

.....  
(Original Signature of Member)

112TH CONGRESS  
2D SESSION

**H. R.**

To amend the Small Business Act with respect to procurement center  
representatives and acquisition planning, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

Ms. HERRERA BEUTLER introduced the following bill; which was referred to  
the Committee on \_\_\_\_\_

---

**A BILL**

To amend the Small Business Act with respect to procure-  
ment center representatives and acquisition planning,  
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Small Business Opportunity Act of 2012”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—PROCUREMENT CENTER REPRESENTATIVES

Sec. 101. Procurement center representatives.

Sec. 102. Small Business Act contracting requirements training.

TITLE II—ACQUISITION PLANNING

Sec. 201. Acquisition planning.

1           **TITLE I—PROCUREMENT**  
2           **CENTER REPRESENTATIVES**

3   **SEC. 101. PROCUREMENT CENTER REPRESENTATIVES.**

4           (a) IN GENERAL.—Section 15(l) of the Small Busi-  
5 ness Act (15 U.S.C. 644(l)) is amended by striking the  
6 subsection enumerator and inserting the following:

7           “(l) PROCUREMENT CENTER REPRESENTATIVES.—  
8 ”.

9           (b) ASSIGNMENT AND ROLE.—Paragraph (1) of sec-  
10 tion 15(l) of such Act (15 U.S.C. 644(l)) is amended to  
11 read as follows:

12           “(1) ASSIGNMENT AND ROLE.—The Adminis-  
13 trator shall assign to each major procurement center  
14 a procurement center representative with such as-  
15 sistance as may be appropriate.”.

16           (c) ACTIVITIES.—Section 15(l)(2) of such Act (15  
17 U.S.C. 644(l)(2)) is amended—

18           (1) in the matter preceding subparagraph (A)  
19 by striking “(2) In addition to carrying out the re-  
20 sponsibilities assigned by the Administration, a  
21 breakout” and inserting the following:

22           “(2) ACTIVITIES.—A”;

1           (2) by striking subparagraph (A) and inserting  
2           the following:

3                   “(A) attend any provisioning conference or  
4                   similar evaluation session during which a deter-  
5                   mination may be made with respect to the pro-  
6                   curement method to be used to satisfy a re-  
7                   quirement, review any acquisition plan with re-  
8                   spect to a requirement, and make recommenda-  
9                   tions regarding procurement method determina-  
10                  tions and acquisition plans;”;

11          (3) in subparagraph (B)—

12                   (A) by striking “(B) review, at any time,  
13                   restrictions on competition” and inserting the  
14                   following:

15                           “(B) review, at any time, barriers to small  
16                           business participation in Federal contracting”;

17                   (B) by striking “items” and inserting  
18                   “goods and services”; and

19                   (C) by striking “limitations” and inserting  
20                   “barriers”;

21          (4) in subparagraph (C) by striking “(C) review  
22          restrictions on competition” and inserting the fol-  
23          lowing:

24                   “(C) review barriers to small business par-  
25                   ticipation in Federal contracting”;

1           (5) by striking subparagraph (D) and inserting  
2           the following:

3                   “(D) review any bundled or consolidated  
4                   solicitation or contract in accordance with this  
5                   Act;”;

6           (6) in subparagraph (E) by striking “(E) have  
7           access to” and inserting the following:

8                   “(E) have access to”; and

9           (7) by striking subparagraphs (F) and (G) and  
10          inserting the following:

11                   “(F) receive, from personnel responsible  
12                   for reviewing unsolicited proposals, copies of  
13                   unsolicited proposals from small business con-  
14                   cerns and any information on outcomes relating  
15                   to such proposals;

16                   “(G) participate in any session or planning  
17                   process and review any documents with respect  
18                   to a decision to convert an activity performed  
19                   by a small business concern to an activity per-  
20                   formed by a Federal employee;

21                   “(H) have electronic access to any acquisi-  
22                   tion plan developed or in development with re-  
23                   spect to a procurement activity;

24                   “(I) be an advocate for the maximum prac-  
25                   ticable utilization of small business concerns in

1 Federal contracting, including by advocating  
2 against the bundling of contract requirements  
3 when not justified; and

4 “(J) carry out any other responsibility as-  
5 signed by the Administrator.”.

6 (d) APPEALS.—Section 15(l)(3) of such Act (15  
7 U.S.C. 644(l)(3)) is amended by striking “(3) A breakout  
8 procurement center representative” and inserting the fol-  
9 lowing:

10 “(3) APPEALS.—A procurement center rep-  
11 resentative”.

12 (e) NOTIFICATION AND INCLUSION.—Paragraph (4)  
13 of section 15(l) of such Act (15 U.S.C. 644(l)) is amended  
14 to read as follows:

15 “(4) NOTIFICATION AND INCLUSION.—A pro-  
16 curement center representative shall be notified of  
17 and included in all applicable acquisition planning  
18 processes.”.

