

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
901	40:531.	June 30, 1949, ch. 288, title VIII, § 802, as added Pub. L. 90-577, title V, § 501, Oct. 16, 1968, 82 Stat. 1104.

§ 902. Definitions

In this chapter, the following definitions apply:

(1) UNIT OF GENERAL LOCAL GOVERNMENT.—The term “unit of general local government” means a city, county, town, parish, village, or other general-purpose political subdivision of a State.

(2) URBAN AREA.—The term “urban area” means—

(A) a geographical area within the jurisdiction of an incorporated city, town, borough, village, or other unit of general local government, except a county or parish, having a population of at least 10,000 inhabitants;

(B) that portion of the geographical area within the jurisdiction of a county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density of at least 1,500 inhabitants per square mile; and

(C) that portion of a geographical area having a population density of at least 1,500 inhabitants per square mile and situated adjacent to the boundary of an incorporated unit of general local government which has a population of at least 10,000.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1128.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
902	40:535(a), (b).	June 30, 1949, ch. 288, title VIII, § 806(a), (b), as added Pub. L. 90-577, title V, § 501, Oct. 16, 1968, 82 Stat. 1105.

§ 903. Acquisition and use

(a) NOTICE TO LOCAL GOVERNMENT.—To the extent practicable, before making a commitment to acquire real property situated in an urban area, the Administrator of General Services shall give notice of the intended acquisition and the proposed use of the property to the unit of general local government exercising zoning and land use jurisdiction. If the Administrator determines that providing advance notice would adversely impact the acquisition, the Administrator shall give notice of the acquisition and the proposed use of the property immediately after the property is acquired.

(b) OBJECTIONS TO ACQUISITION OR CHANGE OF USE.—In the acquisition or change of use of real property situated in an urban area as a site for public building, if the unit of general local government exercising zoning and land use jurisdiction objects on grounds that the proposed acquisition or change of use conflicts with zoning regulations or planning objectives, the Administrator shall, to the extent the Administrator de-

termines is practicable, consider all the objections and comply with the zoning regulations and planning objectives.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1128.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
903	40:533.	June 30, 1949, ch. 288, title VIII, § 804, as added Pub. L. 90-577, title V, § 501, Oct. 16, 1968, 82 Stat. 1105.

In subsection (b), the words “and conform to” are omitted as included in “comply with”.

§ 904. Disposal

(a) NOTICE TO LOCAL GOVERNMENT.—Before offering real property situated in an urban area for sale, the Administrator of General Services shall give reasonable notice to the unit of general local government exercising zoning and land use jurisdiction in order to provide an opportunity for zoning so that the property is used in accordance with local comprehensive planning described in subsection (c).

(b) NOTICE TO PROSPECTIVE PURCHASERS.—To the greatest extent practicable, the Administrator shall furnish to all prospective purchasers of real property situated in an urban area complete information concerning—

(1) current zoning regulations, prospective zoning requirements, and objectives for property if it is unzoned; and

(2)(A) the current availability of streets, sidewalks, sewers, water, street lights, and other service facilities; and

(B) the prospective availability of those service facilities if the property is included in local comprehensive planning described in subsection (c).

(c) LOCAL COMPREHENSIVE PLANNING.—Local comprehensive planning referred to in subsections (a) and (b) includes any of the following activities, to the extent the activity is directly related to the needs of a unit of general local government:

(1) As a guide for government policy and action, preparing general plans related to—

(A) the pattern and intensity of land use;

(B) the provision of public facilities (including transportation facilities) and other government services; and

(C) the effective development and use of human and natural resources.

(2) Preparing long-range physical and fiscal plans for government action.

(3) Programming capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financial planning for expenditures in the earlier years of a program.

(4) Coordinating related plans and activities of state and local governments and agencies.

(5) Preparing regulatory and administrative measures to support activities described in this subsection.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1128.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
904(a), (b) ...	40:532.	June 30, 1949, ch. 288, title VIII, §§ 803, 806(c), as added Pub. L. 90-577, title V, § 501, Oct. 16, 1968, 82 Stat. 1105.
904(c)	40:535(c).	

In subsection (a), the words “Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of” and “such land” are omitted as unnecessary. The words “the head of the governing body of” are omitted for consistency in the chapter. The words “exercising zoning and land-use jurisdiction” are substituted for “having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located” to eliminate unnecessary words and for consistency in the chapter.

In subsection (c)(2), the word “Preparing” is added for clarity.

§ 905. Waiver

The procedures prescribed in sections 903 and 904 of this title may be waived during a period of national emergency proclaimed by the President.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1129.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
905	40:534.	June 30, 1949, ch. 288, title VIII, § 805, as added Pub. L. 90-577, title V, § 501, Oct. 16, 1968, 82 Stat. 1105.

CHAPTER 11—SELECTION OF ARCHITECTS AND ENGINEERS

- Sec. 1101. Policy.
- 1102. Definitions.
- 1103. Selection procedure.
- 1104. Negotiation of contract.

§ 1101. Policy

The policy of the Federal Government is to publicly announce all requirements for architectural 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.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1129.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1101	40:542.	June 30, 1949, ch. 288, title IX, § 902, as added Pub. L. 92-582, Oct. 27, 1972, 86 Stat. 1279.

The words “The Congress hereby declares” are omitted as unnecessary.

§ 1102. Definitions

In this chapter, the following definitions apply:

- (1) AGENCY HEAD.—The term “agency head” means the head of a department, agency, or bureau of the Federal Government.

(2) ARCHITECTURAL AND ENGINEERING SERVICES.—The term “architectural and engineering services” means—

(A) professional services of an architectural or engineering nature, as defined by state law, if applicable, that are required to be performed or approved by a person licensed, registered, or certified to provide the services described in this paragraph;

(B) professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and

(C) other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.

(3) FIRM.—The term “firm” means an individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture or engineering.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1129.)

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Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1102	40:541.	June 30, 1949, ch. 288, title IX, § 901, as added Pub. L. 92-582, Oct. 27, 1972, 86 Stat. 1278; Pub. L. 100-656, title VII, § 742, Nov. 15, 1988, 102 Stat. 3897; Pub. L. 100-679, § 8, Nov. 17, 1988, 102 Stat. 4068.

In clause (1), the words “Secretary, Administrator, or” are omitted as unnecessary.

§ 1103. Selection procedure

(a) IN GENERAL.—These procedures apply to the procurement of architectural and engineering services by an agency head.

(b) ANNUAL STATEMENTS.—The agency head shall encourage firms to submit annually a statement of qualifications and performance data.

(c) EVALUATION.—For each proposed project, the agency head shall evaluate current statements of qualifications and performance data on file with the agency, together with statements submitted by other firms regarding the proposed project. The agency head shall conduct discussions with at least 3 firms to consider anticipated concepts and compare alternative methods for furnishing services.

(d) SELECTION.—From the firms with which discussions have been conducted, the agency head shall select, in order of preference, at least 3 firms that the agency head considers most highly qualified to provide the services required.