AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MR. GARAMENDI OF CALIFORNIA

At the appropriate place in subtitle B of title VIII, insert the following:

SEC. 8. STRENGTHENING TRUTHFUL COST OR PRICING DATA REQUIREMENTS.

(a) Required Cost or Pricing Data and Certification.—Section 3702(a)(1) of title 10, United States Code, is amended by striking “only expected to receive one bid shall be required” and inserting “only expected to have one offeror, or for which award of a cost-reimbursement contract is contemplated regardless of the number of offers received, shall be required”.

(b) Exceptions.—Section 3703(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by striking “adequate competition” and all that follows through “bids” and inserting “adequate price competition, except for the award of a cost-reimbursement contract, that results in at least two responsive and viable competing offerors”; and
(2) in paragraph (2), by inserting “based on adequate price competition that results in at least two responsive and responsible offers” after “commercial service”.

(c) Conforming Amendment Related to Civilian Contracts.—Section 3503(a)(2) of title 41, United States Code, is amended by inserting “based on adequate price competition that results in at least two responsive and responsible offers” after “commercial service”.

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