

112TH CONGRESS
2D SESSION

H. R. 3980

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2012

Ms. HERRERA BEUTLER (for herself and Mr. SCHRADER) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To amend the Small Business Act with respect to procurement 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”;

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

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

9 (3) in subparagraph (B)—

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

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

15 (B) by striking “items” and inserting
16 “goods and services”; and

17 (C) by striking “limitations” and inserting
18 “barriers”;

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

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

24 (5) by striking subparagraph (D) and inserting
25 the following:

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

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

6 “(E) have access to”; and

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

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

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

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

22 “(I) be an advocate for the maximum prac-
23 ticable utilization of small business concerns in
24 Federal contracting, including by advocating

1 against the bundling of contract requirements
2 when not justified; and

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

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

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

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

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

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

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

22 “(5) POSITION REQUIREMENTS.—”;

23 (2) by striking subparagraphs (A) and (B) and
24 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.”.

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