

115TH CONGRESS
2D SESSION

H. R. 4754

AN ACT

To amend the Small Business Act 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Change Order Trans-
5 parency for Federal Contractors Act”.

6 **SEC. 2. CONSTRUCTION CONTRACT ADMINISTRATION.**

7 Section 15 of the Small Business Act (15 U.S.C. 644)
8 is amended by adding at the end the following new sub-
9 section:

10 “(w) SOLICITATION NOTICE REGARDING ADMINIS-
11 TRATION OF CHANGE ORDERS FOR CONSTRUCTION.—

12 “(1) IN GENERAL.—With respect to any solici-
13 tation for the award of a contract for construction
14 anticipated to be awarded to a small business con-
15 cern, the agency administering such contract shall
16 provide a notice along with the solicitation to pro-
17 spective bidders and offerors that includes—

18 “(A) information about the agency’s poli-
19 cies or practices in complying with the require-
20 ments of the Federal Acquisition Regulation re-
21 lating to the timely definitization of requests for
22 an equitable adjustment; and

23 “(B) information about the agency’s past
24 performance in definitizing requests for equi-

1 table adjustments in accordance with paragraph
2 (2).

3 “(2) REQUIREMENTS FOR AGENCIES.—An
4 agency shall provide the past performance informa-
5 tion described under paragraph (1)(B) as follows:

6 “(A) For the 3-year period preceding the
7 issuance of the notice, to the extent such infor-
8 mation is available.

9 “(B) With respect to an agency that, on
10 the date of the enactment of this subsection,
11 has not compiled the information described
12 under paragraph (1)(B)—

13 “(i) beginning 1 year after the date of
14 the enactment of this subsection, for the 1-
15 year period preceding the issuance of the
16 notice;

17 “(ii) beginning 2 years after the date
18 of the enactment of this subsection, for the
19 2-year period preceding the issuance of the
20 notice; and

21 “(iii) beginning 3 years after the date
22 of the enactment of this subsection and
23 each year thereafter, for the 3-year period
24 preceding the issuance of the notice.

1 “(3) FORMAT OF PAST PERFORMANCE INFOR-
2 MATION.—In the notice required under paragraph
3 (1), the agency shall ensure that the past perform-
4 ance information described under paragraph (1)(B)
5 is set forth separately for each definitization action
6 that was completed during the following periods:

7 “(A) Not more than 30 days after receipt
8 of a request for an equitable adjustment.

9 “(B) Not more than 60 days after receipt
10 of a request for an equitable adjustment.

11 “(C) Not more than 90 days after receipt
12 of a request for an equitable adjustment.

13 “(D) Not more than 180 days after receipt
14 of a request for an equitable adjustment.

15 “(E) More than 365 days after receipt of
16 a request for an equitable adjustment.

17 “(F) After the completion of the perform-
18 ance of the contract through a contract modi-
19 fication addressing all undefinitized requests for

1 an equitable adjustment received during the
2 term of the contract.”.

Passed the House of Representatives May 8, 2018.

Attest:

Clerk.

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