

HR 3558 IH

111th CONGRESS

1st Session

H. R. 3558

To allow incumbent contractors to be eligible to re-compete for Government contracts as small businesses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 14, 2009

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on Small Business, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To allow incumbent contractors to be eligible to re-compete for Government contracts as small businesses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,



SECTION 1. SHORT TITLE.

This Act may be cited as the `Small Business Fair Competition Act'.

SEC. 2. REPRESENTATION BY CONTRACTORS AS SMALL BUSINESSES.

(a) Eligibility of Incumbent Contractors To Re-Compete as Small Businesses- In the case of a solicitation for bids or proposals by the Government for a proposed contract award, if the goods or services to be provided or performed under the proposed contract are substantially the same as the goods or services being provided or performed under a current contract, then the incumbent contractor is eligible to re-compete for the proposed contract as a small business if the incumbent contractor represents in good faith that it is a small business in accordance with this section. Such representation may be made if--

(1) the incumbent contractor meets the definition of a small business concern applicable to the solicitation and has not been determined by the Small Business Administration to be a concern other than a small business; or

(2) the incumbent contractor was a small business at the time of initial award of the current contract to the incumbent, is no longer a small business at the time of the solicitation, and will revert to being a small business (as defined in the solicitation for the proposed contract) if not awarded the proposed contract.

(b) Small Business Set-Aside- In the case of a proposed contract referred to in subsection (a) being awarded to the incumbent contractor, the Government may qualify the contract as a small business set-aside for the duration of the contract.

(c) Incumbent Contractor Defined- In this section, the term `incumbent contractor', with respect to a contract, means the contractor currently performing the contract.

(d) Amendment of Federal Acquisition Regulation- The Federal Acquisition Regulation shall be revised within 180 days after the date of the enactment of this Act to implement this Act.

END