

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4909
OFFERED BY MR. BEYER OF VIRGINIA**

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

1 **SEC. 843. PROMOTION OF VALUE-BASED DEFENSE PRO-**
2 **CUREMENT.**

3 (a) STATEMENT OF POLICY.—It shall be the policy
4 of the Department of Defense to avoid using Lowest Price
5 Technically Acceptable source selection criteria in inappro-
6 priate circumstances that potentially deny the Department
7 the benefits of cost and technical tradeoffs in the source
8 selection process.

9 (b) REVISION OF DEFENSE FEDERAL ACQUISITION
10 REGULATION SUPPLEMENT.—For new solicitations issued
11 on or after the date that is 120 days after the date of
12 the enactment of this Act, Lowest Price Technically Ac-
13 ceptable source selection criteria shall be used only in situ-
14 ations in which—

15 (1) the Department of Defense is able to com-
16 prehensively and clearly describe the minimum re-
17 quirements expressed in term of performance objec-

1 tives, measures, and standards that will be used to
2 determine acceptability of offers;

3 (2) the Department of Defense would realize
4 no, or minimal, value from a contract proposal ex-
5 ceeding the minimum technical or performance re-
6 quirements set forth in the Request for Proposal;

7 (3) the proposed technical approaches will re-
8 quire no, or minimal, subjective judgment by the
9 source selection authority as to the desirability of
10 one offeror's proposal versus a competing proposal;

11 (4) a review of technical proposals of offerors
12 other than the lowest bidder would result in no, or
13 minimal, benefit to the Department; and

14 (5) the contracting officer has included a jus-
15 tification for the use of a Lowest Price Technically
16 Acceptable evaluation methodology in the contract
17 file, if the contract to be awarded is predominately
18 for the acquisition of information technology serv-
19 ices, systems engineering and technical assistance
20 services, or other knowledge-based professional serv-
21 ices.

22 (c) AVOIDANCE OF USE OF LOWEST PRICE TECH-
23 NICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN
24 PROCUREMENTS OF INFORMATION TECHNOLOGY AND
25 AUDITING.—To the maximum extent practicable, the use

1 of Lowest Price Technically Acceptable source selection
2 criteria shall be avoided when the procurement is predomi-
3 nately for the acquisition of information technology serv-
4 ices, systems engineering and technical assistance services,
5 audit or audit readiness services, or other knowledge-based
6 professional services.

7 (d) REPORTING.—Not later than 180 days after the
8 date of the enactment of this Act, and annually thereafter
9 for 3 years, the Secretary of Defense shall submit to the
10 congressional defense committees a report on the number
11 of instances in which Lowest-Price Technically Acceptable
12 source selection criteria is used, including an explanation
13 of how the criteria was considered when making a deter-
14 mination to use Lowest Price Technically Acceptable
15 source selection criteria.

