

Subchapter 3036.6 Architect-Engineer Services**3036.602 Selection of firms for architect-engineer contracts.****3036.602-1 Selection criteria.**

(b) The HCA is authorized to approve the use of design competition. In no case shall the authority be delegated below the level of COCO. Approval must be obtained prior to soliciting proposals.

3036.602-2 Evaluation boards.

The contracting officer must establish one or more ad hoc Architect-Engineer (A-E) evaluation boards for each acquisition of A-E services. For A-E acquisitions exceeding the simplified acquisition threshold, the following requirements apply in addition to FAR 36.602-2:

- (a) The A-E evaluation board(s) must be composed of the following members:
- (1) One member with experience in acquisition of A-E services (normally the contracting officer or contract specialist/negotiator);
 - (2) One or more members with technical experience in the fields of architecture, engineering or construction (normally someone from the organization responsible for establishing the A-E work requirements);
 - (3) One member with technical knowledge of the functional (user) requirements of the project; and
 - (4) Other special members as are deemed necessary.

(b) A-E board members may be appointed from among highly qualified professional employees of other Government agencies or the private sector who are engaged in the practice of architecture, engineering, construction, or related professions. The contracting officer must notify legal counsel if private sector employees are appointed to the board.

3036.602-3 Evaluation board functions.

(d) The evaluation board shall prepare the report for the designated selection authority in accordance with FAR 36.602-3(d).

3036.602-4 Selection authority.

(a) The designated selection authority is authorized to make the final selection of the most highly qualified firms. In no case shall the authority be delegated below the level of COCO.

(b) The recommendations of the evaluation board will normally be approved, unless the report does not adequately support the recommendations. If recommendations are not approved, the A-E evaluation board shall be required to reconvene until an acceptable set of recommendations is

agreed upon. The approved report serves as authorization for the contracting officer to commence negotiations with the A-E firm ranked number one by the A-E evaluation board.

3036.602-5 Short selection process for contracts not to exceed the simplified acquisition threshold.

Components are authorized to use either of the short selection processes of FAR 36.602-5.

(b) *Selection by the chairperson of the board.* The designated selection authority is authorized to review and approve the selection report. In no case shall the authority be delegated below the level of COCO.

3036.603 Collecting data on and appraising firms' qualifications.

Because it is DHS policy to establish ad hoc evaluation boards instead of a permanent board to select A-E firms, each Component must establish or designate an office or offices to meet the requirements of FAR 36.603(a).

3036.605 Reserved.

3036.606 Negotiations.

3036.606-70 General.

The limitation on A-E fees of six percent of the estimated construction cost (see FAR 15.404-4(c)(4)(i)(B)) applies to all services that are an integral part of the production and delivery of plans, designs, drawings and specifications of a construction project. The limitation, however, does not apply to the cost of investigative and other services including but not limited to the following:

- (a) Development of program requirements (scope of work);
- (b) Determination of project feasibility;
- (c) Preparation of drawings of an existing facility, where current drawings are not available;
- (d) Subsurface investigations (soil borings);
- (e) Structural, electrical and mechanical investigations of an existing building, where current information is not available;
- (f) Surveys: topographic, boundary, utility;
- (g) Preparation of models, color renderings, photographs or other presentation materials;
- (h) Travel and per diem for special presentations;
- (i) Supervision and inspection of construction;

- (j) Preparation of operating and maintenance manuals; and
- (k) Master planning.

3036.609 Contract clauses.

3036.609-1 Design within funding limitations.

- (c) The HCA may determine in writing not to include clause FAR 52.236-22, Design within Funding Limitations, in fixed-priced A-E contracts because:
 - (1) cost limitations are secondary to performance consideration and additional project finding can be expected, if necessary,
 - (2) the design is for a standard structure and is not intended for a specific location, or
 - (3) there is little or no design effort involved.