

113TH CONGRESS
1ST SESSION

H. R. 3593

To amend title 38, United States Code, to improve the construction of major medical facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2013

Mr. COFFMAN (for himself and Mrs. KIRKPATRICK) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the construction of major medical facilities, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “The VA Construction As-
5 sistance Act of 2013”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) According to testimony by the Director of
9 Physical Infrastructure of the General Account-
10 ability Office before the Committee on Veterans' Af-

1 fairs of the House of Representatives in May 2013,
2 schedule delays of major medical center construction
3 projects of the Department of Veterans Affairs have
4 averaged 35 months, with the delays ranging from
5 14 months to 74 months.

6 (2) The average cost increase attributed to such
7 delays has been \$336,000,000 per project.

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

10 (1) the management of the major medical cen-
11 ter construction projects of the Department of Vet-
12 erans Affairs has been an abysmal failure;

13 (2) in order to minimize repeated delays and
14 cost increases to such projects, the Secretary of Vet-
15 erans Affairs should fully implement all rec-
16 ommendations made by the Comptroller General of
17 the United States in an April 2013 report to im-
18 prove construction procedures and practices of the
19 Department; and

20 (3) management of the major medical facility
21 projects currently underway as of the date of the en-
22 actment of this Act in Denver, Colorado, Orlando,
23 Florida, and New Orleans, Louisiana, should be sub-
24 ject to the oversight of a special project manager of

1 the Army Corps of Engineers that is independent of
2 the Department of Veterans Affairs.

3 **SEC. 3. IMPLEMENTATION OF MAJOR MEDICAL FACILITY**
4 **CONSTRUCTION REFORMS.**

5 Section 8104 of title 38, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(i)(1) With respect to each project described in
9 paragraph (2), the Secretary shall—

10 “(A) use the services of a medical equipment
11 planner as part of the architectural and engineering
12 firm for the project;

13 “(B) develop and use a project management
14 plan to ensure clear and consistent communication
15 among all parties;

16 “(C) subject the project to construction peer ex-
17 cellence review;

18 “(D) develop—

19 “(i) a metrics program to enable the moni-
20 toring of change-order processing time; and

21 “(ii) goals for the change-order process
22 consistent with the best practices of other de-
23 partments and agencies of the Federal Govern-
24 ment; and

1 “(E) to the extent practicable, use design-build
2 processes to minimize multiple change orders.

3 “(2) A project described in this paragraph is a con-
4 struction or alteration project that is a major medical fa-
5 cility project.”.

6 **SEC. 4. SPECIAL PROJECT MANAGER FOR CERTAIN MED-**
7 **ICAL CENTER CONSTRUCTION PROJECTS.**

8 (a) APPOINTMENT OF SPECIAL PROJECT MAN-
9 AGER.—Not later than 180 days after the date of the en-
10 actment of this Act, the Secretary of Veterans Affairs
11 shall enter into an agreement with the Army Corps of En-
12 gineers to procure, on a reimbursable basis, the services
13 of the Army Corps of Engineers with respect to appointing
14 not less than one special project manager who has experi-
15 ence in managing construction projects that exceed
16 \$60,000,000 to oversee covered projects until the date on
17 which the project is completed.

18 (b) DUTIES.—A special project manager appointed
19 under subsection (a) to oversee a covered project shall—

20 (1) conduct oversight of all construction-related
21 operations at the project, including with respect to—

22 (A) the performance of the Department of
23 Veterans Affairs involving the prime contrac-
24 tors; and

1 (B) the compliance of the Department with
2 the Federal Acquisition Regulation, including
3 the VA Acquisition Regulation;

4 (2) advise and assist the Department in any
5 construction-related activity at the project, including
6 the approval of change-order requests for the pur-
7 pose of achieving a timely completion of the project;
8 and

9 (3) recommend to the Department best con-
10 struction practices to improve operations for the
11 project.

12 (c) PLANS AND REPORT.—

13 (1) COMPLETION PLANS.—Not later than 90
14 days after being appointed under subsection (a), a
15 special project manager shall submit to the Commit-
16 tees on Veterans' Affairs of the House of Represent-
17 atives and the Senate detailed plans of the covered
18 project for which the special project manager is so
19 appointed.

20 (2) PROGRESS REPORTS.—Not later than 180
21 days after being appointed under subsection (a), and
22 each 180-day period thereafter until the date on
23 which the covered project is completed, a special
24 project manager shall submit to the Committees on
25 Veterans' Affairs of the House of Representatives

1 and the Senate a report detailing the progress of the
2 covered project for which the special project man-
3 ager is so appointed. Each report shall include—

4 (A) an analysis of all advice and assistance
5 provided to the Department under subsection
6 (b);

7 (B) an analysis of all changes ordered by
8 the Department with respect to the project, or
9 claimed to have been made by contract between
10 the Department and the prime contractor, in-
11 cluding the extent to which such changes com-
12 ply with the Federal Acquisition Regulation, in-
13 cluding the VA Acquisition Regulation;

14 (C) an analysis of the communication and
15 working relationship between the Department
16 and the prime contractor, including any rec-
17 ommendations made by the prime contractor to
18 aid in the completion of the project; and

19 (D) identification of opportunities and rec-
20 ommendations with respect to improving the op-
21 eration of any construction-related activity to
22 reduce costs or complete the project in a more
23 timely manner.

24 (d) COOPERATION.—

1 (1) INFORMATION.—The Secretary of Veterans
2 Affairs shall provide a special project manager ap-
3 pointed under subsection (a) with any necessary doc-
4 uments or information necessary for the special
5 project manager to carry out subsections (b) and (c).

6 (2) ASSISTANCE.—Upon request by the special
7 project manager, the Secretary shall provide to the
8 special project manager administrative assistance
9 necessary for the special project manager to carry
10 out subsections (b) and (c).

11 (e) COVERED PROJECTS DEFINED.—In this section,
12 the term “covered projects” means each construction
13 project that is a major medical facility project (as defined
14 in section 8104(a)(3)(A) of title 38, United States Code)
15 being carried out as of the date of the enactment of this
16 Act at the following locations:

17 (1) Denver, Colorado.

18 (2) Orlando, Florida.

19 (3) New Orleans, Louisiana.

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