

113TH CONGRESS  
1ST SESSION

# H. R. 2750

To amend title 41, United States Code, to require the use of two-phase selection procedures when design-build contracts are suitable for award to small business concerns, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2013

Mr. GRAVES of Missouri (for himself, Ms. HERRERA BEUTLER, Mr. HANNA, Mr. MULVANEY, Mr. CONNOLLY, Mr. MEADOWS, and Ms. MENG) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend title 41, United States Code, to require the use of two-phase selection procedures when design-build contracts are suitable for award to small business concerns, 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 “Design-Build Effi-  
5 ciency and Jobs Act of 2013”.

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

2 Section 3309 of title 41, United States Code, is  
3 amended—

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

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

16 “(f) DESIGN AND CONSTRUCTION CONTRACTS.—  
17 Two-phase selection procedures shall be used for entering  
18 into a contract for the design and construction of a public  
19 building, facility, or work when a contracting officer deter-  
20 mines that the contract has a value of \$750,000 or great-  
21 er, as adjusted for inflation in accordance with section  
22 1908 of title 41, United States Code.

23 “(g) REPORTS.—

24 “(1) AGENCY REPORTS.—Beginning on the date  
25 that is 1 year after the effective date of this sub-  
26 section, and for each of the 4 years thereafter, each

1 agency shall submit to the Comptroller General of  
2 the United States and publish in the Federal Reg-  
3 ister, an annual report regarding all cases in the  
4 preceding year in which—

5 “(A) more than 5 finalists were selected  
6 for phase-two requests for competitive pro-  
7 posals; or

8 “(B) for a contract that has a value of  
9 \$750,000 (as adjusted for inflation in accord-  
10 ance with section 1908 of title 41, United  
11 States Code) or greater for which the two-phase  
12 selection procedures was not used.

13 “(2) GAO REPORT.—On the first full fiscal  
14 year that is 5 years after the effective date of this  
15 subsection, the Comptroller General of the United  
16 States shall publish a report that, based on the in-  
17 formation provided in the agency reports required  
18 under paragraph (1), analyzes the degree to which  
19 agencies have complied with the requirements of this  
20 section.”.

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