

109TH CONGRESS
2D SESSION

S. 2774

To ensure efficiency and fairness in the awarding of Federal contracts in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2006

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure efficiency and fairness in the awarding of Federal contracts in connection with Hurricane Katrina and Hurricane Rita reconstruction efforts.

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 “Local Disaster Con-
5 tracting Fairness Act of 2006”.

6 **SEC. 2. FEDERAL CONTRACTING REQUIREMENTS.**

7 (a) IN GENERAL.—The head of an executive agency
8 may not enter into an agreement for debris removal or
9 demolition services in connection with Hurricane Katrina

1 or Hurricane Rita reconstruction efforts unless the agree-
 2 ment specifies that—

3 (1) all of the work under the contract will be
 4 performed by the prime contractor or one or more
 5 subcontractors at one tier under the contract;

6 (2) any work performed under the contract by
 7 subcontractors will be performed by local sub-
 8 contractors, except to the extent that local sub-
 9 contractors are not available to perform any such
 10 work;

11 (3) the prime contractor will act as the project
 12 manager or construction manager for the contract;
 13 and

14 (4) the prime contractor—

15 (A) has primary responsibility for man-
 16 aging all work under the contract; and

17 (B) is to be paid a certain percentage of
 18 the overall value of the contract as sole com-
 19 pensation for assuming the risk associated with
 20 such responsibility.

21 (b) PREFERENCE FOR SUBCONTRACTORS AFFECTED
 22 BY HURRICANE KATRINA AND HURRICANE RITA.—In en-
 23 tering into an agreement for debris removal or demolition
 24 services in connection with Hurricane Katrina or Hurri-
 25 cane Rita reconstruction efforts, the head of an executive

1 agency shall give a preference in the source selection proc-
2 ess to each offeror who certifies that any work that is to
3 be performed under the contract by subcontractors will be
4 performed by local subcontractors.

5 (c) DEFINITIONS.—In this Act:

6 (1) The term “executive agency” has the mean-
7 ing given such term in section 4 of the Office of
8 Federal Procurement Policy Act (41 U.S.C. 403).

9 (2) The term “local subcontractor” means, with
10 respect to a contract, a subcontractor who—

11 (A) has a principal place of business or
12 regularly conducts operations in the area in
13 which work is to be performed under the con-
14 tract by the subcontractor; and

15 (B)(i) was located, as of August 28, 2005,
16 in the area in which the President declared a
17 major disaster as a result of Hurricane
18 Katrina; or

19 (ii) was located as of September 23, 2005,
20 in the area in which the President declared a
21 major disaster as a result of Hurricane Rita.

1 **SEC. 3. APPLICABILITY.**

2 The requirements under section 2 shall apply to
3 agreements entered into on or after the date of the enact-
4 ment of this Act.

