

116TH CONGRESS
1ST SESSION

H. R. 1099

To require construction inspection functions be conducted by public employees,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Mr. SERRANO (for himself, Ms. CLARKE of New York, Miss GONZÁLEZ-COLÓN of Puerto Rico, Ms. VELÁZQUEZ, Ms. JACKSON LEE, Mr. CARSON of Indiana, and Mr. LYNCH) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require construction inspection functions be conducted
by public employees, 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 “Safety, Efficiency, and
5 Accountability in Transportation Projects Through Public
6 Inspection Act of 2019”.

7 **SEC. 2. PUBLIC INSPECTION OF PROJECTS.**

8 Section 112(b) of title 23, United States Code, is
9 amended—

1 (1) in paragraph (2), by adding at the end the
2 following:

3 “(G) CONSTRUCTION INSPECTION SERV-
4 ICES.—

5 “(i) LIMITATION.—In carrying out a
6 project under this section, public employees
7 shall perform construction inspection func-
8 tions.

9 “(ii) CONSTRUCTION INSPECTION
10 FUNCTIONS DEFINED.—In this subpara-
11 graph, the term ‘construction inspection
12 functions’ includes construction engineer-
13 ing, contract administration, on-site qual-
14 ity control inspection, materials testing,
15 and resident engineer and assistant resi-
16 dent engineer functions responsible for the
17 acceptance or rejection of the work.

18 “(iii) EXCEPTION.—If a State trans-
19 portation department or other public agen-
20 cy project sponsor does not have adequate
21 existing or obtainable staff to perform the
22 construction inspection functions, then the
23 agency may utilize temporary consultant
24 contracts for these services until such staff
25 can be obtained.

1 “(iv) TIME PERIOD.—Any temporary
2 contracts to provide construction inspec-
3 tion services under this subparagraph shall
4 not exceed the period that ends on the date
5 that is 12 months after the date of con-
6 tract award.”;

7 (2) in paragraph (3), by adding at the end the
8 following:

9 “(F) CONSTRUCTION INSPECTION SERV-
10 ICES.—Public employees shall perform the con-
11 struction inspection functions on all design-
12 build projects. Such inspection functions shall
13 be subject to the requirements of paragraph
14 (2)(G).”; and

15 (3) in paragraph (4)(A), by adding at the end
16 the following:

17 “(v) CONSTRUCTION INSPECTION SERV-
18 ICES.—Public employees shall perform the con-
19 struction inspection functions on all projects
20 that use a 2-phase contract. Such functions
21 shall be subject to the requirements of para-
22 graph (2)(G).”.

○