

## SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

### PART 836—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

#### Subpart 836.2—Special Aspects of Contracting for Construction

- Sec.
- 836.202 Specifications.
- 836.203 Government estimate of construction costs.
- 836.204 Disclosure of the magnitude of construction projects.
- 836.206 Liquidated damages.
- 836.209 Construction contracts with architect-engineer firms.
- 836.213 Special procedures for sealed bidding in construction contracting.
- 836.213-4 Notice of award.
- 836.213-70 Notice to proceed.

#### Subpart 836.5—Contract Clauses

- 836.500 Scope of subpart.
- 836.501 Performance of work by the contractor.
- 836.513 Accident prevention.
- 836.521 Specifications and drawings for construction.
- 836.570 Correspondence.
- 836.571 Reference to “standards.”
- 836.572 Government supervision.
- 836.573 Daily report of workers and materials.
- 836.574 Subcontracts and work coordination.
- 836.575 Schedule of work progress.
- 836.576 Supplementary labor standards provisions.
- 836.577 Worker’s compensation.
- 836.578 Changes—supplement.
- 836.579 Special notes.

#### Subpart 836.6—Architect-Engineer Services

- 836.602 Selection of firms for architect-engineer contracts.
- 836.602-1 Selection criteria.
- 836.602-2 Evaluation boards.
- 836.602-4 Selection authority.
- 836.602-5 Short selection process for contracts not to exceed the simplified acquisition threshold.
- 836.603 Collecting data on and appraising firms qualifications.
- 836.606 Negotiations.
- 836.606-70 General.
- 836.606-71 Architect-engineer’s proposal.
- 836.606-72 Contract price.
- 836.606-73 Application of 6 percent architect-engineer fee limitation.

AUTHORITY: 40 U.S.C. 121(c) and 48 CFR 1.301-1.304.

SOURCE: 73 FR 2717, Jan. 15, 2008, unless otherwise noted.

#### Subpart 836.2—Special Aspects of Contracting for Construction

##### 836.202 Specifications.

(a) The procedures described in part 811 are applicable to construction specifications.

(b) During the design stage, contract architect-engineers must not use “brand name or equal” or other restrictive specifications without the prior written approval of the contracting officer. The contracting officer must inform prospective architect-engineers of this requirement during the negotiation phase, prior to award of a contract for design.

(c) If VA has determined that only one product will meet the Government’s minimum needs and VA will not allow the submission of “equal” products, the contracting officer must include the clause found at 852.236-90, Restriction on Submission and Use of Equal Products, in the solicitation and complete the clause by listing the items to which the clause applies. This clause places bidders on notice that the “brand name or equal” provisions of the clause found at FAR 52.236-5, Materials and Workmanship, and any other provision that may authorize the submission of an “equal” product, will not apply to the specific items listed.

##### 836.203 Government estimate of construction costs.

The overall amount of the Government estimate must not be disclosed until after award of the contract. After award, the contracting officer may disclose the overall amount upon request.

##### 836.204 Disclosure of the magnitude of construction projects.

In lieu of the estimated price ranges described in FAR 36.204, the contracting officer must identify the magnitude of a VA project in advance notices and solicitations in terms of one of the following price ranges:

- (a) Less than \$25,000.
- (b) Between \$25,000 and \$100,000.