AMENDMENT TO H.R. 3867, AS REPORTED

OFFERED BY MR. MORAN OF VIRGINIA

Title VI, add at the end the following (and amend the table of contents accordingly):

SEC. ___. STUDY ON FRIVOLOUS PROTESTS.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine, with respect to small business contracts, whether incumbent Federal contractors submit frivolous protests to extend the length of current contracts before protest decisions are resolved.

(b) CONTENTS.—In conducting the study, the Administrator shall—

(1) determine the number of Government Accountability Office bid protests and Small Business Administration size protests filed by incumbent Federal contractors with respect to small business contracts, the number of incumbent contracts extended because of the protest, the extra costs of extending incumbent contracts during the protest, and the final rulings of these protests;

(2) determine the financial impact of protests filed by incumbent Federal contractors on small

1 businesses that were originally awarded the pro-
2 tested small business contracts, including costs asso-
3 ciated with defending the protests and costs incurred
4 by Federal agencies;
5 (3) identify the incumbent Federal contractors
6 that file the most unsuccessful protests on small
7 business contracts; and
8 (4) develop recommendations—
9 (A) to ease any financial burden on small
10 businesses during the protest of small business
11 contracts; and
12 (B) to discourage frivolous protests by in-
13 cumbent Federal contractors on small business
14 contracts.
15 (c) CONSULTATION.—In conducting the study, the
16 Administrator shall consult with the Government Account-
17 ability Office, any necessary Federal agencies, and the Of-
18 fice of Federal Procurement Policy.
19 (d) REPORT.—Not later than 180 days after the date
20 of the enactment of this Act, the Administrator shall sub-
21 mit to Congress a report on the results of the study, to-
22 gether with the recommendations developed under sub-
23 section (b)(4).