

118TH CONGRESS  
2D SESSION

# S. 3626

To clarify task and delivery order solicitation and contract requirements.

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## 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

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## 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”.

7 **SEC. 2. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) certain procedures for solicitation and  
10 award of task and delivery order contracts have been

1 streamlined for Defense agencies through amend-  
2 ments to Federal law made by—

3 (A) section 825 of the National Defense  
4 Authorization Act for Fiscal Year 2017 (Public  
5 Law 114–328; 130 Stat. 2279); and

6 (B) section 816 of the National Defense  
7 Authorization Act for Fiscal Year 2020 (Public  
8 Law 116–92; 133 Stat. 1487); and

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

18 **SEC. 3. MULTIPLE-AWARD TASK AND DELIVERY ORDER SO-**  
19 **LICITATION REQUIREMENTS.**

20 Section 3306(c)(3) of title 41, United States Code,  
21 is amended—

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

24 (2) by striking “for services to be acquired on  
25 an hourly rate basis” and inserting “for the same or

1 similar services (including construction) to be ac-  
2 quired”; and

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

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

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

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

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

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

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

1 competitive procedures may be used for the  
2 awarding of such contract.”.

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