19 (f) POSITION REQUIREMENTS.—Section 15(l)(5) of  
20 such Act (15 U.S.C. 644(l)(5)) is amended—

21 (1) by striking the paragraph enumerator and  
22 inserting the following:

23 “(5) POSITION REQUIREMENTS.—”;

24 (2) by striking subparagraphs (A) and (B) and  
25 inserting the following:

1           “(A) IN GENERAL.—A procurement center  
2 representative assigned under this subsection  
3 shall—

4                   “(i) be a full-time employee of the Ad-  
5 ministration;

6                   “(ii) be fully qualified, technically  
7 trained, and familiar with the goods and  
8 services procured by the major procure-  
9 ment center to which that representative is  
10 assigned; and

11                   “(iii) have a Level III Federal Acqui-  
12 sition Certification in Contracting (or any  
13 successor certification) or the equivalent  
14 Department of Defense certification.”; and

15           (3) in subparagraph (C) by striking “(C) The  
16 Administration shall establish personnel positions for  
17 breakout procurement representatives and advisers  
18 assigned pursuant to” and inserting the following:

19                   “(B) COMPENSATION.—The Administrator  
20 shall establish personnel positions for procure-  
21 ment center representatives assigned under”.

22           (g) MAJOR PROCUREMENT CENTER DEFINED.—Sec-  
23 tion 15(l)(6) of such Act (15 U.S.C. 644(l)(6)) is amend-  
24 ed—

1           (1) by striking “(6) For purposes” and insert-  
2           ing the following:

3           “(6) MAJOR PROCUREMENT CENTER DE-  
4           FINED.—For purposes”; and

5           (2) by striking “other than commercial items  
6           and which has the potential to incur significant sav-  
7           ings as the result of the placement of a breakout  
8           procurement center representative” and inserting  
9           “goods or services, including goods or services that  
10          are commercially available”.

11          (h) TRAINING.—Section 15(l)(7) of such Act (15  
12          U.S.C. 644(l)(7)) is amended—

13           (1) by striking the paragraph enumerator and  
14           inserting the following:

15           “(7) TRAINING.—”;

16           (2) by striking subparagraph (A) and inserting  
17           the following:

18           “(A) AUTHORIZATION.—At such times as  
19           the Administrator deems appropriate, a pro-  
20           curement center representative shall provide  
21           training for contracting officers, other appro-  
22           priate personnel of the procurement center to  
23           which such representative is assigned, and small  
24           businesses groups seeking to do business with  
25           such procurement center. Such training shall

1 acquaint the participants with the provisions of  
2 this subsection and shall instruct the partici-  
3 pants in methods designed to further the pur-  
4 poses of this subsection.

5 “(B) LIMITATION.—A procurement center  
6 representative may provide training under sub-  
7 paragraph (A) only to the extent that the train-  
8 ing does not interfere with the representative  
9 carrying out other activities under this sub-  
10 section.”; and

11 (3) in subparagraph (B)—

12 (A) by striking “(B) The breakout pro-  
13 curement center representative” and inserting  
14 the following:

15 “(8) ANNUAL BRIEFING AND REPORT.—A pro-  
16 curement center representative”; and

17 (B) by striking “sixty” and inserting “60”.

18 **SEC. 102. SMALL BUSINESS ACT CONTRACTING REQUIRE-**  
19 **MENTS TRAINING.**

20 (a) ESTABLISHMENT.—Not later than 1 year after  
21 the date of enactment of this Act, the Defense Acquisition  
22 University and the Federal Acquisition Institute shall each  
23 provide a course on contracting requirements under the  
24 Small Business Act.

1 (b) COURSE REQUIRED.—To have a Federal Acquisi-  
2 tion Certification in Contracting (or any successor certifi-  
3 cation) or the equivalent Department of Defense certifi-  
4 cation an individual shall be required to complete the  
5 course established under subsection (a).

6 **TITLE II—ACQUISITION**  
7 **PLANNING**

8 **SEC. 201. ACQUISITION PLANNING.**

9 Section 15(e)(1) of the Small Business Act (15  
10 U.S.C. 644(e)(1)) is amended—

11 (1) by striking “the various agencies” and in-  
12 serting “a Federal department or agency”; and

13 (2) by striking the period and inserting “and  
14 each such Federal department or agency shall—

15 “(A) enumerate opportunities for the par-  
16 ticipation of small business concerns during all  
17 acquisition planning processes and in all acqui-  
18 sition plans;

19 “(B) invite the participation of the appro-  
20 priate Director of Small and Disadvantaged  
21 Business Utilization in all acquisition planning  
22 processes and provide that Director access to all  
23 acquisition plans in development; and

24 “(C) invite the participation of the appro-  
25 priate procurement center representative in all

1 acquisition planning processes and provide that  
2 representative access to all acquisition plans in  
3 development.”.