



FY2021 National Defense Authorization Act Small Business Procurement Provisions of Interest

Link to conference report text: <https://docs.house.gov/billsthisweek/20201207/CRPT-116hrpt617.pdf>

Section	Page #	Provision
SEC. 214. UPDATES TO DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM (Section E)	140	Each branch of the military is required to maintain lists of technical problems that could be addressed by quantum computers within the next three years, and pursue agreements with small- and mid-sized quantum computing businesses to facilitate research on those problems.
SEC. 805. CONGRESSIONAL NOTIFICATION OF TERMINATION OF A MIDDLE TIER ACQUISITION PROGRAM established by the FY2016 NDAA	889	<p>Requires Congressional notification of terminating the “middle tier” acquisition program using the authority under Section 804 of the FY16 NDAA.</p> <p>FY16 NDAA (Sec. 804): Requires the Undersecretary of Defense for Acquisition, Technology and Logistics to issue guidance for an expedited and streamlined “middle tier” of acquisition programs that are intended to be completed within five years. Requires the guidance to include two acquisition pathways: (1) a rapid prototyping pathway that can demonstrate new capabilities to meet emerging military needs which could result in a residual operational capability, and (2) a rapid fielding pathway for proven technologies to field production quantities of new or upgraded systems with minimal development required. Authorizes the use of expedited and streamlined procedures for both of these pathways and establishes a Rapid Prototyping Fund to provide additional funds for each rapid prototyping pathway program.</p>
SEC. 815. PROMPT PAYMENT OF CONTRACTORS.	912	Keeps the established accelerated payment date goal of 15 days after receipt of proper invoice, but strikes the current language that this goal is only in effect “if a specific date is not established by contract.” Contracting officers often used this language to not adhere to the payment goal.



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SEC. 862. TRANSFER OF VERIFICATION OF SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS OR SERVICE-DISABLED VETERANS TO THE SMALL BUSINESS ADMINISTRATION	981	Transfers certification of a Veteran Owned Small Business from the Department of Veterans Affairs (VA) to the SBA two years after enactment of this act. Abolishes the Center for Verification and Evaluation at the VA. It removes the ability to self-certify as a veteran owned business one year after the bill is signed into law.
SEC. 864. MAXIMUM AWARD PRICE FOR SOLE SOURCE MANUFACTURING CONTRACTS.	1004	Raises the manufacturing sole source threshold limits for the women-owned small business (WOSB) and service-disabled veteran-owned small business (SDVOSB) programs from \$6.5 million to \$7 million, bringing parity to the HUBZone and individually-owned 8(a) limits.
SEC. 868. PAST PERFORMANCE RATINGS OF CERTAIN SMALL BUSINESS CONCERNS.	1010	<ul style="list-style-type: none">(a) Allows a small business to use the past performance from a joint venture when being considered for a prime contract if the small business does not have any relevant past performance.(b) Allows a small business that was a first tier subcontractor on a large prime contract (via 15 USC 637) to elect to use this record of past performance(c) SBA is required to issue rulemaking on this section within 120 days
SEC. 869. EXTENSION OF PARTICIPATION IN 8(A) PROGRAM.	1012	<ul style="list-style-type: none">(a) A small business participating in the program on or before September 9, 2020, may elect to extend their participation by 1 year. This is regardless of whether the business previously elected to suspend participation in the 8(a) program.



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		(b) The SBA is required to issue rulemaking on this section within 15 days
SEC. 870. COMPLIANCE OF OFFICES OF SMALL BUSINESS AND DISADVANTAGED BUSINESS UTILIZATION	1013	Requires the Comptroller General to determine if an Office of Small and Disadvantaged Business Utilization (OSDBU) is compliant with requirements to assist small businesses in the Small Business Act. If they are not, the Director of that office must submit a report to Congress on why they are not in compliance and how they are going to remedy the issues.
SEC. 871. CATEGORY MANAGEMENT TRAINING.	1014	Within 8 months the SBA Administrator and Administrator of the Office of Federal Procurement Policy must develop a training curriculum on category management for federal procurement staff. This training must include best practices for working with small businesses and how to avoid conflicts with existing small business requirements. The OSDBU offices can be requested to assist with the facilitation of the training at their agency. The curriculum must also be submitted to the House and Senate Small Business Committees once developed.
SEC. 1742. DEPARTMENT OF DEFENSE CYBER HYGIENE AND CYBERSECURITY MATURITY MODEL CERTIFICATION FRAMEWORK.	1922	This provision gives critical oversight to the Congress over the Department of Defense’s (DOD) implementation of CMMC including the cost to and effect on businesses. This is especially true with respect to small businesses, and the DOD did not seem to take any input into account from them when rolling out this certification. To ensure DOD does not ignore the requirement to report to Congress, some appropriated funds to the CMMC are withheld until a report is presented to the Congress. The Comptroller General will also conduct an independent review of the report. The plan to Congress must include a timeline for pilot activities, a description of the planned relationship between Department of Defense and the auditing or accrediting bodies, a funding and activity profile for the Defense Industrial Base Cybersecurity Assessment Center, and a description of efforts to ensure that the service acquisition executives and service program managers are equipped to implement the CMMC requirements and facilitate contractors’ meeting relevant requirements.