

115TH CONGRESS
2D SESSION

H. R. 4754

To amend the Small Business Act to provide prospective construction contractors with information about an agency's policies on the administration of change orders to allow such contractors to make informed business decisions regarding the pricing of bids or proposals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2018

Mr. BACON (for himself, Mr. KNIGHT, Mr. LAWSON of Florida, and Mrs. MURPHY of Florida) introduced the following bill; which was referred to the Committee on Small Business

A BILL

To amend the Small Business Act to provide prospective construction contractors with information about an agency's policies on the administration of change orders to allow such contractors to make informed business decisions regarding the pricing of bids or proposals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Change Order Trans-
5 parency for Federal Contractors Act".

1 **SEC. 2. CONSTRUCTION CONTRACT ADMINISTRATION.**

2 Section 15 of the Small Business Act (15 U.S.C. 644)
3 is amended by adding at the end the following new sub-
4 section:

5 “(w) SOLICITATION NOTICE REGARDING ADMINIS-
6 TRATION OF CHANGE ORDERS FOR CONSTRUCTION.—

7 “(1) IN GENERAL.—With respect to any solici-
8 tation for the award of a contract for construction
9 anticipated to be awarded to a small business con-
10 cern, the agency administering such contract shall
11 provide a notice along with the solicitation to pro-
12 spective bidders and offerors that includes—

13 “(A) information about the agency’s poli-
14 cies or practices in complying with the require-
15 ments of the Federal Acquisition Regulation re-
16 lating to the timely definitization of requests for
17 an equitable adjustment; and

18 “(B) information about the agency’s past
19 performance in definitizing requests for equi-
20 table adjustments in accordance with paragraph
21 (2).

22 “(2) REQUIREMENTS FOR AGENCIES.—An
23 agency shall provide the past performance informa-
24 tion described under paragraph (1)(B) as follows:

1 “(A) For the 3-year period preceding the
2 issuance of the notice, to the extent such infor-
3 mation is available.

4 “(B) With respect to an agency that, on
5 the date of the enactment of this subsection,
6 has not compiled the information described
7 under paragraph (1)(B)—

8 “(i) beginning 1 year after the date of
9 the enactment of this subsection, for the 1-
10 year period preceding the issuance of the
11 notice;

12 “(ii) beginning 2 years after the date
13 of the enactment of this subsection, for the
14 2-year period preceding the issuance of the
15 notice; and

16 “(iii) beginning 3 years after the date
17 of the enactment of this subsection and
18 each year thereafter, for the 3-year period
19 preceding the issuance of the notice.

20 “(3) **FORMAT OF PAST PERFORMANCE INFOR-**
21 **MATION.**—In the notice required under paragraph
22 (1), the agency shall ensure that the past perform-
23 ance information described under paragraph (1)(B)
24 is set forth separately for each definitization action
25 that was completed during the following periods:

1 “(A) Not more than 30 days after receipt
2 of a request for an equitable adjustment.

3 “(B) Not more than 60 days after receipt
4 of a request for an equitable adjustment.

5 “(C) Not more than 90 days after receipt
6 of a request for an equitable adjustment.

7 “(D) Not more than 180 days after receipt
8 of a request for an equitable adjustment.

9 “(E) More than 365 days after receipt of
10 a request for an equitable adjustment.

11 “(F) After the completion of the perform-
12 ance of the contract through a contract modi-
13 fication addressing all undefinitized requests for
14 an equitable adjustment received during the
15 term of the contract.”.

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