

114TH CONGRESS
2D SESSION

H. R. 4999

To ensure the effective and appropriate use of the Lowest Price Technically
Acceptable source selection process.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2016

Mr. BEYER (for himself and Mr. WITTMAN) introduced the following bill;
which was referred to the Committee on Armed Services

A BILL

To ensure the effective and appropriate use of the Lowest
Price Technically Acceptable source selection process.

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 “Promoting Value
5 Based Defense Procurement Act”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It shall be the policy of the Department of Defense
8 to avoid using Lowest Price Technically Acceptable source
9 selection criteria in inappropriate circumstances that po-

1 tentially deny the Department the benefits of cost and
2 technical tradeoffs in the source selection process.

3 **SEC. 3. REVISION OF DEFENSE FEDERAL ACQUISITION**
4 **REGULATION SUPPLEMENT.**

5 For new solicitations issued on or after the date that
6 is 120 days after the date of the enactment of this Act,
7 Lowest Price Technically Acceptable source selection cri-
8 teria shall be used only in situations in which—

9 (1) the Department of Defense is able to com-
10 prehensively and clearly describe the minimum re-
11 quirements expressed in terms of performance objec-
12 tives, measures, and standards that will be used to
13 determine acceptability of offers;

14 (2) the Department of Defense would realize
15 no, or minimal, value from a contract proposal ex-
16 ceeding the minimum technical or performance re-
17 quirements set forth in the Request for Proposal;

18 (3) the proposed technical approaches will re-
19 quire no, or minimal, subjective judgment by the
20 source selection authority as to the desirability of
21 one offeror's proposal versus a competing proposal;

22 (4) a review of technical proposals of offerors
23 other than the lowest bidder would result in no, or
24 minimal, benefit to the Department; and

1 (5) the contracting officer has included a jus-
2 tification for the use of a Lowest Price Technically
3 Acceptable evaluation methodology in the contract
4 file, if the contract to be awarded is predominately
5 for the acquisition of information technology serv-
6 ices, systems engineering and technical assistance
7 services, or other knowledge-based professional serv-
8 ices.

9 **SEC. 4. AVOIDANCE OF USE OF LOWEST PRICE TECH-**
10 **NICALLY ACCEPTABLE SOURCE SELECTION**
11 **CRITERIA IN PROCUREMENTS OF INFORMA-**
12 **TION TECHNOLOGY AND AUDITING.**

13 To the maximum extent practicable, the use of Low-
14 est Price Technically Acceptable source selection criteria
15 shall be avoided when the procurement is predominately
16 for the acquisition of information technology services, sys-
17 tems engineering and technical assistance services, audit
18 or audit readiness services, or other knowledge-based pro-
19 fessional services.

20 **SEC. 5. REPORTING.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, and annually thereafter for 3 years, the
23 Secretary of Defense shall submit to the congressional de-
24 fense committees a report on the number of instances in
25 which Lowest Price Technically Acceptable source selec-

1 tion criteria is used, including an explanation of how the
2 criteria in section 2 was considered when making a deter-
3 mination to use Lowest Price Technically Acceptable
4 source selection criteria.

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