

Union Calendar No. 497

113TH CONGRESS
2D SESSION

H. R. 2751

[Report No. 113-660]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2013

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

DECEMBER 11, 2014

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

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

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”.

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

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

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

11 and

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

13 **“SEC. 47. REVERSE AUCTIONS PROHIBITED FOR CON-**
 14 **TRACTS FOR DESIGN AND CONSTRUCTION**
 15 **SERVICES.**

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

19 “(1) is suitable for award to a small business
 20 concern; or

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

22 “(A) section 8(a);

23 “(B) section 8(m);

24 “(C) section 15(a);

25 “(D) section 15(j);

1 “(E) section 31; or

2 “(F) section 36.

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

4 “(1) The term ‘reverse auction’ means, with re-
5 spect to procurement by an agency, a real-time auc-
6 tion on the Internet between a group of offerors who
7 compete against each other by submitting bids for a
8 contract or task order with the ability to submit re-
9 vised bids throughout the course of the auction, and
10 the award being made to the offeror who submits
11 the lowest bid.

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

14 “(A) site planning and landscape design;

15 “(B) architectural and interior design;

16 “(C) engineering system design;

17 “(D) performance of construction work for
18 facility, infrastructure, and environmental res-
19 toration projects;

20 “(E) delivery and supply of construction
21 materials to construction sites; and

22 “(F) construction, alteration, or repair, in-
23 cluding painting and decorating, of public build-
24 ings and public works.”.

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