To amend title 38, United States Code, to provide for certain requirements relating to the use of the design-build construction method for Department of Veterans Affairs construction projects, and for other purposes.
A BILL

To amend title 38, United States Code, to provide for certain requirements relating to the use of the design-build construction method for Department of Veterans Affairs construction projects, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “VA Design-Build Con-
struction Enhancement Act of 2019”.

SEC. 2. FINDINGS; SENSE OF CONGRESS REGARDING THE

DESIGN-BUILD CONSTRUCTION METHOD FOR

DEPARTMENT OF VETERANS AFFAIRS CON-
STRUCTION PROJECTS.

(a) FINDINGS.—Congress makes the following find-
ings:

(1) The Inspector General of the Department of
Veterans Affairs found that, in the Aurora, Colo-
rado, replacement medical center project, the De-
partment decided to change its acquisition strategy
from traditional design-bid-build to integrated-design
and construct in the fourth year of the project,
which was too late for the integrated design-con-
struction firm to provide effective input into the de-
sign.

(2) In response to deficiencies in the Depart-
ment’s management of the Aurora, Colorado, re-
placement medical center project and in order to
prevent reoccurrence of such deficiencies in the fu-
ture, Congress enacted section 8103 of title 38,
United States Code, which mandates that an appropriate non-Department Federal entity take over management of future super construction projects of the Department, including project design, acquisition, construction, and contract changes.

(3) It has been the policy of the Federal Government since the enactment of the Clinger-Cohen Act of 1996 (Public Law 104–106) that design-build shall be used when appropriate circumstances are present.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the unsuccessful use of the integrated-design and construct acquisition method in the Aurora, Colorado, replacement medical center project should not be interpreted to mean that design-build, as described in section 3309 of title 41, United States Code, is unsuitable for construction projects of the Department of Veterans Affairs; and

(2) when used properly by adequately trained acquisition and construction management personnel and in the appropriate circumstances, design-build is an effective construction acquisition method for the Department of Veterans Affairs, which has been demonstrated to reduce change orders, decrease the
duration between design completion and beneficial
occupancy, and increase warranty protections.

SEC. 3. DEPARTMENT OF VETERANS AFFAIRS USE OF DES-
IGN-BUILD CONSTRUCTION METHOD.

(a) Use of Design-Build Selection Procedures.—Section 8106 of title 38, United States Code, is
amended by adding at the end the following new sub-
section:

“(d)(1) If the Secretary seeks to enter into a contract
for the design and construction of a building or facility,
the Secretary shall use the procedures established in sec-
tion 3309 of title 41.

“(2) In the case of a super construction project for
which a non-Department Federal entity provides project
management services under section 8103(e) of this title,
the Secretary shall not discourage the entity from using
the procedures established in section 3309 of title 41.”

(b) Covered Certification Program.—Section
8103(g)(6)(A) of such title is amended by inserting “, in-
cluding design-build construction” before the period at the
end.