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

SEC. 805. MAXIMIZING COMPETITION IN DESIGN-BUILD CONTRACTS.

(a) Public Design-Build Construction Process Improvement.—Section 3309 of title 41, United States Code, is amended—

(1) in subsection (a), by inserting “and the contract is in an amount of $1,000,000 or greater” after “appropriate for use”;

(2) by striking the second sentence of subsection (d) and inserting the following: “The maximum number specified in the solicitation shall not exceed 5 unless the head of the agency approves the contracting officer’s justification with respect to the solicitation that a number greater than 5 is in the Federal Government’s interest. The contracting officer shall provide written documentation of how a maximum number exceeding 5 is consistent with the
purposes and objectives of the two-phase selection procedures.’’; and

(3) by adding at the end the following new subsection:

“(f) REPORT.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall require the head of each agency to appoint an individual who shall provide to the Director an annual compilation of each instance the agency awarded a contract pursuant to this section in which—

“(A) more than 5 offerors were selected to submit competitive proposals pursuant to subsection (c)(4); or

“(B) the contract was awarded without using the two-phase selection procedures described in subsection (e).

“(2) PUBLICATION.—The Director shall prepare an annual report containing the information provided by each executive agency under subparagraph (A). The report shall be accessible to the public through electronic means, and the Director shall publish a notice of availability in the Federal Register.
“(3) FISCAL YEARS COVERED; DEADLINE.—The Director shall submit to Congress the report prepared under subparagraph (B) for the fiscal year during which this subsection is enacted, and each of the next 4 fiscal years, not later than 60 days after the end of each such fiscal year.”.

(b) DEFENSE DESIGN-BUILD CONSTRUCTION PROCESS IMPROVEMENT.—Section 2305a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “and the contract is in an amount of $1,000,000 or greater” after “appropriate for use”;

(2) by striking the second sentence of subsection (d) and inserting the following: “The maximum number specified in the solicitation shall not exceed 5 unless the head of the agency approves the contracting officer’s justification with respect to an individual solicitation that a number greater than 5 is in the Federal Government’s interest. The contracting officer shall provide written documentation of how a maximum number exceeding 5 is consistent with the purposes and objectives of the two-phase selection procedures.”; and

(3) by adding at the end the following new subsection:
“(g) REPORT.—(1) The Director of the Office of Management and Budget shall require the head of each agency to appoint an individual who shall provide to the Director an annual compilation of each instance the agency awarded a contract pursuant to this section in which—

“(A) more than 5 offerors were selected to submit competitive proposals pursuant to subsection (c)(4); or

“(B) the contract was awarded without using the two-phase selection procedures described in subsection (c).

“(2) The Director shall prepare an annual report containing the information provided by each executive agency under subparagraph (A). The report shall be accessible to the public through electronic means, and the Director shall publish a notice of availability in the Federal Register.

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

(e) GAO REPORT.—Not later than the end of fiscal year 2021, the Comptroller General of the United States shall issue a report analyzing the extent to which Federal
agencies are in compliance with the reporting requirements in section 2305a(f) of title 10, United States Code, and section 3309(g) of title 41, United States Code.