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(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

**H. R.**

To amend the Small Business Act to prohibit the use of reverse auctions  
for design and construction services procurements.

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IN THE HOUSE OF REPRESENTATIVES

Mr. HANNA (for himself, Mr. GRAVES of Missouri, and Ms. MENG) introduced  
the following bill; which was referred to the Committee on

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**A BILL**

To amend the Small Business Act to prohibit the use of  
reverse auctions for design and construction services pro-  
curements.

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 “Commonsense Con-  
5 struction Contracting Act of 2013”.

1 **SEC. 2. REVERSE AUCTIONS PROHIBITED FOR CONTRACTS**  
2 **FOR DESIGN AND CONSTRUCTION SERVICES.**

3 The Small Business Act (15 U.S.C. 631 et seq) is  
4 amended—

5 (1) by redesignating section 47 as section 48;

6 and

7 (2) by inserting after section 46 the following:

8 **“SEC. 47. REVERSE AUCTIONS PROHIBITED FOR CON-**  
9 **TRACTS FOR DESIGN AND CONSTRUCTION**  
10 **SERVICES.**

11 “(a) IN GENERAL.—In the case of any contract for  
12 design and construction services, reverse auction methods  
13 may not be used if the contract—

14 “(1) is suitable for award to a small business  
15 concern; or

16 “(2) if the award is to be made under—

17 “(A) section 8(a);

18 “(B) section 8(m);

19 “(C) section 15(a);

20 “(D) section 15(j);

21 “(E) section 31; or

22 “(F) section 36.

23 “(b) DEFINITIONS.—For purposes of this section—

24 “(1) The term ‘reverse auction’ means, with re-  
25 spect to procurement by an agency, a real-time auc-  
26 tion on the Internet between a group of offerors who

1        compete against each other by submitting bids for a  
2        contract or task order with the ability to submit re-  
3        vised bids throughout course of the auction, and the  
4        award being made to the offeror who submits the  
5        lowest bid.

6            “(2) The term ‘design and construction serv-  
7        ices’ means—

8            “(A) site planning and landscape design;

9            “(B) architectural and interior design;

10          “(C) engineering system design;

11          “(D) performance of construction work for  
12        facility, infrastructure, and environmental res-  
13        toration projects;

14          “(E) delivery and supply of construction  
15        materials to construction sites; and

16          “(F) construction, alteration, or repair, in-  
17        cluding painting and decorating, of public build-  
18        ings and public works.”.