

115TH CONGRESS
2D SESSION

S. 3794

To amend title 38, United States Code, to improve the procurement practices of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2018

Mr. GARDNER introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the procurement practices of the Department of Veterans Affairs, 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 Procurement Effi-
5 ciency and Transparency Act”.

6 **SEC. 2. INFORMATION ON COST OR PRICE SAVINGS FROM**
7 **COMPETITION.**

8 (a) IN GENERAL.—Chapter 81 of title 38, United
9 States Code, is amended by inserting after section 8128
10 the following new section:

1 **“§ 8129. Information on cost or price savings from**
 2 **competition**

3 “(a) RECORDING OF INFORMATION.—With respect to
 4 any contract awarded by the Secretary that is reported
 5 in the Federal Procurement Data System described in sec-
 6 tion 1122(a)(4)(A) of title 41, or any successor system,
 7 the Secretary shall record information on the amount of
 8 any cost or price savings realized by using competitive pro-
 9 cedures in awarding such contract.

10 “(b) PLACEMENT OF RECORDS.—The Secretary shall
 11 place recorded information under subsection (a) as follows:

12 “(1) With respect to contracts recorded in the
 13 Electronic Contract Management System, or any
 14 successor system, in such system.

15 “(2) With respect to contracts not covered by
 16 paragraph (1), in a location determined appropriate
 17 by the Secretary.

18 “(c) CALCULATION OF COST SAVINGS.—(1) In car-
 19 rying out subsection (a), the Secretary shall calculate the
 20 amount of cost or price savings realized by using competi-
 21 tive procedures in awarding a contract by—

22 “(A) subtracting the total value of the selected
 23 offer or quote from the average of the total values
 24 of all offers or quotes evaluated; or

1 “(B) subtracting the total value of the selected
2 offer or quote from the total value of the median
3 offer or quote evaluated.

4 “(2) If the difference calculated pursuant to para-
5 graph (1) is negative, the Secretary shall record such dif-
6 ference as zero.

7 “(3) The Secretary shall make calculations under
8 paragraph (1) with respect to a contract—

9 “(A) at the time at which the Secretary obli-
10 gates amounts under such contract; or

11 “(B) if such contract contains options, at the
12 time at which the option is exercised.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by inserting
15 after the item relating to section 8128 the following new
16 item:

 “8129. Information on cost or price savings from competition.”.

17 **SEC. 3. USE OF STANDARDIZED PROCUREMENT TEM-**
18 **PLATES.**

19 To the extent practicable, the Secretary of Veterans
20 Affairs shall make available and use on a Department-
21 wide basis the standardized procurement templates used
22 by the Central Office of the Department of Veterans Af-
23 fairs, the Veterans Health Administration, the Veterans
24 Benefits Administration, and the National Cemetery Ad-
25 ministration. In carrying out this section, the Secretary

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- 1 may customize such templates to address particular pro-
- 2 curement situations.

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