

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.

3036.602-3 Evaluation board functions.

The HCA retains the authority to direct the functions of the evaluation board.

(a) For A-E acquisitions exceeding the simplified acquisition threshold, the A-E evaluation board must perform the following functions in addition to, or in combination with, those of FAR 36.602-3, and in the sequence indicated:

- (1) Analyze the nature and scope of the project work requirements.

- (2) Develop the evaluation criteria and rating systems to be used in screening firms for the pre-selection list and in the final selection. The screening criteria should be based on information provided by the Standard Form (SF) 330, Architect-Engineer Qualifications.
- (3) Prepare the public announcement (see FAR 5.205(d)) for the project and provide it to the contracting officer for publication.
- (4) Screen the SF 330s and any other qualification data received in response to the public announcement of the project and prepare a pre-selection list of the best qualified firms for further consideration. The preselection list must consist of at least three firms.
- (5) When appropriate, obtain in writing more specific and detailed qualification, experience and past performance data (see FAR 36.602-1(a)) not provided by the SFs 330 that are needed to evaluate the firms using the established selection criteria. The firms should also be provided with a description of the nature and the scope of work to be accomplished to assist them in their responses. The A-E firms shall be advised not to submit price proposals, design sketches, drawings or design data at the time the qualification and past performance information is submitted.
- (6) Conduct interviews with the firms on the preselection list. As part of the interview, the A-E firms shall be given an opportunity to make an oral presentation of their qualifications and experience, proposed project approach and any other relevant data. The program and project manager and other key project personnel and consultants proposed by a firm should participate in the interview.
- (7) Whenever it is practical and advantageous, the A-E evaluation board should visit the offices of the A-E firms on the preselection list to inspect their facilities and work environments, to meet members of the proposed project team, and to see both work in progress and additional examples of completed projects.
- (8) Review the SF 330s for other experience and qualification data for each firm on the preselection list, and perform a systematic numerical evaluation rating of the firms.
- (9) Develop a rank order listing of at least three firms considered most highly qualified to perform the required work, based on the numerical evaluation ratings of the firms on the preselection list.
- (10) Prepare a report which shall include in sufficient detail:
 - (i) The extent of the board's review and evaluation;
 - (ii) The list described in paragraph (i) of this section;
 - (iii) Recommendations; and
 - (iv) Considerations on which the recommendations are based.

(d) The HCA is delegated the authority to receive the report prepared by the evaluation board.

3036.602-4 Selection authority.

(a) The HCA 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 HCA 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 Government cost estimate for architect-engineer work.

(b) Contracting officers may release Government estimates on an as-needed basis.

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.