

116TH CONGRESS
1ST SESSION

H. R. 3996

IN THE SENATE OF THE UNITED STATES

NOVEMBER 13, 2019

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

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.

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. SHORT TITLE.**

2 This Act may be cited as the “VA Design-Build Con-
3 struction Enhancement Act of 2019”.

4 **SEC. 2. FINDINGS; SENSE OF CONGRESS REGARDING THE**
5 **DESIGN-BUILD CONSTRUCTION METHOD FOR**
6 **DEPARTMENT OF VETERANS AFFAIRS CON-**
7 **STRUCTION PROJECTS.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) The Inspector General of the Department of
11 Veterans Affairs found that, in the Aurora, Colo-
12 rado, replacement medical center project, the De-
13 partment decided to change its acquisition strategy
14 from traditional design-bid-build to integrated-design
15 and construct in the fourth year of the project,
16 which was too late for the integrated design-con-
17 struction firm to provide effective input into the de-
18 sign.

19 (2) In response to deficiencies in the Depart-
20 ment’s management of the Aurora, Colorado, re-
21 placement medical center project and in order to
22 prevent reoccurrence of such deficiencies in the fu-
23 ture, Congress enacted section 8103 of title 38,
24 United States Code, which mandates that an appro-
25 priate non-Department Federal entity take over
26 management of future super construction projects of

1 the Department, including project design, acquisi-
2 tion, construction, and contract changes.

3 (3) It has been the policy of the Federal Gov-
4 ernment since the enactment of the Clinger-Cohen
5 Act of 1996 (Public Law 104–106) that design-build
6 shall be used when appropriate circumstances are
7 present.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 (1) the unsuccessful use of the integrated-de-
11 sign and construct acquisition method in the Aurora,
12 Colorado, replacement medical center project should
13 not be interpreted to mean that design-build, as de-
14 scribed in section 3309 of title 41, United States
15 Code, is unsuitable for construction projects of the
16 Department of Veterans Affairs; and

17 (2) when used properly by adequately trained
18 acquisition and construction management personnel
19 and in the appropriate circumstances, design-build is
20 an effective construction acquisition method for the
21 Department of Veterans Affairs, which has been
22 demonstrated to reduce change orders, decrease the
23 duration between design completion and beneficial
24 occupancy, and increase warranty protections.

1 **SEC. 3. DEPARTMENT OF VETERANS AFFAIRS USE OF DE-**
2 **SIGN-BUILD CONSTRUCTION METHOD.**

3 (a) USE OF DESIGN-BUILD SELECTION PROCE-
4 DURES.—Section 8106 of title 38, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(d)(1) If the Secretary seeks to enter into a contract
8 for the design and construction of a building or facility,
9 the Secretary shall use the procedures established in sec-
10 tion 3309 of title 41.

11 “(2) In the case of a super construction project for
12 which a non-Department Federal entity provides project
13 management services under section 8103(e) of this title,
14 the Secretary shall not discourage the entity from using
15 the procedures established in section 3309 of title 41.”.

16 (b) COVERED CERTIFICATION PROGRAM.—Section
17 8103(g)(6)(A) of such title is amended by inserting “, in-
18 cluding design-build construction” before the period at the
19 end.

Passed the House of Representatives November 12,
2019.

Attest: CHERYL L. JOHNSON,
Clerk.