

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4435
OFFERED BY MR. MULVANEY OF SOUTH
CAROLINA**

Page 197, after line 16, insert the following new section (and amend the table of contents accordingly):

1 **SEC. 805. MAXIMIZING COMPETITION IN DESIGN-BUILD**
2 **CONTRACTS.**

3 (a) PUBLIC DESIGN-BUILD CONSTRUCTION PROCESS
4 IMPROVEMENT.—Section 3309 of title 41, United States
5 Code, is amended—

6 (1) in subsection (a), by inserting “and the con-
7 tract is in an amount of \$1,000,000 or greater”
8 after “appropriate for use”;

9 (2) by striking the second sentence of sub-
10 section (d) and inserting the following: “The max-
11 imum number specified in the solicitation shall not
12 exceed 5 unless the head of the agency approves the
13 contracting officer’s justification with respect to the
14 solicitation that a number greater than 5 is in the
15 Federal Government’s interest. The contracting offi-
16 cer shall provide written documentation of how a
17 maximum number exceeding 5 is consistent with the

1 purposes and objectives of the two-phase selection
2 procedures.”; and

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

5 “(f) REPORT.—

6 “(1) IN GENERAL.—The Director of the Office
7 of Management and Budget shall require the head
8 of each agency to appoint an individual who shall
9 provide to the Director an annual compilation of
10 each instance the agency awarded a contract pursu-
11 ant to this section in which—

12 “(A) more than 5 offerors were selected to
13 submit competitive proposals pursuant to sub-
14 section (c)(4); or

15 “(B) the contract was awarded without
16 using the two-phase selection procedures de-
17 scribed in subsection (c).

18 “(2) PUBLICATION.—The Director shall pre-
19 pare an annual report containing the information
20 provided by each executive agency under subpara-
21 graph (A). The report shall be accessible to the pub-
22 lic through electronic means, and the Director shall
23 publish a notice of availability in the Federal Reg-
24 ister.

1 “(3) FISCAL YEARS COVERED; DEADLINE.—The
2 Director shall submit to Congress the report pre-
3 pared under subparagraph (B) for the fiscal year
4 during which this subsection is enacted, and each of
5 the next 4 fiscal years, not later than 60 days after
6 the end of each such fiscal year.”.

7 (b) DEFENSE DESIGN-BUILD CONSTRUCTION PROC-
8 ESS IMPROVEMENT.—Section 2305a of title 10, United
9 States Code, is amended—

10 (1) in subsection (a), by inserting “and the con-
11 tract is in an amount of \$1,000,000 or greater”
12 after “appropriate for use”;

13 (2) by striking the second sentence of sub-
14 section (d) and inserting the following: “The max-
15 imum number specified in the solicitation shall not
16 exceed 5 unless the head of the agency approves the
17 contracting officer’s justification with respect to an
18 individual solicitation that a number greater than 5
19 is in the Federal Government’s interest. The con-
20 tracting officer shall provide written documentation
21 of how a maximum number exceeding 5 is consistent
22 with the purposes and objectives of the two-phase se-
23 lection procedures.”; and

24 (3) by adding at the end the following new sub-
25 section:

1 “(g) REPORT.—(1) The Director of the Office of
2 Management and Budget shall require the head of each
3 agency to appoint an individual who shall provide to the
4 Director an annual compilation of each instance the agen-
5 cy awarded a contract pursuant to this section in which—

6 “(A) more than 5 offerors were selected to sub-
7 mit competitive proposals pursuant to subsection
8 (c)(4); or

9 “(B) the contract was awarded without using
10 the two-phase selection procedures described in sub-
11 section (c).

12 “(2) The Director shall prepare an annual report con-
13 taining the information provided by each executive agency
14 under subparagraph (A). The report shall be accessible to
15 the public through electronic means, and the Director
16 shall publish a notice of availability in the Federal Reg-
17 ister.

18 “(3) The Director shall submit to Congress the report
19 prepared under subparagraph (B) for the fiscal year dur-
20 ing which this subsection is enacted, and each of the next
21 4 fiscal years, not later than 60 days after the end of each
22 such fiscal year”.

23 (c) GAO REPORT.—Not later than the end of fiscal
24 year 2021, the Comptroller General of the United States
25 shall issue a report analyzing the extent to which Federal

1 agencies are in compliance with the reporting require-
2 ments in section 2305a(f) of title 10, United States Code,
3 and section 3309(g) of title 41, United States Code.

