

Amendment to H.R. 2810

National Defense Authorization Act for Fiscal Year 2018

Offered by: Mr. Lamborn of Colorado

In the appropriate place in the report to accompany H.R. 2810, insert the following new Directive Report Language:

Collecting Historical Data on Rescinded Solicitations

The committee is aware that the Government Accountability Office (GAO) released a report in June 2016 titled “Defense Contracting: Complete Historical Data Not Available on Canceled DOD Solicitation”, in response to a provision in the National Defense Authorization Act for Fiscal Year 2016. In this provision, the committee specifically directed the Comptroller General to determine: (1) the number of solicitations that were canceled after bids were received, (2) whether these cancellations are increasing or decreasing and their distribution by Agency or military service and contracting command, (3) the bid and proposal incurred costs by the companies and the government resources committed to these solicitations, (4) the extent to which, if any, the bid and proposal costs for these solicitations have reduced the funding available for independent research and development, and (5) the reasons for the cancellation of the solicitations.

However, the committee is concerned that complete historical data are not available to assess patterns in the Department’s cancellation of solicitations. The committee continues to be concerned with the significant cost of canceled solicitations to industry and government. Furthermore, the committee is concerned that the bid protest process is often an insufficient mechanism for contractors to contest circumstances of canceled solicitations. The GAO report noted that the federal business opportunities (FBO) webpage is the “best potential source for information on canceled solicitations”; however, “the FAR does not require contracting officials to publicize notices of canceled solicitations”, and “the information from FBO is not available in a format that would allow for a reliable trend analysis of DOD’s canceled solicitations”.

Therefore, the committee directs the Administrator, General Services Administration, in coordination with the Undersecretary of Defense for Acquisition, Technology and Logistics, to provide a briefing regarding how this data could be collected via the FBO web page.