

1           (7) The extent to which any incidents of mis-  
2           conduct or unlawful activity were reported, docu-  
3           mented, investigated, and (where appropriate) pros-  
4           ecuted.

5           (i) INDEPENDENT CONDUCT OF AUDIT FUNC-  
6           TIONS.—All audit functions under this section, including  
7           audit planning and coordination, shall be performed by the  
8           relevant Inspectors General in an independent manner,  
9           without consultation with the Commission established pur-  
10          suant to section 841 of this Act. All audit reports resulting  
11          from such audits shall be available to the Commission.

12   **SEC. 843. ENHANCED COMPETITION REQUIREMENTS FOR**  
13                                   **TASK AND DELIVERY ORDER CONTRACTS.**

14          (a) DEFENSE CONTRACTS.—

15                 (1) LIMITATION ON SINGLE AWARD CON-  
16          TRACTS.—Section 2304a(d) of title 10, United  
17          States Code, is amended—

18                         (A) by redesignating paragraph (3) as  
19                         paragraph (4); and

20                         (B) by inserting after paragraph (2) the  
21                         following new paragraph (3):

22                 “(3)(A) No task or delivery order contract in an  
23                 amount estimated to exceed \$100,000,000 (including all  
24                 options) may be awarded to a single source unless the  
25                 head of the agency determines in writing that—

1           “(i) the task or delivery orders expected under  
2 the contract are so integrally related that only a sin-  
3 gle source can reasonably perform the work;

4           “(ii) the contract provides only for firm, fixed  
5 price task orders or delivery orders for—

6                 “(I) products for which unit prices are es-  
7 tablished in the contract; or

8                 “(II) services for which prices are estab-  
9 lished in the contract for the specific tasks to  
10 be performed;

11           “(iii) only one source is qualified and capable of  
12 performing the work at a reasonable price to the  
13 government; or

14           “(iv) because of exceptional circumstances, it is  
15 necessary in the public interest to award the con-  
16 tract to a single source.

17           “(B) The head of the agency shall notify Congress  
18 within 30 days after any determination under subpara-  
19 graph (A)(iv).”.

20           (2) ENHANCED COMPETITION FOR ORDERS IN  
21 EXCESS OF \$5,000,000.—Section 2304c of such title  
22 is amended—

23                 (A) by redesignating subsections (d), (e),  
24 and (f) as subsections (e), (f), and (g), respec-  
25 tively;

1 (B) by inserting after subsection (c) the  
2 following new subsection (d):

3 “(d) ENHANCED COMPETITION FOR ORDERS IN EX-  
4 CESS OF \$5,000,000.—In the case of a task or delivery  
5 order in excess of \$5,000,000, the requirement to provide  
6 all contractors a fair opportunity to be considered under  
7 subsection (b) is not met unless all such contractors are  
8 provided, at a minimum—

9 “(1) a notice of the task or delivery order that  
10 includes a clear statement of the agency’s require-  
11 ments;

12 “(2) a reasonable period of time to provide a  
13 proposal in response to the notice;

14 “(3) disclosure of the significant factors and  
15 subfactors, including cost or price, that the agency  
16 expects to consider in evaluating such proposals, and  
17 their relative importance;

18 “(4) in the case of an award that is to be made  
19 on a best value basis, a written statement docu-  
20 menting the basis for the award and the relative im-  
21 portance of quality and price or cost factors; and

22 “(5) an opportunity for a post-award debriefing  
23 consistent with the requirements of section  
24 2305(b)(5) of this title.”; and

1           (C) by striking subsection (e), as redesignig-  
2           nated by paragraph (1), and inserting the fol-  
3           lowing new subsection (e):

4           “(e) PROTESTS.—(1) A protest is not authorized in  
5           connection with the issuance or proposed issuance of a  
6           task or delivery order except for—

7           “(A) a protest on the ground that the order in-  
8           creases the scope, period, or maximum value of the  
9           contract under which the order is issued; or

10           “(B) a protest of an order valued in excess of  
11           \$10,000,000.

12           “(2) Notwithstanding section 3556 of title 31, the  
13           Comptroller General of the United States shall have exclu-  
14           sive jurisdiction of a protest authorized under paragraph  
15           (1)(B).

16           “(3) This subsection shall be in effect for three years,  
17           beginning on the date that is 120 days after the date of  
18           the enactment of the National Defense Authorization Act  
19           for Fiscal Year 2008.”.

20           (3) EFFECTIVE DATES.—

21           (A) SINGLE AWARD CONTRACTS.—The  
22           amendments made by paragraph (1) shall take  
23           effect on the date that is 120 days after the  
24           date of the enactment of this Act, and shall

1 apply with respect to any contract awarded on  
2 or after such date.

3 (B) ORDERS IN EXCESS OF \$5,000,000.—

4 The amendments made by paragraph (2) shall  
5 take effect on the date that is 120 days after  
6 the date of the enactment of this Act, and shall  
7 apply with respect to any task or delivery order  
8 awarded on or after such date.

