

S 2989

Small Business Contracting Revitalization Act of 2010

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Feb 4, 2010

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Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/2989>

Sponsor

Name: Sen. Landrieu, Mary L. [D-LA]

Party: Democratic • **State:** LA • **Chamber:** Senate

Cosponsors (11 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Snowe, Olympia J. [R-ME]	R · ME		Feb 4, 2010
Sen. Shaheen, Jeanne [D-NH]	D · NH		Feb 22, 2010
Sen. Feingold, Russell D. [D-WI]	D · WI		Mar 11, 2010
Sen. Klobuchar, Amy [D-MN]	D · MN		Apr 13, 2010
Sen. Merkley, Jeff [D-OR]	D · OR		Apr 19, 2010
Sen. Boxer, Barbara [D-CA]	D · CA		Apr 26, 2010
Sen. Specter, Arlen [D-PA]	D · PA		Apr 29, 2010
Sen. Burris, Roland [D-IL]	D · IL		May 12, 2010
Sen. Stabenow, Debbie [D-MI]	D · MI		May 13, 2010
Sen. Cantwell, Maria [D-WA]	D · WA		May 27, 2010
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Jul 15, 2010

Committee Activity

Committee	Chamber	Activity	Date
Small Business and Entrepreneurship Committee	Senate	Reported By	Sep 30, 2010

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

Small Business Contracting Revitalization Act of 2010 - **Title I: Contract Bundling** - (Sec. 101) Amends the Small Business Act to require each federal agency (agency) to include in each solicitation for any contract award above the substantial bundling threshold of that agency a provision soliciting bids by teams and joint ventures of small businesses. Requires the head of each agency to publish on its website: (1) its policy regarding contract bundling and consolidation; and (2) a list of and rationale for any bundled contracts for which the agency solicited bids or awarded a procurement contract.

Requires: (1) the Area Directors for Government Contracting of the Small Business Administration (SBA), every three years, to report to the congressional small business committees regarding activities of procurement center representatives and commercial market representatives in their area; (2) the Comptroller General (CG) to report to Congress regarding the SBA procurement center representative program; and (3) the SBA Administrator to implement an electronic procurement center representative program within 180 days after the enactment of this Act.

(Sec. 102) Requires each agency head to ensure that its decisions regarding the consolidation of contract requirements are made with a view to providing small businesses with appropriate opportunities to participate as prime contractors and subcontractors in that agency's procurements. Prohibits an agency head from carrying out an acquisition strategy that includes a consolidation of contract requirements with a total value of more than \$2 million unless the senior procurement executive or chief acquisition officer of that agency: (1) conducts market research; (2) identifies any alternative approaches that would involve a lesser degree of contract requirements; (3) determines that a consolidation of contract requirements is necessary and justified; (4) identifies any negative impact by the acquisition strategy on contracting with small businesses; and (5) certifies that the acquisition strategy fulfills the small business contracting goals of that agency.

(Sec. 103) Directs the Administrator to establish a Center for Small Business Teaming to carry out a pilot program for teaming and joint ventures involving small businesses. Authorizes the Center to make grants to organizations to assemble teams of small businesses to compete for larger procurement contracts. Authorizes a federal contracting officer to restrict competition for a procurement contract to small business teams or joint ventures if determined appropriate. Terminates the authorities under this section five years after the enactment of this Act. Authorizes appropriations.

Title II: Subcontracting Integrity - (Sec. 201) Expresses as the policy of Congress that certain CG recommendations concerning oversight improvements necessary to ensure maximum practicable participation by small businesses in subcontracting shall be implemented government-wide, to the maximum extent possible. Requires compliance of federal prime contractors with subcontracting plans relating to small businesses to be evaluated as a percentage of obligated prime contract dollars and as a percentage of subcontracts awarded. Requires each agency head to issue a policy on small business subcontracting compliance.

(Sec. 202) Requires each agency's subcontracting plan to include a certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work, from the small businesses used in preparing and submitting the bid or proposal to the contracting agency, in the same amount and quality used in preparing and submitting the bid or proposal, unless the small businesses are no longer in business or can no longer meet the quality, quantity, or delivery date.

Title III: Acquisition Process - (Sec. 301) Directs the Administrator for Federal Procurement Policy to establish criteria for agencies for: (1) setting aside a part or parts of multiple award contracts, federal supply schedule contracts, and other government-wide acquisition contracts for small businesses; (2) setting aside orders placed for such contracts for small

businesses; and (3) reserving one or more contract awards for small businesses under full and open multiple award procurements.

