

114TH CONGRESS  
2D SESSION

# H. R. 4999

To ensure the effective and appropriate use of the Lowest Price Technically  
Acceptable source selection process.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2016

Mr. BEYER (for himself and Mr. WITTMAN) introduced the following bill;  
which was referred to the Committee on Armed Services

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## A BILL

To ensure the effective and appropriate use of the Lowest  
Price Technically Acceptable source selection process.

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 “Promoting Value  
5 Based Defense Procurement Act”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It shall be the policy of the Department of Defense  
8 to avoid using Lowest Price Technically Acceptable source  
9 selection criteria in inappropriate circumstances that po-

1 tentially deny the Department the benefits of cost and  
2 technical tradeoffs in the source selection process.

3 **SEC. 3. REVISION OF DEFENSE FEDERAL ACQUISITION**  
4 **REGULATION SUPPLEMENT.**

5 For new solicitations issued on or after the date that  
6 is 120 days after the date of the enactment of this Act,  
7 Lowest Price Technically Acceptable source selection cri-  
8 teria shall be used only in situations in which—

9 (1) the Department of Defense is able to com-  
10 prehensively and clearly describe the minimum re-  
11 quirements expressed in terms of performance objec-  
12 tives, measures, and standards that will be used to  
13 determine acceptability of offers;

14 (2) the Department of Defense would realize  
15 no, or minimal, value from a contract proposal ex-  
16 ceeding the minimum technical or performance re-  
17 quirements set forth in the Request for Proposal;

18 (3) the proposed technical approaches will re-  
19 quire no, or minimal, subjective judgment by the  
20 source selection authority as to the desirability of  
21 one offeror's proposal versus a competing proposal;

22 (4) a review of technical proposals of offerors  
23 other than the lowest bidder would result in no, or  
24 minimal, benefit to the Department; and

1           (5) the contracting officer has included a jus-  
2           tification for the use of a Lowest Price Technically  
3           Acceptable evaluation methodology in the contract  
4           file, if the contract to be awarded is predominately  
5           for the acquisition of information technology serv-  
6           ices, systems engineering and technical assistance  
7           services, or other knowledge-based professional serv-  
8           ices.

9 **SEC. 4. AVOIDANCE OF USE OF LOWEST PRICE TECH-**  
10 **NICALLY ACCEPTABLE SOURCE SELECTION**  
11 **CRITERIA IN PROCUREMENTS OF INFORMA-**  
12 **TION TECHNOLOGY AND AUDITING.**

13           To the maximum extent practicable, the use of Low-  
14           est Price Technically Acceptable source selection criteria  
15           shall be avoided when the procurement is predominately  
16           for the acquisition of information technology services, sys-  
17           tems engineering and technical assistance services, audit  
18           or audit readiness services, or other knowledge-based pro-  
19           fessional services.

20 **SEC. 5. REPORTING.**

21           Not later than 180 days after the date of the enact-  
22           ment of this Act, and annually thereafter for 3 years, the  
23           Secretary of Defense shall submit to the congressional de-  
24           fense committees a report on the number of instances in  
25           which Lowest Price Technically Acceptable source selec-

1 tion criteria is used, including an explanation of how the  
2 criteria in section 2 was considered when making a deter-  
3 mination to use Lowest Price Technically Acceptable  
4 source selection criteria.

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