

**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) REQUIREMENT FOR SOLICITATIONS.—For new  
10 solicitations issued on or after the date that is 120 days  
11 after the date of the enactment of this Act, lowest price  
12 technically acceptable source selection criteria shall be  
13 used only in situations in which—

14 (1) the Department of Defense is able to com-  
15 prehensively and clearly describe the minimum re-  
16 quirements expressed in term of performance objec-  
17 tives, measures, and standards that will be used to  
18 determine acceptability of offers;

1           (2) the Department would realize no, or mini-  
2           mal, value from a contract proposal exceeding the  
3           minimum technical or performance requirements set  
4           forth in the request for proposal;

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

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

12          (5) the contracting officer has included a jus-  
13          tification for the use of a lowest price technically ac-  
14          ceptable evaluation methodology in the contract file,  
15          if the contract to be awarded is predominately for  
16          the acquisition of information technology services,  
17          systems engineering and technical assistance serv-  
18          ices, or other knowledge-based professional services.

19          (c) AVOIDANCE OF USE OF LOWEST PRICE TECH-  
20          NICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN  
21          PROCUREMENTS OF INFORMATION TECHNOLOGY AND  
22          AUDITING.—To the maximum extent practicable, the use  
23          of lowest price technically acceptable source selection cri-  
24          teria shall be avoided when the procurement is predomi-  
25          nately for the acquisition of information technology serv-

1 ices, systems engineering and technical assistance services,  
2 audit or audit readiness services, or other knowledge-based  
3 professional services.

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

