

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAM
Case 2022-G508, Architect-Engineer Selection Procedures

1. Purpose. This order transmits a revision to the General Services Administration Acquisition Manual (GSAM) to remove inaccurate or obsolete references, reflect that the GSA website at <http://gsa.gov/designexcellence> houses the relevant information for the Design Excellence Program, and makes clarifying changes to the members and duties of the members of the evaluation boards for Architect-Engineer selections.
2. Background. As part of GSA's regulatory reform efforts, GSA has been performing a comprehensive review of the regulatory requirements in the GSAM. As a part of these efforts, GSA identified several instances of internal agency guidance within GSAM part 536 that contained obsolete cross references and generally did not fit the format for the GSAM.
3. Effective date. February 13, 2023
4. Explanation of changes. This amendment includes non-regulatory changes. For full text changes of the amendment see Attachment A, GSAM Text Line-In/Line-Out.
 - A. This amendment revises the non-regulatory language of the following GSAM subparts, changes summarized below:
 - 536.6 (Construction and Architect-Engineer Contracts)
 - 536.602-1 (Selection Criteria), inserts a necessary space in the phrase "5 percent" in paragraph (a)(2)
 - 536.602-1 (Selection Criteria), inserts the phrase "FAR Deviation" at the beginning of paragraph (a)(3) to make consistent references in the GSAM to when a FAR Deviation is called out
 - 536.602-1 (Selection Criteria), adds new paragraph (a)(4) that states that procurements that are not project-specific (such as IDIQs) are to be evaluated based on the geographic area of the contract
 - 536.602-1 (Selection Criteria), in paragraph (b) removes obsolete references to FedBizOpps and creates the conjunctive "such as" at the end of the sentence
 - 536.602-1 (Selection Criteria), removes incorrect references to geographic areas in paragraph (b)(2) and creates conjunctive phrase at the end of the sentence

- 536.602-1 (Selection Criteria), completely deletes existing paragraph (c) and (d)
- 536.602-1 (Selection Criteria), creates new paragraph (c) that references the GSA website for Design Excellence Policies and Procedures
- 536.602-2 (Evaluation Boards), replaces incorrect GSAM cross reference in paragraph (a)
- 536.602-2 (Evaluation Boards), removes the references to GSA National Peer Professionals as board members and removes references to odd numbers of voting members
- 536.602-2 (Evaluation Boards), in paragraph (b)(3), adds that the Chief Architect or another GSA design professional will serve on the board
- 536.602-2 (Evaluation Boards), clarifies that subject to FAR 36.602-2(a), GSA National Register of Peer Professionals may serve on the board, along with regional architecture professionals, and community representatives
- 536.602-2 (Evaluation Boards), in paragraph (c), clarifies that a maximum of one representative from the client organization may participate as a voting member of the board
- 536.602-2 (Evaluation Boards), replaces existing paragraph (d), and in new paragraph (d), clarifies that the board shall not have more than 2 non-voting external to GSA advisors
- 536.602-2 (Evaluation Boards), replaces existing paragraph (e), and in new paragraph (e), states that the contracting officer should attend all board meetings and shall route all external communications
- 536.602-2 (Evaluation Boards), renumbers existing paragraph (e) to now be (f), and clarifies the cross references in the paragraph
- 536.602-2 (Evaluation Boards), renumbers existing paragraph (f) to now be (g), and deletes all the references to “construction and prospectus level modernization projects”, such that the paragraph only now states that the selection authority appoints the board members
- 536.602-2 (Evaluation Boards), renumbers existing paragraph (g) to now be (h), and clarifies that board members and advisors must sign non-disclosure and conflict agreements, updates incorrect cross reference to the GSAM table at 515.3-1, and clarifies that the contracting officer shall determine whether to disqualify a board member if a conflict of interest is identified
- 536.602-3 (Evaluation board functions), deletes existing paragraph (b) entirely and replaces it with the statement that proposals shall be protected in accordance with FAR 3.104
- 536.602-3 (Evaluation board functions), deletes paragraph (c)(3) entirely
- 536.602-4 (Selection authority), states in new paragraph (a) that the Chief Architect of GSA is delegated as the selection authority for architect-engineer procurements, and such authority may be redelegated per service-level policy
- 536.602-4 (Selection authority), in new paragraph (b), describes how the selection authority reviews the recommendations from the evaluation

board and that the selection authority must provide written explanation to the contracting officer if the selection authority disagrees with the recommendation of the evaluation board

- 536.602-70 (Architect-Engineer 6 percent fee limitation), creates new section to address where the appropriate tools for application of the 6 percent design fee limitation are housed and when they are applicable

5. Cancellations. None.

6. Point of contact. For clarification of content, please contact Bryon Boyer, GSA Acquisition Policy Division, at gsarpolicy@gsa.gov.

