

114TH CONGRESS
1ST SESSION

S. 958

To amend the Small Business Act to provide for team and joint venture offers for certain contracts.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 2015

Mr. ENZI (for himself and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Small Business and Entrepreneurship

A BILL

To amend the Small Business Act to provide for team and joint venture offers for certain contracts.

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.**

4 This Act may be cited as the “Small Business Fair-
5 ness Act”.

6 **SEC. 2. JOINT VENTURING AND TEAMING.**

7 (a) JOINT VENTURE OFFERS FOR BUNDLED OR
8 CONSOLIDATED CONTRACTS.—Section 15(e)(4) of the
9 Small Business Act (15 U.S.C. 644(e)(4)) is amended to
10 read as follows:

1 “(4) CONTRACT TEAMING.—

2 “(A) IN GENERAL.—In the case of a solici-
3 tation of offers for a bundled or consolidated
4 contract that is issued by the head of an agen-
5 cy, a small business concern may submit an
6 offer that provides for use of a particular team
7 of subcontractors or a joint venture of small
8 business concerns for the performance of the
9 contract.

10 “(B) EVALUATION OF OFFERS.—The head
11 of an agency shall evaluate the offer of a team
12 or a joint venture of small business concerns
13 submitted under subparagraph (A) in the same
14 manner as other offers, with due consideration
15 to the capabilities of all of the proposed sub-
16 contractors or members of the joint venture.

17 “(i) TEAMS.—When evaluating an
18 offer of a small business prime contractor
19 that includes a proposed team of sub-
20 contractors, the head of the agency shall
21 consider the capabilities and past perform-
22 ance of each first tier subcontractor that is
23 part of the team as the capabilities and
24 past performance of the team.

1 “(ii) JOINT VENTURES.—When evalu-
2 ating an offer of a joint venture of small
3 business concerns, if the joint venture does
4 not have sufficient capabilities or past per-
5 formance to be considered for award of a
6 contract opportunity, the head of the agen-
7 cy shall consider the capabilities and past
8 performance of each member of the joint
9 venture as the capabilities and past per-
10 formance of the joint venture.

11 “(C) STATUS AS A SMALL BUSINESS CON-
12 CERN.—Participation of a small business con-
13 cern in a team or a joint venture under this
14 paragraph shall not affect the status of that
15 concern as a small business concern with re-
16 spect to the performance of a contract described
17 in subparagraph (A).”.

18 (b) TEAM AND JOINT VENTURE OFFERS FOR MUL-
19 TIPLE AWARD CONTRACTS.—Section 15(q)(1) of the
20 Small Business Act (15 U.S.C. 644(q)(1)) is amended—

21 (1) in the heading, by inserting “AND JOINT
22 VENTURE” before “REQUIREMENTS”;

23 (2) by striking “Each Federal agency” and in-
24 serting the following:

1 “(A) IN GENERAL.—Each Federal agen-
2 cy”; and

3 (3) by adding at the end the following:

4 “(B) TEAMS.—When evaluating an offer of
5 a small business prime contractor that includes
6 a proposed team of subcontractors for any mul-
7 tiple award contract above the substantial bun-
8 dling threshold of the Federal agency, the head
9 of the Federal agency shall consider the capa-
10 bilities and past performance of each first tier
11 subcontractor that is part of the team as the
12 capabilities and past performance of the offeror.

13 “(C) JOINT VENTURES.—When evaluating
14 an offer of a joint venture of small business
15 concerns for any multiple award contract above
16 the substantial bundling threshold of the Fed-
17 eral agency, if the joint venture does not have
18 sufficient capabilities or past performance to be
19 considered for award of a contract opportunity,
20 the head of the Federal agency shall consider
21 the capabilities and past performance of each
22 member of the joint venture as the capabilities
23 and past performance of the joint venture.

24 “(D) USE OF SMALL BUSINESS TEAMS OR
25 JOINT VENTURES.—

1 “(i) IN GENERAL.—For contracts
2 awarded under section 8(a), 8(m), 15(a),
3 15(j), 31, or 36 to a team of small busi-
4 ness prime contractors and subcontractors
5 or a joint venture of small business con-
6 cerns, the contracting officer shall certify
7 annually to the Administration, for each
8 year the contract is in effect, that each
9 small business concern member of the
10 team or joint venture has the same status
11 of a small business concern, small business
12 concern owned and controlled by service-
13 disabled veterans, qualified HUBZone
14 small business concern, small business con-
15 cern owned and controlled by socially and
16 economically disadvantaged individuals, or
17 small business concern owned and con-
18 trolled by women, as applicable, that such
19 concern had at the time the contract was
20 awarded.

21 “(ii) EXCEPTION.—The requirements
22 of clause (i) shall not apply to a contract
23 awarded to a joint venture of small busi-
24 ness concerns that is a protege under a

1 mentor-protege program approved pursu-
2 ant to section 45.”.

3 (c) RULEMAKING.—Not later than 1 year after the
4 date of enactment of this section, the Administrator of the
5 Small Business Administration shall issue any regulations
6 necessary to carry out the amendments made by this sec-
7 tion.

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