

Union Calendar No.

116TH CONGRESS
1ST SESSION

H. R. 3996

[Report No. 116-]

To amend title 38, United States Code, to provide for certain requirements relating to the use of the design-build construction method for Department of Veterans Affairs construction projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2019

Mr. BANKS (for himself and Mr. PERLMUTTER) introduced the following bill;
which was referred to the Committee on Veterans' Affairs

NOVEMBER --, 2019

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To amend title 38, United States Code, to provide for certain requirements relating to the use of the design-build construction method for Department of Veterans Affairs construction projects, 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 Design-Build Con-
5 struction Enhancement Act of 2019”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS REGARDING THE**
7 **DESIGN-BUILD CONSTRUCTION METHOD FOR**
8 **DEPARTMENT OF VETERANS AFFAIRS CON-**
9 **STRUCTION PROJECTS.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) The Inspector General of the Department of
13 Veterans Affairs found that, in the Aurora, Colo-
14 rado, replacement medical center project, the De-
15 partment decided to change its acquisition strategy
16 from traditional design-bid-build to integrated-design
17 and construct in the fourth year of the project,
18 which was too late for the integrated design-con-
19 struction firm to provide effective input into the de-
20 sign.

21 (2) In response to deficiencies in the Depart-
22 ment’s management of the Aurora, Colorado, re-
23 placement medical center project and in order to
24 prevent reoccurrence of such deficiencies in the fu-
25 ture, Congress enacted section 8103 of title 38,

1 United States Code, which mandates that an appropriate
2 appropriate non-Department Federal entity take over
3 management of future super construction projects of
4 the Department, including project design, acquisition,
5 tion, construction, and contract changes.

6 (3) It has been the policy of the Federal Government
7 since the enactment of the Clinger-Cohen
8 Act of 1996 (Public Law 104–106) that design-build
9 shall be used when appropriate circumstances are
10 present.

11 (b) SENSE OF CONGRESS.—It is the sense of Congress
12 that—

13 (1) the unsuccessful use of the integrated-design
14 and construct acquisition method in the Aurora,
15 Colorado, replacement medical center project should
16 not be interpreted to mean that design-build, as described
17 in section 3309 of title 41, United States
18 Code, is unsuitable for construction projects of the
19 Department of Veterans Affairs; and

20 (2) when used properly by adequately trained
21 acquisition and construction management personnel
22 and in the appropriate circumstances, design-build is
23 an effective construction acquisition method for the
24 Department of Veterans Affairs, which has been
25 demonstrated to reduce change orders, decrease the

1 duration between design completion and beneficial
2 occupancy, and increase warranty protections.

3 **SEC. 3. DEPARTMENT OF VETERANS AFFAIRS USE OF DE-**
4 **SIGN-BUILD CONSTRUCTION METHOD.**

5 (a) USE OF DESIGN-BUILD SELECTION PROCE-
6 DURES.—Section 8106 of title 38, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(d)(1) If the Secretary seeks to enter into a contract
10 for the design and construction of a building or facility,
11 the Secretary shall use the procedures established in sec-
12 tion 3309 of title 41.

13 “(2) In the case of a super construction project for
14 which a non-Department Federal entity provides project
15 management services under section 8103(e) of this title,
16 the Secretary shall not discourage the entity from using
17 the procedures established in section 3309 of title 41.”.

18 (b) COVERED CERTIFICATION PROGRAM.—Section
19 8103(g)(6)(A) of such title is amended by inserting “, in-
20 cluding design-build construction” before the period at the
21 end.