

--S.1587--

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One Hundred Third Congress

of the

United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-fifth day of January, one thousand nine hundred and ninety-four

An Act

To revise and streamline the acquisition laws of the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Federal Acquisition Streamlining Act of 1994'.

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Subtitle A--Competition Statutes

PART 1--ARMED SERVICES ACQUISITIONS

Subpart A--Competition Requirements

SEC. 1001. REFERENCES TO FEDERAL ACQUISITION REGULATION.

Section 2304 of title 10, United States Code, is amended--

(1) in subsection (a)(1)(A), by striking out `modifications' and all that follows through `note)' and inserting in lieu thereof `Federal Acquisition Regulation'; and

(2) in subsection (g)(1), by striking out `regulations modified' and all that follows through `note)' and inserting in lieu thereof `Federal Acquisition Regulation'.

SEC. 1002. ESTABLISHMENT OR MAINTENANCE OF ALTERNATIVE SOURCES OF SUPPLY.

(a) ADDITIONAL JUSTIFICATION FOR ESTABLISHING OR MAINTAINING ALTERNATIVE SOURCES-

Section 2304(b)(1) of such title is amended--

(1) by striking out 'or' at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon;  
and

(3) by adding at the end the following new subparagraphs:

(D) would ensure the continuous availability of a reliable source of supply of such property or service;

(E) would satisfy projected needs for such property or service determined on the basis of a history of high demand for the property or service; or

(F) in the case of medical supplies, safety supplies, or emergency supplies, would satisfy a critical need for such supplies.'

(b) PROHIBITION ON USE OF CLASSES OF PURCHASES OR CONTRACTS- Section 2304(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

(4) A determination under paragraph (1) may not be made for a class of purchases or contracts.'

SEC. 1003. CLARIFICATION OF APPROVAL AUTHORITY FOR USE OF PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.

Section 2304(f)(1)(B)(i) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: 'or by an official referred to in clause (ii), (iii), or (iv).'

SEC. 1004. TASK AND DELIVERY ORDER CONTRACTS.

(a) AUTHORITY- (1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2304 the following new sections:

Sec. 2304a. Task and delivery order contracts: general authority

(a) AUTHORITY TO AWARD- Subject to the requirements of this section, section 2304c of this title, and other applicable law, the head of an agency may enter into a task or delivery order contract (as defined in section 2304d of this title) for procurement of services or property.

(b) SOLICITATION- The solicitation for a task or delivery order contract shall include the following:

(1) The period of the contract, including the number of options to extend the contract and the period for which the contract may be extended under each option, if any.

(2) The maximum quantity or dollar value of the services or property to be procured under the contract.

(3) A statement of work, specifications, or other description that reasonably describes the general scope, nature, complexity, and purposes of the services or property to be procured under the contract.

`(c) APPLICABILITY OF RESTRICTION ON USE OF NONCOMPETITIVE PROCEDURES- The head of an agency may use procedures other than competitive procedures to enter into a task or delivery order contract under this section only if an exception in subsection (c) of section 2304 of this title applies to the contract and the use of such procedures is approved in accordance with subsection (f) of such section.

`(d) SINGLE AND MULTIPLE CONTRACT AWARDS- (1) The head of an agency may exercise the authority provided in this section--

`(A) to award a single task or delivery order contract; or

`(B) if the solicitation states that the head of the agency has the option to do so, to award separate task or delivery order contracts for the same or similar services or property to two or more sources.

`(2) No determination under section 2304(b) of this title is required for award of multiple task or delivery order contracts under paragraph (1)(B).

`(3) The regulations implementing this subsection shall--

`(A) establish a preference for awarding, to the maximum extent practicable, multiple task or delivery order contracts for the same or similar services or property under the authority of paragraph (1)(B); and

`(B) establish criteria for determining when award of multiple task or delivery order contracts would not be in the best interest of the Federal Government.

`(e) CONTRACT MODIFICATIONS- A task or delivery order may not increase the scope, period, or maximum value of the task or delivery order contract under which the order is issued. The scope, period, or maximum value of the contract may be increased only by modification of the contract.

`(f) INAPPLICABILITY TO CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES- Except as otherwise specifically provided in section 2304b of this title, this section does not apply to a task or delivery order contract for the procurement of advisory and assistance services (as defined in section 1105(g) of title 31).

`(g) RELATIONSHIP TO OTHER CONTRACTING AUTHORITY- Nothing in this section may be construed to limit or expand any authority of the head of an agency or the Administrator of General Services to enter into schedule, multiple award, or task or delivery order contracts under any other provision of law.

`Sec. 2304b. Task order contracts: advisory and assistance services

`(a) AUTHORITY TO AWARD- (1) Subject to the requirements of this section, section 2304c of this title, and other applicable law, the head of an agency may enter into a task order contract (as defined in section 2304d of this title) for procurement of advisory and assistance services.

`(2) The head of an agency may enter into a task order contract for procurement of advisory and assistance services only under the authority of this section.

`(b) LIMITATION ON CONTRACT PERIOD- The period of a task order contract entered into under this section,