

113TH CONGRESS  
1ST SESSION

# H. R. 1109

To amend title 10, United States Code, to require cost or price to the Federal Government be given at least equal importance as technical or other criteria in evaluating competitive proposals for defense contracts.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2013

Mr. GRAYSON introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to require cost or price to the Federal Government be given at least equal importance as technical or other criteria in evaluating competitive proposals for defense contracts.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REQUIREMENT THAT COST OR PRICE TO THE**  
2 **FEDERAL GOVERNMENT BE GIVEN AT LEAST**  
3 **EQUAL IMPORTANCE AS TECHNICAL OR**  
4 **OTHER CRITERIA IN EVALUATING COMPETI-**  
5 **TIVE PROPOSALS FOR DEFENSE CONTRACTS.**

6 (a) REQUIREMENT.—Subparagraph (A) of section  
7 2305(a)(3) of title 10, United States Code, is amended  
8 by striking “proposals; and” at the end of clause (ii) and  
9 all that follows through the end of the subparagraph and  
10 inserting the following: “proposals and that must be as-  
11 signed importance at least equal to all evaluation factors  
12 other than cost or price when combined.”.

13 (b) WAIVER.—Section 2305(a)(3) of such title is fur-  
14 ther amended by striking subparagraph (B) and inserting  
15 the following:

16 “(B) The requirement of subparagraph  
17 (A)(ii) relating to assigning at least equal im-  
18 portance to evaluation factors of cost or price  
19 may be waived by the head of the agency. The  
20 authority to issue a waiver under this subpara-  
21 graph may not be delegated.”.

22 (c) REPORT.—Section 2305(a)(3) of such title is fur-  
23 ther amended by adding at the end the following new sub-  
24 paragraph:

25 “(C) Not later than 180 days after the end  
26 of each fiscal year, the Secretary of Defense

1 shall submit to Congress, and post on a publicly  
2 available website of the Department of Defense,  
3 a report containing a list of each waiver issued  
4 by the head of an agency under subparagraph  
5 (B) during the preceding fiscal year.”.

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