

§ 543. Requests for data on architectural and engineering services

In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice 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 discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing 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.

(June 30, 1949, ch. 288, title IX, §903, as added Pub. L. 92-582, Oct. 27, 1972, 86 Stat. 1279.)

§ 544. Negotiation of contracts for architectural and engineering services

(a) Negotiation with highest qualified firm

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 reasonable 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) Negotiation with second and third, etc., most qualified firms

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, negotiations 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) Selection of additional firms in event of failure of negotiation with selected firms

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 negotiations in accordance with this section until an agreement is reached.

(June 30, 1949, ch. 288, title IX, §904, as added Pub. L. 92-582, Oct. 27, 1972, 86 Stat. 1279.)

CHAPTER 11—REAL PROPERTY TRANSACTIONS BY MILITARY DEPARTMENTS

§§ 551 to 554. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 551, act Sept. 28, 1951, ch. 434, title VI, §601, 65 Stat. 366, related to agreements between the Sec-

retaries of military departments or the Federal Civil Defense Administration and Armed Services Committees of Congress on real estate transactions.

Section 552, act Sept. 28, 1951, ch. 434, title VI, §602, 65 Stat. 366, related to furnishing of quarterly reports to Armed Services Committees of all real-estate actions.

Section 553, act Sept. 28, 1951, ch. 434, title VI, §603, 65 Stat. 366, limited the application of this chapter (§§ 551 to 554) to real property within the continental United States, Alaska, Hawaii and Puerto Rico.

Section 554, act Sept. 28, 1951, ch. 434, title VI, §604, 65 Stat. 366, mandated a recital of compliance with the provisions of this chapter (§§ 551 to 554) in any instrument of conveyance.

CHAPTER 12—CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS

- Sec. 601. Prohibition on construction of buildings except by Administrator of General Services.
- 601a. Duties of Administrator; Federal agency accommodations; historical and architectural preservation of public buildings; consultation with Governors, agencies, and chief executive officers.
- 602. Acquisition of buildings and their sites.
- 602a. Purchase contracts.
 - (a) Authority of Administrator; terms; vesting of title; application of installment payments to purchase price; procedures; report of negotiations to Congressional committees; solicitation of proposals.
 - (b) Contract provisions; limitations on amount of payments.
 - (c) Utilization of funds for payments.
 - (d) State and local taxes.
 - (e) Agreements to effectuate purposes; development and improvement of land; construction of projects previously approved; increase of estimated maximum cost.
 - (f) Submission and approval of prospectus as prerequisite; exceptions; procedure.
 - (g) Expiration of contracting authority.
 - (h) Prohibition on providing space until expiration of 30 days from notification of Congressional committees by Administrator.
- 603. Alteration of buildings; acquisition of land; exemption from committee approval.
- 604. Sites.
 - (a) Acquisition of lands or interests therein.
 - (b) Public buildings used in whole or in part for post office purposes; cooperation between Administrator and Postal Service.
 - (c) Solicitation of proposals for sale, donation, or exchange of real property; selection of site most advantageous to United States.
- 605. Construction of new buildings.
 - (a) Replacement of existing buildings; demolition, exchange or sale.
 - (b) Sale or exchange of sites.
 - (c) Committee approval as condition precedent to use of land as site for building.
- 606. Approval of proposed projects by Congress.
 - (a) Limitation of funds; transmission to Congress of prospectus of proposed project.
 - (b) Increase of estimated maximum cost.
 - (c) Rescission of approval for failure to make appropriations for project.
 - (d) Emergency leases by the Administrator.

