

Calendar No. 383

115TH CONGRESS
2D SESSION

S. 2413

[Report No. 115-232]

To provide for the appropriate use of bridge contracts in Federal procurement,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2018

Mrs. McCASKILL (for herself and Mr. JOHNSON) introduced the following bill;
which was read twice and referred to the Committee on Homeland Security
and Governmental Affairs

APRIL 18, 2018

Reported by Mr. JOHNSON, with amendments

[Omit the part struck through and insert the part printed in italics]

A BILL

To provide for the appropriate use of bridge contracts in
Federal procurement, 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 “Bridge Contract
5 Transparency and Accountability Act of 2018”.

1 **SEC. 2. REVISIONS TO FEDERAL PROCUREMENT REGULA-**
2 **TIONS.**

3 (a) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Administrator for Fed-
5 eral Procurement Policy, in consultation with the Adminis-
6 trator of the General Services Administration, shall sub-
7 mit to the appropriate congressional committees a report
8 on governmentwide policies, practices, and uses of bridge
9 contracts.

10 (b) AMENDMENT OF FEDERAL ACQUISITION REGU-
11 LATION AND RELATED GUIDANCE.—

12 (1) IN GENERAL.—Not later than one year
13 after the date of the enactment of this Act, the Fed-
14 eral Acquisition Regulatory Council shall, based on
15 the findings of the review under this section, amend
16 the Federal Acquisition Regulation—

17 (A) to provide for a common definition of
18 bridge contracts, with consideration given to—

19 (i) extensions to existing contracts be-
20 yond the base and option years to avoid
21 lapses in service caused by delays in
22 awarding subsequent contracts; and

23 (ii) new short-term contracts awarded
24 on a sole source basis to avoid lapses in
25 service caused by delays in awarding sub-
26 sequent contracts; and

1 (B) to provide for the appropriate use of
2 such contracts, including, as appropriate, pa-
3 rameters related to duration and cost.

4 (2) GUIDANCE.—The Administrator for Federal
5 Procurement Policy, in consultation with the Admin-
6 istrator of General Services, may issue guidance to
7 executive agencies regarding the use of bridge con-
8 tracts, including with respect to duration and cost,
9 and related guidance to implement the policies de-
10 scribed under paragraph (1).

11 **SEC. 3. AGENCY TRANSPARENCY AND REPORTS.**

12 (a) GUIDANCE ON INFORMATION COLLECTION.—Not
13 later than 30 days after the date of the enactment of this
14 Act, the Administrator for Federal Procurement Policy
15 shall issue guidance for executive agencies to collect infor-
16 mation on the use of bridge contracts. The guidance shall
17 include an interim definition of bridge contracts for agen-
18 cies to use in their reporting until the Federal Acquisition
19 Regulation is amended pursuant to section 2(b)(1).

20 (b) REPORTING TO OFFICE OF FEDERAL PROCURE-
21 MENT POLICY.—

22 (1) IN GENERAL.—Not later than September
23 30, 2019, and by September 30 of each subsequent
24 year thereafter until 2025, the head of each execu-
25 tive agency shall submit to the Administrator for

1 Federal Procurement Policy a report on the use by
2 the agency of bridge contracts.

3 (2) ELEMENTS.—The report required under
4 paragraph (1) shall include the following elements:

5 (A) The common definition for bridge con-
6 tracts used by contracting offices of the execu-
7 tive agency.

8 (B) The total number of bridge contracts
9 entered into during the ~~previous 5 fiscal years~~
10 *previous fiscal year*.

11 (C) The estimated value of each contract
12 that required the use of a bridge contract and
13 the cost of the bridge contract or contracts.

14 (D) The reasons for and cost of each
15 bridge contract.

16 (E) The types of services or goods being
17 acquired under each bridge contract.

18 (F) The length of the initial contract that
19 required the use of a bridge contract, including
20 the base and any exercised option years, and
21 the cumulative length of any bridge contract or
22 contracts related to the initial contract.

