NATIONAL CONGRESS OF AMERICAN INDIANS

Resolutions Committee Recommendation

Resolution #: REN-19-023
Title: Exempting Small Businesses from Category Management

Comments:

The resolution addresses shortcomings of Category Management for Native contractors and small businesses. The resolution is similar REN-19-013. The Resolutions Committee has included edits to improve clarity and to combine the provisions of the two similar resolutions.

Recommendations:

REN-19-023 has been combined with REN-19-013 and the recommendation is that the combined resolution be considered as REN-19-023 by the Economic, Finance, and Community Development Committee, Subcommittee on Economic Development, Business & Employment.
Employment.

Sponsor a member in good standing (yes/no)?: _____

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The National Congress of American Indians
Resolution #REN-19-023

TITLE: Exempting Small Businesses from Category Management

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, it is a policy of Congress and the Administration to ensure that a "fair proportion" of federal contracting is awarded to small businesses; and

WHEREAS, Category Management was implemented with the intent of providing federal agencies with a more streamlined federal acquisition process intended to increase efficiencies across the federal government by creating major categories of federal procurement; and

WHEREAS, Category Management has created unintended negative consequences on small businesses because it limits the number of small businesses that can compete for federal government contracts, lessens innovation and restricts competition; and

WHEREAS, Category Management can remove small business contracts from the jurisdiction of the Small Business Administration without notice or justification.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) supports congressional oversight and legislative language that exempts Small Business Administration (SBA) set-asides from Category Management; and ensures Native contractors and all small businesses are not harmed from implementation of Category Management; and

BE IT FURTHER RESOLVED, that NCAI supports Administration actions on category management to ensure mandatory analysis and consideration of small businesses as part of the procurement process and greater collaboration and coordination among the SBA and other federal agencies to ensure the SBA is able to fully participate in the governing council for category management and jointly evaluate large contracting vehicles to ensure small businesses are included when appropriate; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Mid-Year Session of the National Congress of American Indians, held at the Nugget Casino Resort, June 24-27, 2019, with a quorum present.

Jefferson Keel, President

ATTEST:

Juana Majel Dixon, Recording Secretary

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The National Congress of American Indians
Resolution #REN-19-023

TITLE: Exempting Small Businesses from Category Management to Ensure Native Contractors Are Not Harmed

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, Category Management was ~~created~~implemented with the intent of providing ~~the~~ federal ~~acquisition community~~agencies with a more streamlined federal acquisition process ~~based on~~intended to increase efficiencies across the federal government by creating major categories of federal procurement; and

WHEREAS, it is a policy of Congress and the Administration to ensure that a "fair proportion" of federal contracting is awarded to small businesses; and

WHEREAS, Category Management started out as a method for managing contracts procured by the Government and has become a procurement policy with unintended negative consequences on small businesses; and

WHEREAS, procurement policies must have the goal of fostering a competitive environment so that agencies may contract in a way that best fits their needs; and

WHEREAS, Category Management limits that ability when agencies are required to use specific acquisition methods. This limits not only the variety of goods and services available, but also the ability to innovate and gain access to an array of different technologies and processes; and

WHEREAS, Category Management can remove small business contracts from the jurisdiction of the Small Business Administration without notice or justification; and

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WHEREAS, Category Management limits opportunities for Native Contractors and creates a non-competitive environment for federal contracting; and

WHEREAS, the negative consequences created by Category Management include, but are not limited to, the following: (1) lessening competition by sidelining eligible businesses who would otherwise compete because the competition is restricted to contractors cleared for the CM vehicle; (2) long-term increases in procurement costs; and (3) removing small business contracts from U.S. Small Business Administration's (SBA) programs and control.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) supports ~~legislation~~congressional oversight and legislative language that ~~protects~~exempts Small Business Administration (SBA) set-asides from Category Management; and ensures Native contractors and all small businesses ~~from losing market share due~~are not harmed from implementation of Category Management; and

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BE IT FURTHER RESOLVED, that NCAI supports Administration actions on category management to ~~Category Management and Best~~ ensure mandatory analysis and consideration of small businesses as part of the procurement process and greater collaboration and coordination among the SBA and other federal agencies to ensure the SBA is able to fully participate in ~~Class practices.~~ the governing council for category management and jointly evaluate large contracting vehicles to ensure small businesses are included when appropriate; and

BE IT FURTHER RESOLVED, that NCAI supports the following solutions:

(1) exempt Small Business Administration (SBA) set-asides from Category Management Super categories; and

(2) make mandatory consideration of small businesses for contracts part of any contract procurement analysis, including changing the FAR to incorporate that analysis; and

(3) allow SBA to have a voice and a vote on the procurement governing council for Category Management; and/or

(4) request SBA to evaluate the current large contracting vehicles with the goals of the Government in mind~~s~~ when it comes to small business opportunities and competition and make recommendations based on its findings; and~~.~~

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Mid-Year Session of the National Congress of American Indians, held at the Nugget Casino Resort, June 24-27, 2019, with a quorum present.

Jefferson Keel, President

ATTEST:

Juana Majel Dixon, Recording Secretary