



November 25, 2019

The Honorable Scott Peters
U.S House of Representatives
2338 Rayburn House Office Building
Washington, DC 20515

By email: www@scottpeters.house.gov

Subject – Introduction of H.R. 5247 – *Stop Unfair Bid Shopping Act of 2019*

Dear Congressman Peters:

On behalf of the 2700 mechanical contracting and hvac service companies in the Mechanical Contractors Association of America (MCAA) participating in the top-tier specialty construction industry nationwide, thank you very much for introducing H.R. 5247, the ***Stop Unfair Bid Shopping Act*** of 2019.

As we know you are aware, open, fair and transparent competition for Federal construction contracting awards is an essential precondition for efficient public contracting delivery of construction services to Federal agencies.

The ***SUBS Act*** would merely require prime contractors to list major first-tier subcontractors in their sealed bid proposal, and permit post-award substitutions of any listed subcontractors only upon indemnifying the purchasing agency of any post-award subcontractor substitutions that result in sub bids being cut 10% or more.

In this way, the all-too-common very negative practices of post-award bid shopping and bid peddling will be discouraged and fairness to bidding subcontractors will be restored with little or no administrative burden added to the procurement process.

This long-overdue, good-government reform will also promote successful project delivery and enhance competition for government projects, as fair, competent, and ethical firms will re-enter the market knowing their substantial investment in estimating the project and in the bidding process will be respected by prime contractors with financial



disincentives to post-award bid shopping interposed with as safeguards against unethical post-award practices.

MCAA is grateful for your sound procurement policy advocacy, and we are eager to continuing to work with you and your staff in pursuing enactment of this long-overdue and well recognized sound procurement policy change as expeditiously as possible.

MCAA staff has been in contact with Hannah Stern on your staff, and is eager to continue to work with her on pressing the matter forward in the House Oversight and Government Reform Committee.

Best regards,

A handwritten signature in black ink, which appears to read "Jim Gaffney / jg", is written over the typed name and title.

Jim Gaffney, Chairman, MCAA Government Affairs Committee
CEO, Goshen Mechanical Contractors, Inc., West Chester, PA

Cc: Hannah Stern, www@scottpeters.house.gov