

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

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

1 **SEC. 843. IMPROVEMENTS TO THE DESIGN-BUILD CON-**
2 **STRUCTION PROCESS FOR DEFENSE CON-**
3 **TRACTS.**

4 (a) IN GENERAL.—Section 2305a of title 10, United
5 States Code, is amended—

6 (1) by amending subsection (b) to read as fol-
7 lows:

8 “(b) CRITERIA FOR USE.—

9 “(1) CONTRACTS WITH A VALUE OF AT LEAST
10 \$4,000,000.—Two-phase selection procedures shall be
11 used for entering into a contract for the design and
12 construction of a public building, facility, or work
13 when a contracting officer determines that the con-
14 tract has a value of \$4,000,000 or greater.

15 “(2) CONTRACTS WITH A VALUE LESS THAN
16 \$4,000,000.—For projects that a contracting officer
17 determines have a value of less than \$4,000,000, the
18 contracting officer shall make a determination

1 whether two-phase selection procedures are appro-
2 priate for use for entering into a contract for the de-
3 sign and construction of a public building, facility,
4 or work when—

5 “(A) the contracting officer anticipates
6 that 3 or more offers will be received for the
7 contract;

8 “(B) design work must be performed be-
9 fore an offeror can develop a price or cost pro-
10 posal for the contract;

11 “(C) the offeror will incur a substantial
12 amount of expense in preparing the offer; and

13 “(D) the contracting officer has considered
14 information such as—

15 “(i) the extent to which the project re-
16 quirements have been adequately defined;

17 “(ii) the time constraints for delivery
18 of the project;

19 “(iii) the capability and experience of
20 potential contractors;

21 “(iv) the suitability of the project for
22 use of the two-phase selection procedures;

23 “(v) the capability of the agency to
24 manage the two-phase selection process;

25 and

1 “(vi) other criteria established by the
2 agency.”;

3 (2) by striking the second sentence in sub-
4 section (d) and inserting the following: “The max-
5 imum number specified in the solicitation shall not
6 be greater than 5 unless the head of the contracting
7 activity (or a designee of the head who is in a posi-
8 tion not lower than the supervisor of the contracting
9 officer) approves the contracting officer’s justifica-
10 tion with respect to an individual solicitation that a
11 specified number greater than 5 is in the Federal
12 Government’s interest.”; and

13 (3) by adding at the end the following new sub-
14 section:

15 “(g) ANNUAL REPORTS.—

16 “(1) IN GENERAL.—Not later than November
17 30 of each of the years 2016 through 2020, the Sec-
18 retary of Defense shall submit to the Director of the
19 Office of Management and Budget an annual report
20 containing each instance in which the agency award-
21 ed a design-build contract pursuant to section 2305a
22 of this title, during the preceding fiscal year in
23 which—

24 “(A) more than 5 finalists were selected
25 for phase-two requests for proposals; or

1 “(B) the contract was awarded without
2 using two-phase selection procedures.

3 “(2) PUBLIC AVAILABILITY.—The Director of
4 the Office of Management and Budget shall make
5 available to the public, including on the Internet, the
6 annual reports described in paragraph (1), and pub-
7 lish a notice of the availability of each report in the
8 Federal Register.”.

9 (b) GOVERNMENT ACCOUNTABILITY OFFICE RE-
10 PORT.—Not later than 270 days after November 30,
11 2020, the Comptroller General of the United States shall
12 issue a report analyzing the compliance of the various
13 Federal agencies with the requirements of subsection (g)
14 of section 2305a of title 10, United States Code (as added
15 by subsection (a)(3)).