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607. Buildings and sites within District of Columbia.
- (e) Limitation on leasing certain space.
(f) Dollar amount adjustment.
- (a) Construction in harmony with plan of Peter Charles L'Enfant.
(b) Contiguous squares; closing of streets and alleys.
(c) Consultations prior to acquisitions.
(d) Stadium; contracts for athletic and other events; additional seating capacity; financing, terms and conditions; restriction of right to revenues.
608. Authorization for construction or alteration by contract.
609. Architectural or engineering services.
(a) Employment by Administrator.
(b) Employment on permanent basis.
(c) Responsibility of Administrator for construction.
610. Report to Congress; uncompleted projects; building project surveys.
611. Continuing investigation and survey of public buildings.
(a) Authorization of Administrator.
(b) Cooperation with Federal agencies.
(c) Request for identification of existing buildings of historical, architectural, and cultural significance.
(d) Construction and acquisition of public buildings with due regard to comparative urgency of need.
612. Definitions.
- 612a. Additional definitions.
613. Exemption of certain public buildings projects.
614. Delegation of authority.
615. Leasing of buildings by and for General Services Administration; authority of Postal Service.
616. Dwight D. Eisenhower Memorial Bicentennial Civic Center.
(a) Development, construction, operation, and maintenance of facilities for conventions, exhibitions, meetings, and other social, cultural, and business activities; location.
(b) Plan, design, and costs of civic center; administrative approval and review; filing plats showing opening, extension, widening, or closing of streets, roads, highways, and alleys.
(c) Land acquisition.
(d) Contract authority; leases; term, nominal rental; purchase contracts: payment term, vesting of title in the District of Columbia, application of installment payments to purchase price, provisions securing performance of obligations, amortization, interest rate, reimbursement of contractors for certain costs, and Congressional committee approval of design, plans, and specifications.
(e) Full faith and credit of the District of Columbia.
(f) Gifts, services, securities, and other property: acceptance and administration; operation of civic center: District of Columbia or other entity; contractual operation: terms and conditions, employment of Federal, District of Columbia, and voluntary personnel.
617. State administration of criminal and health and safety laws.
618. Special rules for leased buildings.

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- (a) Specifications.
(b) Competitive procedures.
(c) Inspections.
(d) Enforcement.
619. Compliance with nationally recognized codes.
(a) Building codes.
(b) Zoning laws.
(c) Special rules.
(d) State and local government recommendations.
(e) Effect of noncompliance.
(f) Limitation on liability.
(g) Applicability to certain buildings.
(h) National security waiver.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 16 section 450ss-6; title 42 section 5817.

§ 601. Prohibition on construction of buildings except by Administrator of General Services

No public building shall be constructed except by the Administrator, who shall construct such public building in accordance with this chapter. (Pub. L. 86-249, § 2, Sept. 9, 1959, 73 Stat. 479.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 86-249. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-678, § 1, Nov. 17, 1988, 102 Stat. 4049, provided that: "This Act [enacting sections 617 to 619 of this title, amending sections 318 to 318b, 603, and 606 of this title, repealing section 278a of this title, and enacting provisions set out as notes under this section and section 619 of this title] may be cited as the 'Public Buildings Amendments of 1988'."

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-541, title I, § 101, Oct. 18, 1976, 90 Stat. 2505, provided that: "This title [enacting sections 601a and 612a of this title and amending sections 490, 606, and 611 of this title] may be cited as the 'Public Buildings Cooperative Use Act of 1976'."

SHORT TITLE OF 1972 AMENDMENTS

Pub. L. 92-520, § 1, Oct. 21, 1972, 86 Stat. 1019, provided: "That this Act [enacting section 616 of this title and provisions set out as notes under section 616 of this title] may be cited as the 'Dwight D. Eisenhower Memorial Bicentennial Civic Center Act'."

Pub. L. 92-313, § 1, June 16, 1972, 86 Stat. 216, provided: "That this Act [enacting section 602a of this title, amending sections 490, 603, 606, and 611 of this title, and enacting provisions set out as notes under sections 175 and 603 of this title] may be cited as the 'Public Buildings Amendments of 1972'."

SHORT TITLE

Section 1 of Pub. L. 86-249 provided: "That this Act [enacting this chapter, amending section 490 of this title, and repealing sections 23, 24, 32, 33, 59, 254, 259, 260, 262 to 265, 267, 268, 274 to 276, 277, 278, 282, 297 to 298, 298c, 341 to 342a, 344, 345, 346 to 350a, and 352 to 354 of this title] may be cited as the 'Public Buildings Act of 1959'."

CENTRAL INTELLIGENCE AGENCY AUTHORITIES

Pub. L. 100-678, § 9, Nov. 17, 1988, 102 Stat. 4053, provided that: "Nothing in this Act (including any amendment made by this Act [see Short Title of 1988 Amendment note above]) shall be construed to affect the au-