

CONGRESS OF THE UNITED STATES  
HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515

(202) 225-2011

June 24, 2010

LTG Robert Van Antwerp  
Commending General  
U.S. Army Corps of Engineers (USACE)  
441 G Street, NW, Attn: CECS-C  
Government Accountability Office Building  
Washington, DC 20314

Dear General Van Antwerp,

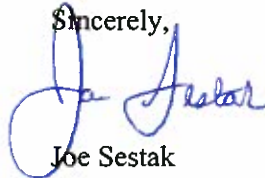
I am inquiring as to a practice of the United States Army Corps of Engineers (USACE) in several recent occasions to issue RFPs with language prohibitive of modular construction. Specifically, an RFP (Solicitation Number: W912DQ10R4024) issued for a Consolidated Troop Medical Clinic (CTMC) at Ft. Leonard Wood, Missouri contained language that prohibited modular contractors from bidding. This is not the first RFP that permanent modular contractors have seen with this language. Several RFPs have been issued for Medical facilities that include prohibitive language that reads "*Modular construction is not acceptable*" and I have enclosed some examples.

It is my understanding that permanent modular has been used by the USACE in a variety of capacities, such as with Unaccompanied Enlisted Personnel Housing (UEPH), and these projects have met or exceed USACE needs. I am interested to know why, in these particular incidences, the prohibitive language was deemed appropriate.

By containing exclusionary language in these Medical RFPs, modular contractors are prohibited from bidding on these projects. If there is a requirements issue that calls for such a restriction, that information should be made available so that all potential bidders, including those performing modular construction, can work to address those requirements for future opportunities. Wherever possible, the Federal Government should be ensuring that there is a fair, open, and competitive bid process. If permanent modular construction can fit the needs of the USACE then they should not be excluded from the bidding process. And if they cannot, the reasons for exclusion should be shared.

I appreciate your time and attention to this matter. I look forward to receiving an answer on this issue. Please send your response to 1022 Longworth House Office Building, Washington, DC 20515. If you have any questions or for further follow-up, please contact Jason Marmon of my staff at 202-225-2011 or [Jason.marmon@mail.house.gov](mailto:Jason.marmon@mail.house.gov).

Sincerely,



Joe Sestak  
Member of Congress

JS/jm

Cc: Mr. David D Marquardt, Chief, Medical Facilities Center of Standardization and Expertise  
Mr. Bob Slockbower, Director of Military Programs.  
Ms. Jennifer Greer, Congressional Affairs Officer

COMMITTEES:  
ARMED SERVICES  
AIR AND LAND FORCES  
OVERSIGHT AND INVESTIGATIONS  
SEAPOWERS AND EXPEDITIONARY FORCES  
EDUCATION AND LABOR  
EARLY CHILDHOOD, ELEMENTARY AND  
SECONDARY EDUCATION  
HEALTH, EMPLOYMENT, LABOR  
AND PENSIONS  
SMALL BUSINESS  
VICE CHAIRMAN  
FINANCE AND TAX  
CONTRACTING AND TECHNOLOGY  
REGULATION, HEALTH CARE AND TRADE