

Union Calendar No. 535

112TH CONGRESS
2^D SESSION

H. R. 4203

[Report No. 112-732]

To amend the Small Business Act with respect to the procurement program for women-owned small business concerns, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2012

Ms. VELÁZQUEZ (for herself, Ms. CLARKE of New York, Ms. CHU, and Ms. HAHN) introduced the following bill; which was referred to the Committee on Small Business

DECEMBER 27, 2012

Additional sponsors: Mr. PETERS, Mr. CRITZ, Mr. CICILLINE, Mr. TIPTON, and Mrs. ELLMERS

DECEMBER 27, 2012

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Small Business Act with respect to the procurement program for women-owned small business concerns, 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.**

4 This Act may be cited as the “Women’s Procurement
5 Program Improvement Act of 2012”.

6 **SEC. 2. PROCUREMENT PROGRAM FOR WOMEN-OWNED**
7 **SMALL BUSINESS CONCERNS.**

8 Section 8(m) of the Small Business Act (15 U.S.C.
9 637(m)) is amended—

10 (1) in paragraph (2)—

11 (A) by striking subparagraph (D);

12 (B) by redesignating subparagraph (E) as
13 subparagraph (D) respectively; and

14 (C) by striking subparagraph (F), and in-
15 serting the following:

16 “(E) each of the concerns—

17 “(i) is certified by a Federal agency,
18 a State government, or a national certi-
19 fying entity approved by the Adminis-
20 trator, as a small business concern owned
21 and controlled by women; or

22 “(ii) is certified by the Administrator
23 as a small business concern owned and
24 controlled by women.”;

1 (2) in paragraph (3), by striking “subpara-
2 graph (2)(A)” inserting the following: “paragraph
3 (2)(A) or paragraph (7)(A)”;

4 (3) in paragraph (5) by striking “under para-
5 graph (2)(F)” each place it appears and inserting
6 “under paragraph (2)(E)”;

7 (4) by adding at the end the following:

8 “(7) SOLE SOURCE CONTRACTS FOR ECONOMI-
9 CALLY DISADVANTAGED WOMEN-OWNED SMALL
10 BUSINESSES.—In accordance with this section, a
11 contracting officer may award a sole source contract
12 to any small business concern meeting the require-
13 ments of section 8(m)(2)(A) of this Act if—

14 “(A) such concern is determined to be a
15 responsible contract with respect to perform-
16 ance of such contract opportunity and the con-
17 tracting officer does not have a reasonable ex-
18 pectation that 2 or more businesses meeting the
19 requirements of section 8(m)(2)(A) will submit
20 offers;

21 “(B) the anticipated award price of the
22 contract (including options) will not exceed—

23 “(i) \$6,500,000 in the case of a con-
24 tract opportunity assigned a standard in-
25 dustrial code for manufacturing; or

1 “(ii) \$4,000,000 in the case of any
2 other contract opportunity; and

3 “(C) in the estimation of the contracting
4 officer, the contract award can be made at a
5 fair and reasonable price.

6 “(8) SOLE SOURCE CONTRACTS FOR WOMEN-
7 OWNED SMALL BUSINESSES IN SUBSTANTIALLY
8 UNDERREPRESENTED INDUSTRIES.—In accordance
9 with this section, a contracting officer may award a
10 sole source contract to any small business concerns
11 meeting the requirements of section 8(m)(3) of this
12 Act if—

13 “(A) such concern is determined to be a
14 responsible contract with respect to perform-
15 ance of such contract opportunity and the con-
16 tracting officer does not have a reasonable ex-
17 pectation that 2 or more businesses meeting the
18 requirements of section 8(m)(3) will submit of-
19 fers;

20 “(B) the anticipated award price of the
21 contract (including options) will not exceed—

22 “(i) \$6,500,000 in the case of a con-
23 tract opportunity assigned a standard in-
24 dustrial code for manufacturing; or

1 “(ii) \$4,000,000 in the case of any
2 other contract opportunity; and
3 “(C) in the estimation of the contracting
4 officer, the contract award can be made at a
5 fair and reasonable price.”.

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