

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 3626

To clarify task and delivery order solicitation and contract requirements.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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”.

7 **SEC. 2. MULTIPLE-AWARD TASK AND DELIVERY ORDER SO-
8 LICITATION REQUIREMENTS.**

9 Section 3306(c) of title 41, United States Code, is
10 amended—

11 (1) in paragraph (3)—

1 (A) in the paragraph heading, by striking
2 “ACQUIRED ON AN HOURLY RATE”;

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

7 (C) by striking “based on hourly rates”;
8 and

9 (2) in paragraph (4)—

10 (A) by redesignating subparagraphs (C)
11 and (D) as subparagraphs (D) and (E), respec-
12 tively; and

13 (B) by inserting after subparagraph (B)
14 the following:

15 “(C) the contracting officer has no reason
16 to believe would likely offer other than fair and
17 reasonable pricing;”.

18 **SEC. 3. SINGLE-AWARD TASK AND DELIVERY ORDER CON-**
19 **TRACT REQUIREMENTS.**

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

22 (1) in subparagraph (A), by striking “No task
23 or delivery order contract” and inserting “Except as
24 provided under subparagraph (B), no task or deliv-
25 ery order contract”;

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

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

5 “(B) EXCEPTION.—A task or delivery
6 order contract in an amount estimated to ex-
7 ceed \$100,000,000 (including all options) may
8 be awarded to a single source without the writ-
9 ten determination otherwise required under sub-
10 paragraph (A) if the executive agency has made
11 a written determination pursuant to section
12 3304 of this title that procedures other than
13 competitive procedures may be used for the
14 awarding of such contract.”.