

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To authorize public housing agencies to utilize certain contractual arrangements in undertaking development projects involving public housing, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. TORRES of New York introduced the following bill; which was referred to the Committee on _____

A BILL

To authorize public housing agencies to utilize certain contractual arrangements in undertaking development projects involving public housing, and for other purposes.

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 “_____ Act
5 of 2021”.

1 **SEC. 2. PUBLIC HOUSING AGENCY PROJECT DELIVERY SYS-**
2 **TEM AUTHORITY.**

3 (a) IN GENERAL.—Section 5 of the United States
4 Housing Act of 1937 (42 U.S.C. 1437c) is amended by
5 adding at the end the following new subsection:

6 “(j) PROJECT DELIVERY SYSTEM AUTHORITY.—
7 Notwithstanding any other provision of Federal, State, or
8 local law, but not including requirements or standards of
9 conduct covering conflicts of interest and governing the
10 actions of public housing agency employees engaged in the
11 selection, award, and administration of contracts and lim-
12 iting noncompetitive contracts, the Secretary shall provide
13 that, in undertaking any federally-funded low-income
14 housing project involving the development of dwelling
15 units owned, operated, or maintained by a public housing
16 agency, the public housing agency may utilize any of the
17 following contractual arrangements:

18 “(1) DESIGN-BUILD.—Use of an engineering or
19 construction firm, or team of firms, having the capa-
20 bility of performing all the engineering, design, pro-
21 curement, and development by itself to execute the
22 total scope of the project.

23 “(2) CONSTRUCTION MANAGEMENT.—Use of a
24 construction manager who is an independent con-
25 tractor of the public housing agency, but not its
26 agent, and has responsibility for providing analysis

1 and advisory services related to value engineering,
2 constructability, pricing and project risks during the
3 design phase of the project, and complete responsi-
4 bility for supervision, coordination, and administra-
5 tion of the construction phase of the project, includ-
6 ing the responsibility for performing and procuring
7 construction work.

8 “(3) BEST VALUE.—Use of a selection and
9 evaluation process under which the public housing
10 agency, or a panel selected by the agency, considers
11 qualitative factors, including design solution, man-
12 agement, and schedule, and price, on some formula
13 basis.

14 “(4) PREQUALIFICATION.— Use of a selection
15 and evaluation process under which the public hous-
16 ing agency, or a panel selected by the agency, that
17 prequalifies proposers based on qualitative factors,
18 including qualifications and experience, and subse-
19 quently allows only prequalified proposers to partici-
20 pate and bid in a best value selection and evaluation
21 process.

22 “(5) GUARANTEED MAXIMUM PRICE.—Use of a
23 reasonable contract pricing structure with safe har-
24 bors under which the total price for construction-
25 phase work under a design-build or construction

1 management at risk contract is established on a
2 cost-plus basis with a guaranteed maximum amount
3 that may be paid to the contractor, except for any
4 adjustment under other contract clauses providing
5 for equitable adjustment or other revision of the con-
6 tract price under stated circumstance, after 95 per-
7 cent completion of the project design.”.

8 (b) REGULATIONS.—The Secretary of Housing and
9 Urban Development shall issue such regulations as may
10 be necessary to carry out the provisions of this section 5(j)
11 of the United States Housing Act of 1937, as added by
12 the amendment made by subsection (a) of this section.