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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To prohibit the use of reverse auctions for design and construction services procurements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MEADOWS introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit the use of reverse auctions for design and construction services procurements, 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 “Construction Con-
5 sensus Procurement Improvement Act of 2020”.

1 **SEC. 2. PROHIBITION ON USE OF A REVERSE AUCTION FOR**
2 **THE AWARD OF A CONTRACT FOR DESIGN**
3 **AND CONSTRUCTION SERVICES.**

4 (a) FINDING.—Congress finds that, in contrast to a
5 traditional auction in which the buyers bid up the price,
6 sellers bid down the price in a reverse auction.

7 (b) PROHIBITION.—Not later than 180 days after the
8 date of the enactment of this Act, the Federal Acquisition
9 Regulation shall be amended to prohibit the use of reverse
10 auctions for awarding contracts for design and construc-
11 tion services.

12 (c) DEFINITIONS.—In this section:

13 (1) The term “design and construction serv-
14 ices” means—

15 (A) site planning and landscape design;

16 (B) architectural and engineering services
17 (as defined in section 1102 of title 40, United
18 States Code);

19 (C) interior design;

20 (D) performance of substantial construc-
21 tion work for facility, infrastructure, and envi-
22 ronmental restoration projects;

23 (E) delivery and supply of construction
24 materials to construction sites; or

25 (F) construction or substantial alteration
26 of public buildings or public works.

1 (2) The term “reverse auction” means, with re-
2 spect to any procurement by an executive agency—

3 (A) a real-time auction conducted through
4 an electronic medium among 2 or more offerors
5 who compete by submitting bids for a supply or
6 service contract, or a delivery order, task order,
7 or purchase order under the contract, with the
8 ability to submit revised lower bids at any time
9 before the closing of the auction; and

10 (B) the award of the contract, delivery
11 order, task order, or purchase order to the of-
12 feror is solely based on the price obtained
13 through the auction process.