

AMENDMENT TO _____
OFFERED BY MR. GARAMENDI OF CALIFORNIA

Add at the end of subtitle F of title I of division B
the following:

1 **SEC. ____ . 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, except that no
4 such services may be provided under any
5 such contract after the expiration of the
6 12-month period which begins on the date
7 the contract is awarded.

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

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

19 (1) by redesignating subparagraph (F) as sub-
20 paragraph (E); and

21 (2) by inserting after subparagraph (D) the fol-
22 lowing new subparagraph:

23 “(E) REQUIRING CONSTRUCTION INSPEC-
24 TION SERVICES TO BE PERFORMED BY PUBLIC
25 EMPLOYEES.—Subparagraph (G) of paragraph

1 (2) shall apply with respect to contracts under
2 this paragraph in the same manner and to the
3 same extent as such subparagraph applies to
4 contracts under paragraph (2).”.

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

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

