

114TH CONGRESS
1ST SESSION

S. 21

To ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2015

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts.

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 “Local Disaster Con-
5 tracting Fairness Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “executive agency” has the mean-
9 ing given that term in section 133 of title 41, United
10 States Code;

1 (2) the term “local subcontractor” means, with
2 respect to a contract, a subcontractor who has a
3 principal place of business or regularly conducts op-
4 erations in the area in which work is to be per-
5 formed under the contract by the subcontractor; and

6 (3) the term “natural disaster reconstruction
7 efforts” means reconstruction efforts undertaken in
8 an area for which the President has declared a
9 major disaster under section 401 of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance
11 Act (42 U.S.C. 5170).

12 **SEC. 3. FEDERAL CONTRACTING REQUIREMENTS.**

13 (a) IN GENERAL.—The head of an executive agency
14 may not enter into an agreement for debris removal or
15 demolition services in connection with natural disaster re-
16 construction efforts unless the agreement specifies that—

17 (1) all of the work under the contract will be
18 performed by the prime contractor or 1 or more sub-
19 contractors at 1 tier under the contract;

20 (2) any work performed under the contract by
21 subcontractors will be performed by local sub-
22 contractors, except to the extent that local sub-
23 contractors are not available to perform such work;

1 (3) the prime contractor will act as the project
2 manager or construction manager for the contract;
3 and

4 (4) the prime contractor—

5 (A) has primary responsibility for man-
6 aging all work under the contract; and

7 (B) will be paid a certain percentage of the
8 overall value of the contract as sole compensa-
9 tion for assuming the risk associated with such
10 responsibility.

11 (b) PREFERENCE FOR SUBCONTRACTORS AFFECTED
12 BY NATURAL DISASTERS.—In entering into an agreement
13 for debris removal or demolition services in connection
14 with natural disaster reconstruction efforts, the head of
15 an executive agency shall give a preference in the source
16 selection process to each offeror who certifies that any
17 work that is to be performed under the contract by sub-
18 contractors will be performed by local subcontractors.

19 **SEC. 4. APPLICABILITY.**

20 The requirements under section 3 shall apply to
21 agreements entered into on or after the date of enactment
22 of this Act.

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