

§ 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.)

HISTORICAL AND REVISION NOTES

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.)

HISTORICAL AND REVISION NOTES

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.)

HISTORICAL AND REVISION NOTES

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. Selection shall be based on criteria established and published by the agency head.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1130.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1103	40:543.	June 30, 1949, ch. 288, title IX, § 903, as added Pub. L. 92-582, Oct. 27, 1972, 86 Stat. 1279.

In subsection (b), the words “engaged in the lawful practice of their profession” are omitted as unnecessary because of the definition of “firm” in section 1102 of the revised title.

In subsection (c), the words “compare alternative methods for furnishing services” are substituted for “the relative utility of alternative methods of approach for furnishing the required services” to eliminate unnecessary words.