

112TH CONGRESS  
1ST SESSION

# S. 125

To ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

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

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## A BILL

To ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster 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 2011”.

6        **SEC. 2. DEFINITIONS.**

7        In this Act:

8                (1) EXECUTIVE AGENCY.—The term “executive  
9        agency” has the meaning given such term in section

1 4 of the Office of Federal Procurement Policy Act  
2 (41 U.S.C. 403).

3 (2) LOCAL SUBCONTRACTOR.—The term “local  
4 subcontractor” means, with respect to a contract, a  
5 subcontractor who has a principal place of business  
6 or regularly conducts operations in the area in which  
7 work is to be performed under the contract by the  
8 subcontractor.

9 (3) NATURAL DISASTER RECONSTRUCTION EF-  
10 FORTS.—The term “natural disaster reconstruction  
11 efforts” means reconstruction efforts undertaken in  
12 an area subject to a declaration by the President of  
13 a major disaster under section 401 of the Robert T.  
14 Stafford Disaster Relief and Emergency Assistance  
15 Act (42 U.S.C. 5170).

16 **SEC. 3. FEDERAL CONTRACTING REQUIREMENTS.**

17 (a) IN GENERAL.—The head of an executive agency  
18 may not enter into an agreement for debris removal or  
19 demolition services in connection with natural disaster re-  
20 construction efforts unless the agreement specifies that—

21 (1) all of the work under the contract will be  
22 performed by the prime contractor or 1 or more sub-  
23 contractors at 1 tier under the contract;

24 (2) any work performed under the contract by  
25 subcontractors will be performed by local sub-

1 contractors, except to the extent that local sub-  
 2 contractors are not available to perform such work;

3 (3) the prime contractor will act as the project  
 4 manager or construction manager for the contract;  
 5 and

6 (4) the prime contractor—

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

9 (B) will be paid a certain percentage of the  
 10 overall value of the contract as sole compensa-  
 11 tion for assuming the risk associated with such  
 12 responsibility.

13 (b) PREFERENCE FOR SUBCONTRACTORS AFFECTED  
 14 BY NATURAL DISASTERS.—In entering into an agreement  
 15 for debris removal or demolition services in connection  
 16 with natural disaster reconstruction efforts, the head of  
 17 an executive agency shall give a preference in the source  
 18 selection process to each offeror who certifies that any  
 19 work that is to be performed under the contract by sub-  
 20 contractors will be performed by local subcontractors.

21 **SEC. 4. APPLICABILITY.**

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

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