

110TH CONGRESS
2D SESSION

S. 3703

To ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2008

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts.

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 “Local Disaster Con-
5 tracting Fairness Act of 2008”.

6 **SEC. 2. FEDERAL CONTRACTING REQUIREMENTS.**

7 (a) IN GENERAL.—The head of an executive agency
8 may not enter into an agreement for debris removal or
9 demolition services in connection with natural disaster re-
10 construction efforts unless the agreement specifies that—

1 (1) all of the work under the contract will be
2 performed by the prime contractor or one or more
3 subcontractors at one tier under the contract;

4 (2) any work performed under the contract by
5 subcontractors will be performed by local sub-
6 contractors, except to the extent that local sub-
7 contractors are not available to perform any such
8 work;

9 (3) the prime contractor will act as the project
10 manager or construction manager for the contract;
11 and

12 (4) the prime contractor—

13 (A) has primary responsibility for man-
14 aging all work under the contract; and

15 (B) is to be paid a certain percentage of
16 the overall value of the contract as sole com-
17 pensation for assuming the risk associated with
18 such responsibility.

19 (b) PREFERENCE FOR SUBCONTRACTORS AFFECTED
20 BY NATURAL DISASTERS.—In entering into an agreement
21 for debris removal or demolition services in connection
22 with natural disaster reconstruction efforts, the head of
23 an executive agency shall give a preference in the source
24 selection process to each offeror who certifies that any

1 work that is to be performed under the contract by sub-
2 contractors will be performed by local subcontractors.

3 (c) DEFINITIONS.—In this Act:

4 (1) The term “executive agency” has the mean-
5 ing given such term in section 4 of the Office of
6 Federal Procurement Policy Act (41 U.S.C. 403).

7 (2) The term “local subcontractor” means, with
8 respect to a contract, a subcontractor who has a
9 principal place of business or regularly conducts op-
10 erations in the area in which work is to be per-
11 formed under the contract by the subcontractor.

12 (3) The term “natural disaster reconstruction
13 efforts” means reconstruction efforts undertaken in
14 an area subject to a declaration by the President of
15 a major disaster under section 401 of the Robert T.
16 Stafford Disaster Relief and Emergency Assistance
17 Act (42 U.S.C. 5170).

18 **SEC. 3. APPLICABILITY.**

19 The requirements under section 2 shall apply to
20 agreements entered into on or after the date of the enact-
21 ment of this Act.

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