

# 52.236-22 Design Within Funding Limitations.

As prescribed in 36.609-1(c), insert the following clause:

Design Within Funding Limitations (Apr 1984)

(a) The Contractor *shall* accomplish the design services required under this contract so as to permit the award of a contract, using standard Federal *Acquisition* Regulation procedures for the *construction* of the facilities designed at a price that does not exceed the estimated *construction* contract price as set forth in paragraph (c) of this clause. When bids or proposals for the *construction* contract are received that exceed the estimated price, the contractor *shall* perform such redesign and other services as are necessary to permit contract award within the funding limitation. These additional services *shall* be performed at no increase in the price of this contract. However, the Contractor *shall* not be required to perform such additional services at no cost to the Government if the unfavorable bids or proposals are the result of conditions beyond its reasonable control.

(b) The Contractor will promptly advise the *Contracting Officer* if it finds that the project being designed will exceed or is likely to exceed the funding limitations and it is unable to design a usable facility within these limitations. Upon receipt of such information, the *Contracting Officer* will review the Contractor's revised estimate of *construction* cost. The Government *may*, if it determines that the estimated *construction* contract price set forth in this contract is so low that award of a *construction* contract not in excess of such estimate is improbable, authorize a change in scope or materials as required to reduce the estimated *construction* cost to an amount within the estimated *construction* contract price set forth in paragraph (c) of this clause, or the Government *may* adjust such estimated *construction* contract price. When bids or proposals are not solicited or are unreasonably delayed, the Government *shall* prepare an estimate of constructing the design submitted and such estimate *shall* be used in lieu of bids or proposals to determine compliance with the funding limitation.

(c) The estimated *construction* contract price for the project described in this contract is \$\_\_\_\_\_.

(End of clause)

**Parent topic:** 52.236 [Reserved]