

the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including interest at a rate of not to exceed 5 per centum per annum and reasonable financing cost, as approved by the Commissioner of Public Roads, as soon as possible, under reasonable charges, but within a period of not to exceed twenty-five years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. Notwithstanding any restrictions or limitations imposed by the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, or by the Federal Highway Act, or by an Act amendatory of, or supplemental to either thereof, the Secretary of Agriculture or any other Federal Department or agency of the United States Government may extend Federal aid under such Acts for the construction of said bridge out of any money allocated to the State of Missouri with the consent of the State highway commission of said State.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, August 7, 1939.

[CHAPTER 511]

AN ACT

To facilitate certain construction work for the Army, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the Secretary of War to accomplish without delay or excessive cost those public-works projects for which appropriations are available or may become available, to be located in Alaska and the Panama Canal Zone, he is hereby authorized to enter into contracts upon a cost-plus-a-fixed-fee basis after such negotiations as he may authorize and approve and without advertising for proposals with reference thereto. Approval by the President shall be necessary to the validity of any contract entered into under authority of this section. The fixed fee to be paid the contractor as a result of any contract entered into under authority of this section shall be determined at or before the time such contract is made, and shall be set forth in such contract. Such fee shall not exceed 10 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of War. Changes in the amount of the fee shall be made only upon material changes in the scope of the work concerned as determined by the Secretary of War whose determination shall be conclusive.

(b) Negotiations under this section shall be between the Secretary of War, or a duly authorized representative, and three or more reputable and qualified contracting individuals, firms, or corporations regularly engaged in work of comparable magnitude and class to that contemplated by the negotiations, as determined by the Secretary of War, and contracts may be made with any such individual, firm, or corporation, or with any two or more of them jointly, upon such terms and conditions as the Secretary of War may determine to be fair and equitable and in the interests of the national defense.

Maintenance as free bridge after amortizing costs, etc.

Record of expenditures and receipts.

Extension of Federal aid.

39 Stat. 355; 42 Stat. 212.
23 U. S. C. chs. 1, 2; Supp. IV, chs. 1, 2.

Amendment.

August 7, 1939
[S. 2862]

[Public, No. 309]

Army, construction work, Alaska and Canal Zone.

Contracts authorized on a cost-plus-a-fixed-fee basis.

Approval by the President.
Amount of fee.

Limitation.

Changes.

Negotiations.

Detail of Army officer as executive representative of contracting officer.

For each contract entered into under authority of this section the Secretary of War may detail an Army officer to duty, without additional compensation, as an executive representative of the contracting officer. The contract shall provide that the officer so detailed shall have the right to attend any meetings of the board of directors or other executive or administrative board or committee of any corporation, partnership, firm, or syndicate which is or may become a party thereto for the purpose of submitting propositions, propounding questions, and receiving information relative to any matter within the purview of the contract with the intent and for the purpose of safeguarding the interests of the United States, coordinating efforts, and promoting mutually beneficial relationships, and making decisions within the scope of his delegated authority and not in conflict with any provision of the contract.

Waiver of performance, etc., bond.

(c) In any project the contract for which is negotiated under authority of this section, the Secretary of War may waive the requirement of a performance and a payment bond and may accept materials required for any such project at such place or places as he may deem necessary to minimize insurance costs.

Acceptance of materials.

Annual report to Congress.

(d) The Secretary of War shall report annually to the Congress all contracts entered into under authority of this section, including the names of the contractors and copies of the contracts concerned, together with the amounts thereof.

Employment of outside corporations when advantageous to national defense.

SEC. 2. Whenever deemed by him to be advantageous to the national defense, and providing that in the opinion of the Secretary of War the existing facilities of the War Department are inadequate, the Secretary of War is hereby authorized to employ, by contract or otherwise, outside architectural or engineering corporations, firms, or individuals for the production and delivery of the designs, plans, drawings, and specifications required for the accomplishment of any public works or utilities project of the War Department without reference to the Classification Act of 1923 (42 Stat. 1488), as amended (5 U. S. C., ch. 13), or to section 3709 of the Revised Statutes of the United States (41 U. S. C. 5). In no case shall the fee paid for any service authorized by this section exceed 6 per centum of the estimated cost, as determined by the Secretary of War, of the project to which such fee is applicable.

Approved, August 7, 1939.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. IV, §§ 673, 673c.
R. S. § 3709.
41 U. S. C. § 5.
Fee limitation.

[CHAPTER 512]

AN ACT

Authorizing the construction of a highway bridge across the Chesapeake and Delaware Canal at Saint Georges, Delaware.

August 7, 1939
[S. 2574]
[Public, No. 310]

Chesapeake and Delaware Canal.
Bridge authorized across, at Saint Georges, Del.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers is hereby authorized and directed to construct a four-lane high-level fixed highway bridge across the Chesapeake and Delaware Canal, at or near Saint Georges, Delaware, of such type, design, and clearances for navigation as are approved by the Chief of Engineers: *Provided,* That the State of Delaware shall furnish all lands, easements, and rights-of-way required for such bridge.

Proviso.
State to furnish requisite lands, etc.

SEC. 2. That the cost of constructing such four-lane bridge shall be paid from funds heretofore or hereafter appropriated for maintenance and improvement of river and harbor works.

Payment of construction cost.

Approved, August 7, 1939.