

## Environmental Protection Agency

1536.209

the contractor with confidential business information obtained from third parties under the Toxic Substances Control Act (15 U.S.C. 2601 *et seq.*). EPA regulations on confidentiality of business information in 40 CFR part 2, subpart B require that the contractor agree to the clause entitled “Treatment of Confidential Business Information” before any confidential business information may be furnished to the contractor.

(d) The Contracting Officer shall insert the clause at 48 CFR 1552.235-77, Data Security for Federal Insecticide, Fungicide, and Rodenticide Act, Confidential Business Information, when the contract involves access to confidential business information related to the Federal Insecticide, Fungicide, and Rodenticide Act, and the Treatment of Confidential Business Information clause (48 CFR 1552.235-71) and the Screening Business Information for Claims of Confidentiality clause (48 CFR 1552.235-70) are included.

(e) The Contracting Officer shall insert the clause at 48 CFR 1552.235-78, Data Security for Toxic Substances Control Act Confidential Business Information, when the contract involves access to confidential business information related to the Toxic Substances Control Act, and the Treatment of Confidential Business Information clause (48 CFR 1552.235-76) and Screening Business Information for Claims of Confidentiality clause (48 CFR 1552.235-70) are included.

(f) Contracting Officers shall insert the clause 48 CFR 1552.235-79, Release of Contractor Confidential Business Information, in all solicitations and contracts in order to authorize the Agency to release confidential business information under certain circumstances.

(g) Contracting officers shall insert the clause at 1552.235-80, Access to Confidential Business Information (CBI), in all types of contracts when it is possible that it will be necessary for the contractor to have access to CBI during the performance of tasks required under the contract.

(h) Contracting officers shall insert 48 CFR 1552.235-82—“Institutional Oversight of Life Sciences Dual Use Research of Concern” into all solicitations containing 48 CFR 1552.235-81 and

in existing contracts that are bilaterally modified at the request of an EPA funding/requesting office in accordance with EPA Order 1000.19.

[49 FR 8862, Mar. 8, 1984; 49 FR 24734, June 15, 1984, as amended at 61 FR 14265, Apr. 1, 1996; 61 FR 57339, Nov. 6, 1996; 65 FR 58923, Oct. 3, 2000; 81 FR 24499, Apr. 26, 2016]

## PART 1536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

### Subpart 1536.2—Special Aspects of Contracting for Construction

Sec.

1536.209 Construction contracts with architect-engineer firms.

### Subpart 1536.5—Contract Clauses

1536.521 Specifications and drawings for construction.

### Subpart 1536.6—Architect-Engineer Services

1536.602 Selection of firms for architect-engineer contracts.

1536.602-2 Establishment of evaluation boards.

AUTHORITY: 5 U.S.C. 301 and 41 U.S.C. 1707.

SOURCE: 49 FR 8863, Mar. 8, 1984, unless otherwise noted.

### Subpart 1536.2—Special Aspects of Contracting for Construction

#### 1536.209 Construction contracts with architect-engineer firms.

(a) The provisions of FAR 36.209 do not apply to subcontractors performing treatability studies.

(b) The provisions of FAR 36.209 also do not apply to subcontractors whose input during the design phase does not substantially affect the course of the design work.

(c) Approval under FAR 36.209 is not required for subcontractors under paragraph (a) or (b) of this section. Approval for all other subcontractors and prime contractors may be granted by the Chief of the Contracting Office. In reviewing requests for approval, the Chief of the Contracting Office shall consider factors such as the availability of other firms to perform the necessary construction or Superfund remedial action work, the estimated

## **1536.521**

cost to the Government, and the policy of the Agency to promote the use of innovative technology.

[55 FR 49283, Nov. 27, 1990, as amended at 59 FR 18977, Apr. 21, 1994; 81 FR 41237, June 24, 2016]

### **Subpart 1536.5—Contract Clauses**

#### **1536.521 Specifications and drawings for construction.**

The Contracting Officer shall insert the clause at 1552.236-70, Samples and Certificates, in solicitations and contracts when a fixed price construction contract is expected to exceed the simplified acquisition threshold limitation. The clause may be inserted in solicitations and contracts when the contract is expected to be within the simplified acquisition threshold limitation.

[49 FR 8863, Mar. 8, 1984, as amended at 81 FR 41237, June 24, 2016]

### **Subpart 1536.6—Architect-Engineer Services**

#### **1536.602 Selection of firms for architect-engineer contracts.**

##### **1536.602-2 Establishment of evaluation boards.**

(a) The Environmental Protection Agency Architect-Engineer Evaluation Board is established as a central permanent Board located at Headquarters EPA under authority delegated to the Director, Office of Acquisition Management, which may be re-delegated.

(b) The Service Center Manager (SCM) is delegated the authority to appoint either one or two additional voting members as may be appropriate for a particular project.

(c) In the event of an emergency or extended absence, a member may designate, in writing, with the concurrence of the Chairperson, an alternate experienced in architecture, engineering, or construction to serve in his/her absence.

(d) The duties of the advisory member shall include, but not be limited to, the following:

(1) Assuring that the criteria set forth in the public notice are applied in the evaluation process; and

## **48 CFR Ch. 15 (10-1-24 Edition)**

(2) Assuring that actions taken during the evaluation process do not compromise subsequent procurement actions.

[59 FR 18977, Apr. 21, 1994, as amended at 67 FR 5052, Feb. 4, 2002; 70 FR 61569, Oct. 25, 2005]

### **PART 1537—SERVICE CONTRACTING**

AUTHORITY: 5 U.S.C. 301 and 41 U.S.C. 1707.

SOURCE: 49 FR 8864, Mar. 8, 1984, unless otherwise noted.

### **Subpart 1537.1—Service Contracts—General**

#### **1537.110 Solicitation provisions and contract clauses.**

The following clauses are prescribed for service contracts. They may also be used in research and development contracts when applicable (see 1535.007-70).

(a) The Contracting Officer shall insert the clause at 1552.237-70, Contract Publication Review Procedures, in solicitations and contracts when the products of the contract are subject to contract publication review.

(b) The Contracting Officer shall insert a clause substantially the same as the clause at 1552.237-71, Technical Direction, in solicitations and contracts where the Contracting Officer intends to delegate authority to issue technical direction to the Contracting Officer's Representative(s).

(c) The Contracting Officer shall insert the clause at 1552.237-72, Key Personnel, in solicitations and contracts when it is necessary for contract performance to identify Contractor key personnel. Contracting Officers have the flexibility to identify the required number of days of key personnel commitment during the early stages of contractor performance. The length of time will be based on the requirements of individual acquisitions when continued assignment is essential to the successful implementation of the program's mission. Therefore, Contracting Officers may use a clause substantially the same as in 48 CFR 1552.237-72, regarding substitution of key personnel. Contracting Officers may include a different number of days in excess of the