

AMENDMENT

OFFERED BY MR. DESAULNIER OF CALIFORNIA

At the end of subtitle B of title X, add the following:

1 **SEC. 102___ . STUDY ON AMTRAK PROCUREMENT AND RISK**
2 **ALLOCATION FAIRNESS.**

3 (a) STUDY.—Amtrak shall conduct a study on the po-
4 tential effects of requiring Amtrak to align the procure-
5 ment practices of Amtrak with respect to architectural,
6 engineering, and construction management services with
7 the Federal Acquisition Regulation and other standard
8 Federal contracting norms, including an evaluation by
9 Amtrak of the following:

10 (1) The extent to which Amtrak’s current in-
11 demnification and standard of care requirements dif-
12 fer from the Federal Acquisition Regulation.

13 (2) The estimated fiscal impact on Federally-
14 funded projects of Amtrak, specifically the inclusion
15 of contingency costs by firms to account for uninsur-
16 able risks.

17 (3) The effect of current liability requirements
18 on competition, including whether such terms have
19 discouraged qualified firms from bidding on Amtrak
20 projects.

1 (4) The effect of current liability requirements
2 on Amtrak's project delivery and procurement
3 timelines.

4 (5) The availability and cost of professional li-
5 ability insurance for firms required to accept Am-
6 trak's current contract terms.

7 (b) CONSULTATION.—In conducting the study under
8 subsection (a), to the extent practicable, Amtrak shall con-
9 sult with representatives of the architectural, engineering,
10 and construction management industries.

11 (c) REPORT TO CONGRESS.—Not later than 1 year
12 after the date of enactment of this Act, Amtrak shall sub-
13 mit to the Committee on Transportation and Infrastruc-
14 ture of the House of Representatives and the Committee
15 on Commerce, Science, and Transportation of the Senate
16 a report containing—

17 (1) the results of the study under subsection
18 (a); and

19 (2) any recommendations of Amtrak for legisla-
20 tive or regulatory changes to ensure the procurement
21 practices of Amtrak are fiscally responsible and fos-
22 ter maximum competition.