9 (b) CIVILIAN AGENCY CONTRACTS.—

10 (1) LIMITATION ON SINGLE AWARD CON-  
11 TRACTS.—Section 303H(d) of the Federal Property  
12 and Administrative Services Act of 1949 (41 U.S.C.  
13 253h(d)) is amended—

14 (A) by redesignating paragraph (3) as  
15 paragraph (4); and

16 (B) by inserting after paragraph (2) the  
17 following new paragraph (3):

18 “(3)(A) No task or delivery order contract in an  
19 amount estimated to exceed \$100,000,000 (including all  
20 options) may be awarded to a single source unless the  
21 head of the executive agency determines in writing that—

22 “(i) the task or delivery orders expected under  
23 the contract are so integrally related that only a sin-  
24 gle source can reasonably perform the work;

1           “(ii) the contract provides only for firm, fixed  
2 price task orders or delivery orders for—

3           “(I) products for which unit prices are es-  
4 tablished in the contract; or

5           “(II) services for which prices are estab-  
6 lished in the contract for the specific tasks to  
7 be performed;

8           “(iii) only one source is qualified and capable of  
9 performing the work at a reasonable price to the  
10 government; or

11           “(iv) because of exceptional circumstances, it is  
12 necessary in the public interest to award the con-  
13 tract to a single source.

14           “(B) The head of the executive agency shall notify  
15 Congress within 30 days after any determination under  
16 subparagraph (A)(iv).”.

17           (2) ENHANCED COMPETITION FOR ORDERS IN  
18 EXCESS OF \$5,000,000.—Section 303J of such Act  
19 (41 U.S.C. 253j) is amended—

20           (A) by redesignating subsections (d), (e),  
21 and (f) as subsections (e), (f), and (g), respec-  
22 tively;

23           (B) by inserting after subsection (c) the  
24 following new subsection (d):

1       “(d) ENHANCED COMPETITION FOR ORDERS IN EX-  
2       CESS OF \$5,000,000.—In the case of a task or delivery  
3       order in excess of \$5,000,000, the requirement to provide  
4       all contractors a fair opportunity to be considered under  
5       subsection (b) is not met unless all such contractors are  
6       provided, at a minimum—

7               “(1) a notice of the task or delivery order that  
8       includes a clear statement of the executive agency’s  
9       requirements;

10              “(2) a reasonable period of time to provide a  
11       proposal in response to the notice;

12              “(3) disclosure of the significant factors and  
13       subfactors, including cost or price, that the executive  
14       agency expects to consider in evaluating such pro-  
15       posals, and their relative importance;

16              “(4) in the case of an award that is to be made  
17       on a best value basis, a written statement docu-  
18       menting the basis for the award and the relative im-  
19       portance of quality and price or cost factors; and

20              “(5) an opportunity for a post-award debriefing  
21       consistent with the requirements of section  
22       303B(e).”; and

23              (C) by striking subsection (e), as redesign-  
24       nated by paragraph (1), and inserting the fol-  
25       lowing new subsection (e):

1       “(e) PROTESTS.—(1) A protest is not authorized in  
2 connection with the issuance or proposed issuance of a  
3 task or delivery order except for—

4               “(A) a protest on the ground that the order in-  
5 creases the scope, period, or maximum value of the  
6 contract under which the order is issued; or

7               “(B) a protest of an order valued in excess of  
8 \$10,000,000.

9       “(2) Notwithstanding section 3556 of title 31, United  
10 States Code, the Comptroller General of the United States  
11 shall have exclusive jurisdiction of a protest authorized  
12 under paragraph (1)(B).

13       “(3) This subsection shall be in effect for three years,  
14 beginning on the date that is 120 days after the date of  
15 the enactment of the National Defense Authorization Act  
16 for Fiscal Year 2008.”.

17               (3) EFFECTIVE DATES.—

18               (A) SINGLE AWARD CONTRACTS.—The  
19 amendments made by paragraph (1) shall take  
20 effect on the date that is 120 days after the  
21 date of the enactment of this Act, and shall  
22 apply with respect to any contract awarded on  
23 or after such date.

24               (B) ORDERS IN EXCESS OF \$5,000,000.—  
25 The amendments made by paragraph (2) shall



1 take effect on the date that is 120 days after  
2 the date of the enactment of this Act, and shall  
3 apply with respect to any task or delivery order  
4 awarded on or after such date.

5 **SEC. 844. PUBLIC DISCLOSURE OF JUSTIFICATION AND AP-**  
6 **PROVAL DOCUMENTS FOR NONCOMPETITIVE**  
7 **CONTRACTS.**

8 (a) CIVILIAN AGENCY CONTRACTS.—

9 (1) IN GENERAL.—Section 303 of the Federal  
10 Property and Administrative Services Act of 1949  
11 (41 U.S.C. 253) is amended by adding at the end  
12 the following new subsection:

13 “(j)(1)(A) Except as provided in subparagraph (B),  
14 in the case of a procurement permitted by subsection (c),  
15 the head of an executive agency shall make publicly avail-  
16 able, within 14 days after the award of the contract, the  
17 documents containing the justification and approval re-  
18 quired by subsection (f)(1) with respect to the procure-  
19 ment.

20 “(B) In the case of a procurement permitted by sub-  
21 section (c)(2), subparagraph (A) shall be applied by sub-  
22 stituting ‘30 days’ for ‘14 days’.

23 “(2) The documents shall be made available on the  
24 website of the agency and through a government-wide