

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MR. GARAMENDI OF CALIFORNIA

Page 499, after line 22, insert the following:

1 **SEC. 1632. REQUIRING CONSTRUCTION INSPECTION SERV-**
2 **ICES FOR CERTAIN HIGHWAY CONTRACTS TO**
3 **BE PERFORMED BY PUBLIC EMPLOYEES.**

4 (a) ENGINEERING AND DESIGN SERVICE CON-
5 TRACTS.—Section 112(b)(2) of title 23, United States
6 Code, is amended by adding at the end the following new
7 paragraph:

8 “(G) CONSTRUCTION INSPECTION SERV-
9 ICES.—

10 “(i) IN GENERAL.—In carrying out a
11 project under this subsection, public em-
12 ployees shall perform construction inspec-
13 tion functions.

14 “(ii) EXCEPTION.—If a State trans-
15 portation department or other public agen-
16 cy project sponsor does not have adequate
17 existing or obtainable staff to perform the
18 construction inspection functions, the
19 agency may obtain such services pursuant

1 to temporary consultant contracts until the
2 agency has adequate or existing staff to
3 perform such functions.

4 “(iii) CONSTRUCTION INSPECTION
5 FUNCTIONS DEFINED.—In this subpara-
6 graph, the term ‘construction inspection
7 functions’ includes construction engineer-
8 ing, contract administration, on-site qual-
9 ity control inspection, materials testing,
10 and resident engineer and assistant resi-
11 dent engineer functions responsible for the
12 acceptance or rejection of the work.”.

13 (b) DESIGN-BUILD CONTRACTS.—Section 112(b)(3)
14 of such title is amended—

15 (1) by redesignating subparagraph (F) as sub-
16 paragraph (E); and

17 (2) by inserting after subparagraph (D) the fol-
18 lowing new subparagraph:

19 “(E) REQUIRING CONSTRUCTION INSPEC-
20 TION SERVICES TO BE PERFORMED BY PUBLIC
21 EMPLOYEES.—Subparagraph (G) of paragraph
22 (2) shall apply with respect to contracts under
23 this paragraph in the same manner and to the
24 same extent as such subparagraph applies to
25 contracts under paragraph (2).”.

1 (c) 2-PHASE CONTRACTS.—Section 112(b)(4)(A) of
2 such title is amended by adding at the end the following
3 new clause:

4 “(v) REQUIRING CONSTRUCTION IN-
5 SPECTION SERVICES TO BE PERFORMED BY
6 PUBLIC EMPLOYEES.—Subparagraph (G)
7 of paragraph (2) shall apply with respect
8 to contracts under this paragraph in the
9 same manner and to the same extent as
10 such subparagraph applies to contracts
11 under paragraph (2).”.

