

236.604

236.604 Performance evaluation.

Prepare a separate performance evaluation after actual construction of the project. Ordinarily, the evaluating official should be the person most familiar with the architect-engineer contractor's performance.

[76 FR 58155, Sept. 20, 2011]

236.606 Negotiations.

236.606-70 Statutory fee limitation.

(a) The statutes at 10 U.S.C. 7540, 8612, and 9540, for the Departments of the Army, Navy, and Air Force, respectively, limit the contract price (or fee) for architect-engineer services for the preparation of designs, plans, drawings, and specifications to 10 percent of the project's estimated construction cost.

(b) The 10 percent limit also applies to contract modifications, including modifications involving—

(1) Work not initially included in the contract; apply the 10 percent limit to the revised total estimated construction cost; and

(2) Redesign work; apply the 10 percent limit by—

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

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

(iii) Dividing the total contract design cost by the total estimated construction cost. The resulting percentage may not exceed the 10 percent statutory limitation.

(c) The 10 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 services, the part of the price attributable to the other services is not subject to the 10 percent limit.

[89 FR 53504, June 27, 2024]

236.609 Contract clauses.

236.609-70 Additional provision.

Use the provision at 252.236-7011, Overseas Architect-Engineer Services—Restriction to United States Firms, in

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solicitations for architect-engineer contracts that are—

(1) Funded with military construction appropriations;

(2) Estimated to exceed \$500,000; and

(3) To be performed in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf.

[56 FR 36421, July 31, 1991, as amended at 62 FR 2858, Jan. 17, 1997; 63 FR 11539, Mar. 9, 1998; 76 FR 58156, Sept. 20, 2011; 79 FR 44316, July 31, 2014; 80 FR 15911, Mar. 26, 2015; 83 FR 54681, Oct. 31, 2018]

Subpart 236.7—Standard and Optional Forms for Contracting for Construction, Architect-Engineer Services, and Dismantling, Demolition, or Removal of Improvements

236.701 Standard and optional forms for use in contracting for construction or dismantling, demolition, or removal of improvements.

(c) Do not use Optional Form 347, Order for Supplies or Services (see 213.307).

[56 FR 36421, July 31, 1991, as amended at 65 FR 63804, Oct. 25, 2000]

PART 237—SERVICE CONTRACTING

Subpart 237.1—Service Contracts—General

Sec.

237.101 Definitions.

237.102 Policy.

237.102-70 Prohibition on contracting for firefighting or security-guard functions.

237.102-71 Limitation on service contracts for military flight simulators.

237.102-72 Contracts for management services.

237.102-73 Prohibition on contracts for services of senior mentors.

237.102-74 Taxonomy for the acquisition of services, and supplies and equipment.

237.102-75 Defense Acquisition Guidebook.

237.102-76 Acquisition of computer software and computer software documentation under services contracts.

237.102-77 Acquisition requirements roadmap tool.

237.102-78 Market research report guide for improving the tradecraft in services acquisition.