Requires an agency head, for each fiscal year, to award through competition restricted to small businesses contracts equal to the total number and amount of contracts not awarded through competition restricted to small businesses because: (1) the small business that is the prime contractor for the contract merged with, or was acquired by, a business that is not a small business; or (2) the federal agency awarded the contract through full and open competition for the purposes of a follow-on contract.

(Sec. 302) Requires the Director of the Office of Management and Budget (OMB) to issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and measuring the participation of small businesses in purchases not in excess of the micropurchase threshold (\$2,500) consistent with the national policy on small business participation in federal procurements and best practices for small business participation in micro-purchases.

(Sec. 303) Directs each agency senior procurement executive, senior program manager, or director of small and disadvantaged business utilization to: (1) communicate to subordinates the importance of achieving small business procurement goals; and (2) have as a significant factor in their annual performance evaluations their success in small business utilization.

(Sec. 304) Requires a prime contractor who is required to develop a small business subcontracting plan to pay a small business subcontractor as quickly as possible after proper documentation is received and before the payment due date. Requires such prime contractor to notify the contracting officer for such contract if the prime contractor pays a reduced price to a subcontractor upon completion of subcontractor responsibilities or if payment is more than 90 days past due. Requires a contracting officer to consider the failure of a prime contractor to make timely payment in evaluating prime contractor performance and authorizes such officer to restrict the control of funds by a prime contractor with a history of untimely payments.

(Sec. 305) Amends the Business Opportunity Development Reform Act of 1988 to repeal the small business competitiveness demonstration program.

Title IV: Small Business Size and Status Integrity - (Sec. 401) States that there shall be a presumption of loss to the United States whenever a contract, agreement, or grant intended for award to a small business is instead awarded to an entity that misrepresented itself as a small business. Requires each solicitation, bid, or application for a federal contract, subcontract, or grant to contain a certification of its small business size and status.

(Sec. 402) Requires: (1) each business certified as a small business to annually certify its size and, if appropriate, small business status; (2) the Administrator to promulgate regulations concerning small business compliance with such certification requirements; and (3) a small business's size or status to be determined at the time of award of a federal contract, subcontract, grant, or cooperative agreement.

(Sec. 403) Directs the: (1) Federal Acquisition Institute to develop personnel training concerning the proper classification of business size and status; and (2) head of each relevant agency and the SBA Inspector General to issue a government-wide policy on the prosecution of small business size and status fraud.

(Sec. 404) Requires the Administrator, every five years, to review and make appropriate adjustments to small business size standards.

(Sec. 405) Directs the CG to: (1) conduct a study of the SBA mentor-protégé program and other alliances pairing a larger business and a small business partner to gain access to federal contracts in order to determine whether such program or alliances are effectively supporting the goal of increasing small business participation in government contracting; and (2) report study results to the small business committees.

(Sec. 406) States that it is the policy of Congress that the federal government should: (1) support the U.S. competitive enterprise system, including small businesses; (2) not compete with U.S. citizens; (3) rely on commercial sources to supply required products and services; and (4) avoid starting or carrying out any activity that provides a product or service that can be procured more effectively and efficiently from a nongovernmental source.

(Sec. 407) Directs the Administrator to submit annually to the small business committees (under current law, to Congress) a compilation and analysis of reports submitted to the Administrator by agencies on the extent of small business participation in procurement contracts of such agencies.

(Sec. 408) Amends the American Recovery and Reinvestment Act (ARRA) to repeal the September 30, 2010, termination date for SBA surety bond requirements under such Act.

Actions Timeline

- **Sep 29, 2010:** Committee on Small Business and Entrepreneurship. Reported by Senator Landrieu with an amendment in the nature of a substitute. With written report No. 111-343.
- **Sep 29, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 635.
- **Mar 4, 2010:** Committee on Small Business and Entrepreneurship. Ordered to be reported with amendments favorably.
- **Feb 4, 2010:** Introduced in Senate
- **Feb 4, 2010:** Sponsor introductory remarks on measure. (CR S486-487)
- **Feb 4, 2010:** Read twice and referred to the Committee on Small Business and Entrepreneurship. (text of measure as introduced: CR S487-490)