

114TH CONGRESS  
1ST SESSION

# H. R. 1390

To amend the Small Business Act to modify the requirements for joint venture offers for bundled or consolidated contracts, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2015

Mr. KNIGHT introduced the following bill; which was referred to the Committee on Small Business

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## A BILL

To amend the Small Business Act to modify the requirements for joint venture offers for bundled or consolidated contracts, 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 “Small Business Joint  
5 Venturing Act of 2015”.

6 **SEC. 2. JOINT VENTURE OFFERS FOR BUNDLED OR CON-**  
7 **SOLIDATED CONTRACTS.**

8 Section 15(e)(4) of the Small Business Act (15  
9 U.S.C. 644(e)(4)) is amended to read as follows:

10 “(4) CONTRACT TEAMING.—

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

9           “(B) EVALUATION OF OFFERS.—The head  
10          of the agency shall evaluate the offer of a team  
11          or a joint venture of small business concerns in  
12          the same manner as other offers, with due con-  
13          sideration to the capabilities of all of the pro-  
14          posed subcontractors or members of the joint  
15          venture as follows:

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

17 **SEC. 3. TEAM AND JOINT VENTURES OFFERS FOR MUL-**  
18 **TIPLE AWARD CONTRACTS.**

19                  Section 15(q)(1) of the Small Business Act (15  
20 U.S.C. 644(q)(1))—

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”;

3           (3) by adding at the end the following new sub-  
4           paragraph:

5           “(B) TEAMS.—When evaluating an offer of  
6           a small business prime contractor whose offer  
7           includes a proposed team of small business sub-  
8           contractors for any multiple award contract  
9           above the substantial bundling threshold of the  
10          Federal agency, the head of the agency shall  
11          consider the capabilities and past performance  
12          of each first tier subcontractor that is part of  
13          the team as the capabilities and past perform-  
14          ance of the offeror.

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

1 **SEC. 4. RULEMAKING.**

2       Not later than 1 year after the date of enactment  
3 of this Act, the Administrator of the Small Business Ad-  
4 ministration shall issue any regulations necessary to carry  
5 out the amendments made by this Act.

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