

115TH CONGRESS  
1ST SESSION

# H. R. 2350

To amend the Small Business Act to foster greater transparency in and establish standards relating to the administration of construction contracts, to provide prospective construction contractors with information about an agency's policies on the administration of change orders to allow such contractors to make informed business decisions regarding the pricing of bids or proposals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2017

Mr. BACON introduced the following bill; which was referred to the Committee on Small Business

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## A BILL

To amend the Small Business Act to foster greater transparency in and establish standards relating to the administration of construction contracts, to provide prospective construction contractors with information about an agency's policies on the administration of change orders to allow such contractors to make informed business decisions regarding the pricing of bids or proposals, 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 “Small Business Know-  
3 Before-You-Bid Construction Transparency Act of 2017”.

4 **SEC. 2. CONSTRUCTION CONTRACT ADMINISTRATION.**

5 The Small Business Act (15 U.S.C. 631 et seq.) is  
6 amended by inserting after section 15 the following new  
7 section:

8 **“SEC. 15A. CONSTRUCTION CONTRACT ADMINISTRATION.**

9 “(a) **TRANSPARENCY IN THE ADMINISTRATION OF**  
10 **CONSTRUCTION CONTRACTS.—**

11 “(1) **IN GENERAL.—**The Administrator, in con-  
12 sultation with the Director of the Office of Manage-  
13 ment and Budget, shall make available a secured  
14 electronic system through which each agency shall  
15 provide access to documents relating to each con-  
16 struction contract administered by the agency that is  
17 awarded to a small business concern.

18 “(2) **DOCUMENTS TO BE MADE AVAILABLE.—**  
19 At minimum, the following items shall be made ac-  
20 cessible through the secured electronic system:

21 “(A) A copy of any payment bond provided  
22 for the contract and any modification to such  
23 bond required by the agency.

24 “(B) Each payment made to the prime  
25 contractor, including the date of payment and  
26 the amount paid, specifying any amounts with-

1 held from the amount requested by the prime  
2 contractor and a general explanation of why an  
3 amount was withheld.

4 “(3) TIMELINESS OF INCLUSION OF INFORMA-  
5 TION.—Any item of information relating to a con-  
6 struction contract administered by an agency shall  
7 be made available electronically through the secured  
8 electronic system described under paragraph (1) not  
9 later than 15 days after such item is included in the  
10 contract file.

11 “(b) SOLICITATION NOTICE REGARDING ADMINIS-  
12 TRATION OF CHANGE ORDERS FOR CONSTRUCTION.—  
13 With respect to any solicitation for the award of a contract  
14 for construction anticipated to be awarded to a small busi-  
15 ness concern, the agency shall provide a notice along with  
16 the solicitation to prospective bidders and offerors about  
17 the agency’s policies or practices in complying with the  
18 requirements of the Federal Acquisition Regulation relat-  
19 ing to the timely definitization of requests for an equitable  
20 adjustment. Such notice shall include information about  
21 the agency’s past performance in definitizing requests for  
22 equitable adjustments, set forth separately shall be pre-  
23 sented for each definitization action that was completed  
24 during the following periods:

1           “(1) Not more than 30 days after receipt of a  
2 request for an equitable adjustment.

3           “(2) Not more than 45 days after receipt of a  
4 request for an equitable adjustment.

5           “(3) Not more than 90 days after receipt of a  
6 request for an equitable adjustment.

7           “(4) Not more than 180 days after receipt of  
8 a request for an equitable adjustment.

9           “(5) More than 365 days after receipt of a re-  
10 quest for an equitable adjustment.

11           “(6) After the completion of the performance of  
12 the contract through a contract modification ad-  
13 dressing all undefinitized requests for an equitable  
14 adjustment received during the term of the con-  
15 tract.”.

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