“(b) Bonus payments authorized under this section may be paid in either a lump sum or in installments.

“(c) An amount paid to a member under subsection (a) of this section is in addition to all other compensation to which he is entitled and does not count against the limitation prescribed by section 308(c) of this title concerning the total amount of reenlistment bonus that may be paid. However, if he receives payment under this section, he is not entitled to any further payments under section 308(g) of this title.

“(d) Under regulations prescribed by the Secretary of the Navy, refunds, on a pro rata basis, of sums paid under subsection (a) of this section may be required, and further payments terminated, if the member who has received the payment fails to complete his reenlistment contract, or fails to maintain his technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants.

“(e) Provisions of this section shall be effective only in the cases of members who, on or before June 30, 1975, execute the required written agreement to remain in active service.”; and

(4) by inserting the following new item in the analysis:

“312a. Special pay: nuclear-trained and qualified enlisted members.”.

SEC. 2. The provisions of section 7545(c) of title 10, United States Code, shall not apply with respect to any gift made after the date of enactment of this Act and prior to January 1, 1973, by the Department of the Navy to the city of Clifton Forge, Virginia, of a Baldwin steam locomotive (No. 606) which is no longer needed by the Navy and which has certain historical significance for the city of Clifton Forge, Virginia.

Approved October 27, 1972.

Public Law 92-582

AN ACT

To amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new title:

“TITLE IX—SELECTION OF ARCHITECTS AND ENGINEERS

"DEFINITIONS

"SEC. 901. As used in this title—

“(1) The term ‘firm’ means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

“(2) The term ‘agency head’ means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

“(3) The term ‘architectural and engineering services’ includes those professional services of an architectural or engineering nature as well...
as incidental services that members of these professions and those in
their employ may logically or justifiably perform.

"POLICY"

"Sec. 902. The Congress hereby declares it to be the policy of the
Federal Government to publicly announce all requirements for archi-
tectural and engineering services, and to negotiate contracts for
architectural and engineering services on the basis of demonstrated
competence and qualification for the type of professional services
required and at fair and reasonable prices.

"REQUESTS FOR DATA ON ARCHITECTURAL AND ENGINEERING SERVICES"

"Sec. 903. In the procurement of architectural and engineering serv-
ices, the agency head shall encourage firms engaged in the lawful prac-
tice of their profession to submit annually a statement of qualifications
and performance data. The agency head, for each proposed project,
shall evaluate current statements of qualifications and performance
data on file with the agency, together with those that may be submitted
by other firms regarding the proposed project, and shall conduct dis-
cussions with no less than three firms regarding anticipated concepts
and the relative utility of alternative methods of approach for fur-
nishing the required services and then shall select therefrom, in order
of preference, based upon criteria established and published by him,
no less than three of the firms deemed to be the most highly qualified to
provide the services required.

"NEGOTIATION OF CONTRACTS FOR ARCHITECTURAL AND ENGINEERING
SERVICES"

"Sec. 904. (a) The agency head shall negotiate a contract with the
highest qualified firm for architectural and engineering services at
compensation which the agency head determines is fair and reasona-
ble to the Government. In making such determination, the agency
head shall take into account the estimated value of the services to be
rendered, the scope, complexity, and professional nature thereof.

"(b) Should the agency head be unable to negotiate a satisfactory
contract with the firm considered to be the most qualified, at a price
he determines to be fair and reasonable to the Government, negotia-
tions with that firm should be formally terminated. The agency head
should then undertake negotiations with the second most qualified
firm. Failing accord with the second most qualified firm, the agency
head should terminate negotiations. The agency head should then
undertake negotiations with the third most qualified firm.

"(c) Should the agency head be unable to negotiate a satisfactory
contract with any of the selected firms, he shall select additional firms
in order of their competence and qualification and continue negotia-
tions in accordance with this section until an agreement is reached."

Approved October 27, 1972.