236.602 Selection of firms for architect-engineer contracts.

236.602–1 Selection criteria.

(a) Establish the evaluation criteria before making the public announce-
ment required by FAR 5.205(d) and include the criteria and their relative
order of importance in the announce-
ment. Follow the procedures at PGI
236.602–1(a).

236.604 Performance evaluation.

Prepare a separate performance eval-
uation after actual construction of the
project. Ordinarily, the evaluating offi-
cial should be the person most familiar
with the architect-engineer contrac-
tor’s performance.

236.606 Negotiations.

236.606–70 Statutory fee limitation.

(a) 10 U.S.C. 4540, 7212, and 9540 limit
the contract price (or fee) for archi-
tect-engineer services for the prepara-
tion of designs, plans, drawings, and
specifications to six percent of the
project’s estimated construction cost.

(b) The six percent limit also applies
to contract modifications, including
modifications involving—

(1) Work not initially included in the
contract. Apply the six percent limit to
the revised total estimated construc-
tion cost.

(2) Redesign. Apply the six percent
limit as follows—

(i) Add the estimated construction
cost of the redesign features to the
original estimated construction cost;

(ii) Add the contract cost for the
original design to the contract cost for
redesign; and

(iii) Divide the total contract design
cost by the total estimated construc-
tion cost. The resulting percentage
may not exceed the six percent statu-
tory limitation.

(c) The six percent limit applies only
to that portion of the contract (or
modification) price attributable to the
preparation of designs, plans, drawings,
and specifications. If a contract or
modification also includes other serv-
ices, the part of the price attributable
to the other services is not subject to
the six percent limit.

236.607 Restriction on award of overseas architect-engineer contracts to foreign firms.

In accordance with Section 111 of
Public Law 104–32 and similar sections
in subsequent military construction
appropriations acts, architect-engineer
contracts funded by military construc-
tion appropriations that are estimated
to exceed $500,000 and are to be per-
formed in Japan, in any North Atlantic
Treaty Organization member country,
or in countries bordering the Arabian
Gulf, shall be awarded only to United
States firms or to joint ventures of
United States and host nation firms.

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