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116TH CONGRESS
1ST SESSION

H. R. 3996

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mr. BANKS (for himself and Mr. PERLMUTTER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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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 Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "VA Design-Build Construction Enhancement Act of 2019".

SEC. 2. FINDINGS; SENSE OF CONGRESS REGARDING THE DESIGN-BUILD CONSTRUCTION METHOD FOR DEPARTMENT OF VETERANS AFFAIRS CONSTRUCTION PROJECTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Inspector General of the Department of Veterans Affairs found that, in the Aurora, Colorado, replacement medical center project, the Department 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-construction firm to provide effective input into the design.

(2) In response to deficiencies in the Department's management of the Aurora, Colorado, replacement medical center project and in order to prevent reoccurrence of such deficiencies in the future, 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 DESIGN-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 subsection:

''(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 section 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 '', including design-build construction'' before the period at the end.

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