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(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

**H. R.**

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

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

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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.”;

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.”.