

Calendar No. 556

118TH CONGRESS
2D SESSION**S. 3626****[Report No. 118–242]**

To clarify task and delivery order solicitation and contract requirements.

IN THE SENATE OF THE UNITED STATES

JANUARY 18, 2024

Mr. PETERS (for himself and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 13, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To clarify task and delivery order solicitation and contract requirements.

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 “Conforming Proce-
5 dures for Federal Task and Delivery Order Contracts Act
6 of 2024”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) certain procedures for solicitation and
4 award of task and delivery order contracts have been
5 streamlined for Defense agencies through amend-
6 ments to Federal law made by—

7 (A) section 825 of the National Defense
8 Authorization Act for Fiscal Year 2017 (Public
9 Law ~~114~~–328; 130 Stat. 2279); and

10 (B) section 816 of the National Defense
11 Authorization Act for Fiscal Year 2020 (Public
12 Law ~~116~~–92; 133 Stat. 1487); and

13 (2) amending title 41, United States Code, to
14 clarify that all Federal agencies and their contrac-
15 tors can benefit from the streamlined procedures for
16 solicitation and award of task and delivery order
17 contracts would align with the purpose of the Fed-
18 eral Acquisition Regulation to provide procurement
19 procedures for use by all executive agencies that are
20 standard, consistent, and conducted in a fair and
21 impartial manner.

22 **SEC. 3. MULTIPLE-AWARD TASK AND DELIVERY ORDER SO-**
23 **LICITATION REQUIREMENTS.**

24 Section ~~3306~~(c)(3) of title 41, United States Code,
25 is amended—

1 (1) in the paragraph heading, by striking “AC-
2 QUIRED ON AN HOURLY RATE”;

3 (2) by striking “for services to be acquired on
4 an hourly rate basis” and inserting “for the same or
5 similar services (including construction) to be ac-
6 quired”; and

7 (3) by striking “based on hourly rates”.

8 **SEC. 4. SINGLE-AWARD TASK AND DELIVERY ORDER CON-**
9 **TRACT REQUIREMENTS.**

10 Section 4103(d)(3) of title 41, United States Code,
11 is amended—

12 (1) in subparagraph (A), by striking “No task
13 or delivery order contract” and inserting “Except as
14 provided under subparagraph (B), no task or deliv-
15 ery order contract”;

16 (2) by redesignating subparagraph (B) as sub-
17 paragraph (C); and

18 (3) by inserting after subparagraph (A) the fol-
19 lowing new subparagraph:

20 “(B) EXCEPTION.—A task or delivery
21 order contract in an amount estimated to ex-
22 ceed \$100,000,000 (including all options) may
23 be awarded to a single source without the writ-
24 ten determination otherwise required under sub-
25 paragraph (A) if the executive agency has made

1 a written determination pursuant to section
 2 3304 of this title that procedures other than
 3 competitive procedures may be used for the
 4 awarding of such contract.”.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Conforming Procedures*
 7 *for Federal Task and Delivery Order Contracts Act of*
 8 *2024”.*

9 **SEC. 2. MULTIPLE-AWARD TASK AND DELIVERY ORDER SO-**
 10 **LICITATION REQUIREMENTS.**

11 *Section 3306(c) of title 41, United States Code, is*
 12 *amended—*

13 (1) *in paragraph (3)—*

14 (A) *in the paragraph heading, by striking*
 15 *“ACQUIRED ON AN HOURLY RATE”;*

16 (B) *by striking “for services to be acquired*
 17 *on an hourly rate basis” and inserting “for the*
 18 *same or similar services (including construction)*
 19 *to be acquired”; and*

20 (C) *by striking “based on hourly rates”;*
 21 *and*

22 (2) *in paragraph (4)—*

23 (A) *by redesignating subparagraphs (C)*
 24 *and (D) as subparagraphs (D) and (E), respec-*
 25 *tively; and*

1 (B) by inserting after subparagraph (B) the
2 following:

3 “(C) the contracting officer has no reason to
4 believe would likely offer other than fair and rea-
5 sonable pricing;”.

6 **SEC. 3. SINGLE-AWARD TASK AND DELIVERY ORDER CON-**
7 **TRACT REQUIREMENTS.**

8 Section 4103(d)(3) of title 41, United States Code, is
9 amended—

10 (1) in subparagraph (A), by striking “No task or
11 delivery order contract” and inserting “Except as
12 provided under subparagraph (B), no task or delivery
13 order contract”;

14 (2) by redesignating subparagraph (B) as sub-
15 paragraph (C); and

16 (3) by inserting after subparagraph (A) the fol-
17 lowing new subparagraph:

18 “(B) *EXCEPTION.*—A task or delivery order
19 contract in an amount estimated to exceed
20 \$100,000,000 (including all options) may be
21 awarded to a single source without the written
22 determination otherwise required under subpara-
23 graph (A) if the executive agency has made a
24 written determination pursuant to section 3304
25 of this title that procedures other than competi-

- 1 *tive procedures may be used for the awarding of*
- 2 *such contract.”.*

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