

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 836—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

SOURCE: 49 FR 12618, Mar. 29, 1984, unless otherwise noted.

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AUTHORITY: 38 U.S.C. 501 and 40 U.S.C. 486(c).

Subpart 836.2—Special Aspects of Contracting for Construction

836.202 Specifications.

(a) The procedures described in part 811 shall be applicable to construction specifications.

(b) The use of “brand name or equal” or other restrictive specifications by contract architect-engineers is specifically prohibited without the prior written approval of the contracting officer during the design stage. The contracting officer shall inform the prospective architect-engineers of this requirement during the negotiation phase, prior to award of a contract for design.

(c) If it is determined that only one product will meet the Government’s minimum needs and VA will not allow the submission of “equal” products, the bidders must be placed on notice that the “brand name or equal” provisions of the “Material and Workmanship” clause found at FAR 52.236.5, and any other provision which may authorize the submission of an “equal” product, will not apply. In order to properly alert bidders to this requirement, the contracting officer shall include the clause found at 852.236-90, “Restriction on Submission and Use of Equal Products,” in the solicitation.

[52 FR 282, Jan. 5, 1987, as amended at 53 FR 7756, Mar. 10, 1988; 53 FR 9631, Mar. 24, 1988; 54 FR 40065, Sept. 29, 1989; 61 FR 20492, May 7, 1996; 63 FR 17338, Apr. 9, 1998; 67 FR 49258, July 30, 2002]

836.203 Government estimate of construction costs.

The overall amount of the Government estimate shall not be disclosed until after award of the contract. After award, the overall amount may then be disclosed upon request.

[67 FR 49258, July 30, 2002]