AMENDMENT TO H.R. 2670
OFFERED BY MR. WALTZ OF FLORIDA

Add at the end of subtitle E of title VIII the following new section:

SEC. 8. DEPARTMENT OF DEFENSE GOALS FOR PARTICIPATION BY CERTAIN VETERAN-OWNED SMALL BUSINESSES IN PROCUREMENT CONTRACTS.

Chapter 287 of part V of title 10, United States Code, is amended by adding at the end the following new section:

“§3906. Small business concerns owned and controlled by veterans: contracting goals and preferences

“(a) CONTRACTING GOALS.—In order to increase contracting opportunities for small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans, the Secretary shall—

“(1) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans who are not service-disabled
veterans that is not less than the Governmentwide goal for that fiscal year for participation by small business concerns owned and controlled by service-disabled veterans under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)); and

“(2) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans with service-connected disabilities that is not less than the Governmentwide goal for that fiscal year for participation by small business concerns owned and controlled by service-disabled veterans under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)).

“(b) SOLE SOURCE CONTRACTS FOR CONTRACTS ABOVE SIMPLIFIED ACQUISITION THRESHOLD.—For purposes of meeting the goals under subsection (a) and in accordance with this section, a contracting officer may award a contract to a small business concern owned and controlled by veterans or small business concerns owned and controlled by service-disabled veterans using procedures other than competitive procedures if—

“(1) such concern is determined to be a responsible source with respect to performance of such contract opportunity;
“(2) the anticipated award price of the contract (including options) will not exceed the amounts established in section 36(c)(2) of the Small Business Act (15 U.S.C. 657f(c)(2)); and

“(3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

“(e) USE OF RESTRICTED COMPETITION.—Except as provided in subsections (b) and (c), for purposes of meeting the goals under subsection (a) and in accordance with this section, a contracting officer shall award contracts on the basis of competition restricted to small business concerns owned and controlled by veterans or small business concerns owned and controlled by service-disabled veterans if the contracting officer has a reasonable expectation that two or more small business concerns owned and controlled by veterans or small business concerns owned and controlled by service-disabled veterans (as applicable) will submit offers and that the award can be made at a fair and reasonable price that offers best value to the United States.

“(d) ELIGIBILITY OF SMALL BUSINESS CONCERNS.—A small business concern may be awarded a contract under this section only if the small business concern
and the veteran owner of the small business concern are listed in the database described in section 36(f)(1) of the Small Business Act (15 U.S.C. 657f(f)(1)).

“(e) PRIORITY FOR CONTRACTING PREFERENCES.—Preferences for awarding contracts to small business concerns shall be applied in the following order of priority:

“(1) Contracts awarded pursuant to subsection (b) or (c) to small business concerns owned and controlled by service-disabled veterans.

“(2) Contracts awarded pursuant to subsection (b) or (c) to small business concerns owned and controlled by veterans that are not covered by paragraph (1).

“(3) Contracts awarded pursuant to—

“(A) section 8(a) of the Small Business Act (15 U.S.C. 637(a)); or

“(B) section 31 of such Act (15 U.S.C. 657a).

“(4) Contracts awarded pursuant to any other contracting preference for small business concerns.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘small business concern’ has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632).
“(2) The terms ‘service-disabled veteran’, ‘small business concern owned and controlled by veterans’, and ‘small business concern owned and controlled by service-disabled veterans’ have the meanings given, respectively, under section 3(q) of the Small Business Act (15 U.S.C. 632(q)).”