

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2750
OFFERED BY M R. ISSA

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Design-Build Effi-
3 ciency and Jobs Act of 2014”.

4 **SEC. 2. DESIGN-BUILD SELECTION PROCEDURES.**

5 (a) CIVILIAN AGENCY CONTRACTS.—Section 3309 of
6 title 41, United States Code, is amended—

7 (1) in subsection (d), by striking “agency deter-
8 mines with respect to” and all that follows through
9 the period at the end, and inserting the following:
10 “the head of the agency approves the contracting of-
11 ficer’s justification that an individual solicitation
12 must have greater than 5 finalists to be in the Fed-
13 eral Government’s interest. The contracting officer
14 must provide written documentation of how a max-
15 imum number of offerors exceeding 5 is consistent
16 with the purposes and objectives of the two-phase se-
17 lection process.”; and

18 (2) by adding at the end the following:

1 “(f) DESIGN AND CONSTRUCTION CONTRACTS.—
2 Two-phase selection procedures shall be used for entering
3 into a contract for the design and construction of a public
4 building, facility, or work when a contracting officer deter-
5 mines that the contract has a value of \$750,000 or great-
6 er, as adjusted for inflation in accordance with section
7 1908 of this title.

8 “(g) REPORTS.—

9 “(1) AGENCY REPORTS.—Beginning on the date
10 that is 1 year after the effective date of this sub-
11 section, and for each of the 4 years thereafter, each
12 agency shall submit to the Comptroller General of
13 the United States and publish in the Federal Reg-
14 ister an annual report regarding all cases in the pre-
15 ceding year—

16 “(A) in which more than 5 finalists were
17 selected for phase-two requests for competitive
18 proposals; or

19 “(B) for a contract that has a value of
20 \$750,000 (as adjusted for inflation in accord-
21 ance with section 1908 of this title) or greater
22 for which the two-phase selection procedures
23 were not used.

24 “(2) GAO REPORT.—In the first full fiscal year
25 that is 5 years after the effective date of this sub-

1 section, the Comptroller General of the United
2 States shall publish a report that, based on the in-
3 formation provided in the agency reports required
4 under paragraph (1), analyzes the degree to which
5 agencies have complied with the requirements of this
6 section.”.

7 (b) DEFENSE CONTRACTS.—Section 2305a title 10,
8 United States Code, is amended—

9 (1) in subsection (d), by striking “agency deter-
10 mines with respect to” and all that follows through
11 the period at the end, and inserting the following:
12 “the head of the agency approves the contracting of-
13 ficer’s justification that an individual solicitation
14 must have greater than 5 finalists to be in the Fed-
15 eral Government’s interest. The contracting officer
16 must provide written documentation of how a max-
17 imum number of offerors exceeding 5 is consistent
18 with the purposes and objectives of the two-phase se-
19 lection process.”; and

20 (2) by adding at the end the following:

21 “(g) DESIGN AND CONSTRUCTION CONTRACTS.—
22 Two-phase selection procedures shall be used for entering
23 into a contract for the design and construction of a public
24 building, facility, or work when a contracting officer deter-
25 mines that the contract has a value of \$750,000 or great-

1 er, as adjusted for inflation in accordance with section
2 1908 of title 41.

3 “(h) REPORTS.—(1) Beginning on the date that is
4 1 year after the effective date of this subsection, and for
5 each of the 4 years thereafter, each agency shall submit
6 to the Comptroller General of the United States and pub-
7 lish in the Federal Register an annual report regarding
8 all cases in the preceding year—

9 “(A) in which more than 5 finalists were se-
10 lected for phase-two requests for competitive pro-
11 posals; or

12 “(B) for a contract that has a value of
13 \$750,000 (as adjusted for inflation in accordance
14 with section 1908 of title 41) or greater for which
15 the two-phase selection procedures were not used.

16 “(2) In the first full fiscal year that is 5 years after
17 the effective date of this subsection, the Comptroller Gen-
18 eral of the United States shall publish a report that, based
19 on the information provided in the agency reports required
20 under paragraph (1), analyzes the degree to which agen-
21 cies have complied with the requirements of this section.”.