23 ~~(G) A description of how many of the con-~~
24 ~~tracts that required bridge contracts were sub-~~
25 ~~sequently recompeted and how many of those~~

1 recompeted contracts were the subject of a bid
2 protest.

3 (G) *A description of how many bridge con-*
4 *tracts were entered into as the result of a bid*
5 *protest.*

6 (H) A description of existing statutory,
7 regulatory, or agency guidance that the agency
8 followed to execute the bridge contracts.

9 (I) Any other matters determined to be rel-
10 evant by the Office of Federal Procurement
11 Policy or the General Services Administration.

12 (3) PUBLICATION.—The report required under
13 paragraph (1) shall be posted on a publicly available
14 website of the executive agency.

15 (4) QUARTERLY NOTIFICATIONS.—

16 (A) IN GENERAL.—On a quarterly basis as
17 determined under guidance prescribed by the
18 Administrator for Federal Procurement Policy,
19 each executive agency shall submit a list of
20 bridge contracts issued during the prior quarter
21 to the Office of Federal Procurement Policy to
22 be compiled by the Administrator into a single
23 report and presented to the appropriate con-
24 gressional committees.

1 (B) INFORMATION REQUIRED.—The lists
2 submitted under subparagraph (A) shall include
3 unique contract identifiers, beginning and end
4 dates of initial contracts, beginning and end
5 dates of bridge contracts, and the reasons or
6 rationale for the use of each bridge contract.

7 (c) GOVERNMENTWIDE REPORT.—Not later than
8 March 31, 2019, and by March 31 of each subsequent
9 year until 2025, the Administrator for Federal Procure-
10 ment Policy shall submit to the appropriate congressional
11 committees a report summarizing the use by executive
12 agencies of bridge contracts, including any recommenda-
13 tions for legislation to ensure accountability and trans-
14 parency in the use of bridge contracts.

15 (d) PUBLIC NOTICE.—Each executive agency shall
16 provide public notice within 30 days after entering into
17 a bridge contract, including the information required to
18 be reported in subsection (b)(2) to the extent it is avail-
19 able.

20 **SEC. 4. AGENCY POLICIES.**

21 (a) IN GENERAL.—The head of each executive agency
22 shall develop policies and procedures, to the greatest ex-
23 tent practicable, that seek to minimize the use of bridge
24 contracts while providing for continuation of services to

1 be performed through contracts and ensure appropriate
2 planning by contracting officials.

3 (b) REQUIRED ELEMENTS.—The policies developed
4 under subsection (a) shall include the following elements:

5 (1) Sufficient time and planning to review con-
6 tract requirements, compete contracts as appro-
7 priate, enter into contracts, and consider the possi-
8 bility of bid protests.

9 (2) For contracts that do not meet timeliness
10 standards or which require entering into bridge con-
11 tracts, contracting officials shall notify the chief ac-
12 quisition officer of the executive agency and the
13 head of the executive agency.

14 (3) The Chief Acquisition Officer must approve
15 any bridge contract that lasts longer than six
16 months, and the head of the agency must approve
17 any bridge contract that lasts longer than one year.

18 (c) EXCEPTIONS.—The policies developed under this
19 section do not apply to—

20 (1) service contracts in support of contingency
21 operations, humanitarian assistance, or disaster re-
22 lief;

23 (2) service contracts in support of national se-
24 curity emergencies declared with respect to named
25 operations; or

1 (3) service contracts entered into pursuant to
2 international agreements.

3 **SEC. 5. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Homeland Security
9 and Governmental Affairs and the Committee
10 on Appropriations of the Senate; and

11 (B) the Committee on Oversight and Gov-
12 ernment Reform and the Committee on Appro-
13 priations of the House of Representatives.

14 (2) EXECUTIVE AGENCY.—The term “executive
15 agency” has the meaning given the term in section
16 133 of title 41, United States Code.

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