

AMENDMENT

OFFERED BY MR. GARAMENDI OF CALIFORNIA

At the end of subtitle C of title I insert the following:

SEC. XX. Requiring construction inspection services for certain highway contracts to be performed by public employees.

Section 112(b) of title 23, United States Code, is amended by adding at the end the following:

“(5) CONSTRUCTION INSPECTION SERVICES.—

“(A) IN GENERAL.—In entering into a contract under this section for the construction of a project subject to subsection (a), including a design-build project under paragraph (3) and a project using a 2-phase contract under paragraph (4), a State transportation department or local transportation agency shall ensure that a public employee performs construction inspection functions for such project.

“(B) EXCEPTION.—If a State transportation department or local transportation agency does not have adequate existing or obtainable staff to perform construction inspection functions as required under subparagraph (A), the department or agency may obtain such services pursuant to temporary consultant contracts until the department or agency has adequate or existing staff to perform such functions.

“(C) TIME PERIOD.—Any temporary contracts to provide construction inspection services under this subsection shall not exceed the period that ends on the date that is 12 months after the date on which the contract is awarded.

“(D) REPORTING AND TRANSPARENCY.—

“(i) IN GENERAL.—At least once each fiscal year, a State transportation department or local transportation agency utilizing the exception authority provided in subparagraph (B) shall submit to the Secretary a report containing—

“(I) a description of all construction inspection functions provided through temporary consultant contracts under such clause; and

“(II) a detailed justification of the need for each exception to the requirement of such clause.

“(ii) TRANSPARENCY.—The Secretary shall make the report submitted under clause (i) available to the public through the website of the Department.

“(E) DEFINITIONS.—In this subsection:

“(i) CONSTRUCTION INSPECTION FUNCTION.—The term ‘construction inspection function’ includes construction engineering, contract administration, on-site quality control inspection, materials testing, and the functions of a resident engineer or assistant resident engineer responsible for the acceptance or rejection of a project subject to the provisions of subsection (a) of this section.

“(ii) PUBLIC EMPLOYEE.—The term ‘public employee’ means an employee of the Federal Government, a State government, or a local government.”.