 **THE AREA OF RESPONSIBILITY OF JOINT RE-**
3 **GION MARIANAS.**

4 (a) REQUIREMENT FOR FIRST LOOK PERIOD.—The
5 Secretary of Defense may not award a covered contract
6 for the performance of activities within the area of respon-
7 sibility of the Commander of Joint Region Marianas un-
8 less the Secretary of Defense has provided a “first look”
9 period of not less than 30 days after the date of issuance
10 of a solicitation during which only qualified businesses
11 may submit an offer for the covered contract.

12 (b) NOTICE.—The Secretary of Defense shall ensure
13 that notice of a solicitation for a covered contract is pro-
14 vided in a manner reasonably calculated to reach qualified
15 businesses and direct outreach to business registries in the
16 Joint Region Marianas where practicable.

17 (c) LIMITATION FOR NON-QUALIFIED BUSI-
18 NESSES.—

1 (1) IN GENERAL.—The Secretary of Defense
2 may not solicit, consider, or accept offers from an
3 entity that is not a qualified business during the
4 “first look” period described in subsection (a)
5 until—

6 (A) the “first look” period has concluded;
7 and

8 (B) the head of the contracting activity for
9 the covered contract certifies in writing that no
10 responsible qualified business submitted an
11 offer—

12 (i) that meets the requirements of the
13 solicitation; or

14 (ii) at a price determined to be fair
15 and reasonable or otherwise competitive in
16 accordance with the Federal Acquisition
17 Regulation.

18 (2) CERTIFICATION.—A certification under
19 paragraph (1)(B) shall—

20 (A) include a summary of the offers re-
21 ceived during the “first look” period;

22 (B) describe the basis for determining that
23 no offer met the criteria described in paragraph
24 (1)(B); and

1 (C) be approved by the head of the con-
2 tracting activity for Joint Region Marianas or
3 a designee who is a member of the Senior Exec-
4 utive Service.

5 (3) CONGRESSIONAL NOTIFICATION.—Not later
6 than 15 days after making a certification under
7 paragraph (1)(B), the Secretary of Defense shall
8 provide notice of such certification to the congres-
9 sional defense committees.

10 (d) WAIVER.—

11 (1) IN GENERAL.—The Secretary of Defense
12 may waive the requirements of this section if the
13 Secretary determines that—

14 (A) performance of the covered contract is
15 of unusual and compelling urgency, as described
16 in section 3204(a)(2) of title 10, United States
17 Code;

18 (B) national security considerations re-
19 quire immediate performance of the covered
20 contract; or

21 (C) performance of the covered contract is
22 necessary to ensure compliance with an inter-
23 national agreement.

24 (2) NOTIFICATION.—Not later than seven days
25 after issuing a waiver under this subsection, the Sec-

1 retary of Defense shall submit to the congressional
2 defense committees a written justification for such
3 issuance.

4 (e) DEFINITIONS.—In this section:

5 (1) The term “covered contract” means any
6 contract for procurement of goods or services to be
7 performed wholly or primarily within the area of re-
8 sponsibility of the Commander of Joint Region Mari-
9 anas, other than contracts awarded under simplified
10 acquisition procedures for amounts below the sim-
11 plified acquisition threshold.

12 (2) The term “qualified business” means a
13 business concern that—

14 (A) is registered in the System for Award
15 Management (or other similar or successor sys-
16 tem) with a principal place of business located
17 within the area of responsibility of the Com-
18 mander of Joint Region Marianas; and

19 (B) maintains a physical presence and con-
20 ducts substantial business operations within
21 such area.

