

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
DAHLKEMPER, KATHLEEN OF PENNSYLVANIA OR HER
DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 5013, AS REPORTED
OFFERED BY MS. DAHLKEMPER OF
PENNSYLVANIA**

At the end of title IV, add the following new section:

1 **SEC. 407. ACQUISITION SAVINGS PROGRAM.**

2 (a) PROGRAM REQUIRED.—

3 (1) IN GENERAL.—The Secretary of Defense,
4 acting through the Under Secretary of Defense for
5 Acquisition, Technology, and Logistics, shall carry
6 out a program to provide opportunities to provide
7 cost-savings on nondevelopmental items.

8 (2) SAVINGS.—The program, to be known as
9 the Acquisition Savings Program, shall provide any
10 person or activity within or outside the Department
11 of Defense with the opportunity to offer a proposal
12 to provide savings in excess of 15 percent, to be
13 known as an acquisition savings proposal, for cov-
14 ered contracts.

15 (3) SUNSET.—The program shall cease to be
16 required on September 30, 2013.

17 (b) QUALIFYING ACQUISITION SAVINGS PRO-
18 POSALS.—A proposal shall qualify as an acquisition sav-
19 ings proposal for purposes of this section if it offers to

1 supply a nondevelopmental item that is identical to, or
2 equivalent to (under a performance specification or rel-
3 evant commercial standard), an item being procured under
4 a covered contract.

5 (e) REVIEW BY CONTRACTING OFFICER.—Each ac-
6 quisition savings proposal shall be reviewed by the con-
7 tracting officer for the covered contract concerned to de-
8 termine if such proposal qualifies under this section and
9 to calculate the savings provided by such proposal.

10 (d) ACTIONS UPON FAVORABLE REVIEW.—If the
11 contracting officer for a covered contract determines after
12 review of an acquisition savings proposal that the proposal
13 would provide an identical or equivalent nondevelopmental
14 item at a savings in excess of 15 percent, and that a con-
15 tract award to the offeror of the proposal would not result
16 in the violation of a minimum purchase agreement or oth-
17 erwise cause a breach of contract for the covered contract,
18 the contracting officer may make an award under the cov-
19 ered contract to the offeror of the acquisition savings pro-
20 posal or otherwise award a contract for the nondevelop-
21 mental item concerned to such offeror.

22 (e) ACTIONS UPON UNFAVORABLE REVIEW.—If a
23 contracting officer determines after review of an acquisi-
24 tion savings proposal that the proposal would not satisfy
25 the requirements of this section, the contracting officer

1 shall debrief the person or activity offering such proposal
2 within 30 days after completion of the review.

3 (f) REPORT.—Not later than March 1, 2013, the Sec-
4 retary of Defense shall submit to the Committees on
5 Armed Services of the Senate and House of Representa-
6 tives a report regarding the program, including the num-
7 ber of acquisition savings proposals submitted, the number
8 favorably reviewed, the cumulative savings, and any fur-
9 ther recommendations for the program.

10 (g) DEFINITIONS.—In this section:

11 (1) NONDEVELOPMENTAL ITEM.—The term
12 “nondevelopmental item” has the meaning provided
13 for such term in section 4 of the Office of Federal
14 Procurement Policy Act (41 U.S.C. 403).

15 (2) COVERED CONTRACT.—The term “covered
16 contract”—

17 (A) means an indefinite delivery indefinite
18 quantity contract for property as defined in sec-
19 tion 2304d(2) of title 10, United States Code;
20 and

21 (B) does not include any contract awarded
22 under an exception to competitive acquisition
23 authorized by the Small Business Act (15
24 U.S.C. 631 et seq.)

1 (3) PERFORMANCE SPECIFICATION.—The term
2 “performance specification” means a specification of
3 required item functional characteristics.

4 (4) COMMERCIAL STANDARD.—The term “com-
5 mercial standard” means a standard used in indus-
6 try promulgated by an accredited standards organi-
7 zations that is not a Federal entity.