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Attachment A
GSAM Text, Line-In/Line-Out

GSAM Baseline: Change 162 effective 02/10/2023

- Additions to baseline made by rule are indicated by **[bold text in brackets]**
- Deletions to baseline made by rule are indicated by ~~strikethroughs~~
- Five asterisks (*** * * * ***) indicate that there are no revisions between the preceding and following sections
- Three asterisks (*** * ***) indicate that there are no revisions between the material shown within a subsection

Part 536 - Construction and Architect-Engineer Contracts

Subpart 536.6 - Architect-Engineer Services

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536.602 Selection of firms for architect-engineer contracts.

536.602-1 Selection criteria.

(a) FAR 36.602-1 requires that agencies include “location in the general geographical area of the project and knowledge of locality of the project” as one of several selection criteria.

(1) Do not use this evaluation factor as a minimum qualification requirement for determining whether a firm is eligible to compete for a proposed project.

(2) This factor must not exceed 5[]percent of the total weight of all evaluation criteria. In order to receive the maximum score for this factor, the architect-engineer firm(s) must demonstrate that at least 35 percent of the architect-engineer contract services (based on the total contract price) will be accomplished within the geographical boundaries established for the project.

(3) **[FAR Deviation.]** Under an approved class deviation from FAR 36.602-1(a)(5), this factor does not apply to projects that the Chief Architect of GSA determines to have national significance.

[(4) For procurements that are not project specific, such as indefinite-delivery indefinite-quantity contracts, evaluate based on the geographical area(s) covered by the contract.]

(b) The public announcement (~~FedBizOpps notice~~) for a contract for an individual project should identify the general geographical area of the project ~~by either~~, **such as:**

(1) A radius in miles or other appropriate unit of measure ~~;~~ **or,**

(2) The ~~Standard Metropolitan Statistical Area, county(ies),~~ **or** state(s) surrounding the project, ~~or other appropriate geographic boundaries.~~

(c) ~~Architect-engineer selections under the Design Excellence Program must apply the geographical evaluation criteria in the second phase.~~ **[For more information on the Architect Engineer selection process, see the GSA Design Excellence Policies and Procedures at <http://gsa.gov/designexcellence>.]**

(d) ~~The public announcement (FedBizOpps notice) must provide the number of calendar days the architect-engineer of record has to establish a production capability within the general geographical area of the project. You may allow the architect-engineer of record up to 45 calendar days after contract award to establish this production capability.~~

536.602-2 Evaluation boards.

(a) Architect-engineer evaluation board members must be experts in the fields of architecture, engineering or related design professions, such as landscape architecture, urban design and interior design, except as provided in **[paragraph (b)(3)] GSAM 536.602-2(c)(5)**. Board members must also collectively have expertise in construction, government, and related acquisition matters.

(b) The majority of **[the]** board members must be GSA employees. ~~Other members may include other Federal agency employees or members of the GSA National Register of Peer Professionals who are private sector practitioners of architecture, engineering or related design professions.~~ Evaluation boards must **[shall]** not exceed five (5) voting members. ~~If fewer, the board must have an odd number of voting members.~~ The voting members of the evaluation board shall include:

(1) One (1) highly qualified architect or a related design professional employed by GSA.

(2) One (1) highly qualified engineer employed by GSA.

(3) One (1) representative of the Chief Architect of GSA **[or another GSA design professional]**.

(4) **[Consistent with FAR 36.602-2(a), private practitioners (e.g., GSA National Register of Peer Professionals, regional architecture professionals, community representatives).]** ~~For new construction and prospectus level modernization projects, one (1) private sector practitioner of architecture designated from the GSA National Register of Peer Professionals. For other types of projects this slot may be filled by another GSA design professional.~~

~~(5)~~

[(c)] [A maximum of] One (1) representative of the client organization(s), at the client's option, if applicable, may participate as a voting member in the activities of the evaluation board]. ~~GSA's policy is to afford the client organization(s) the opportunity to participate in the architect-engineer selection process. Although not mandatory, GSA strongly recommends that this voting member be a highly qualified design professional.~~

~~(d) A maximum of two (2) non-voting advisors may participate in all activities of the evaluation board except voting. The client organization(s) may have only one (1) non-voting advisor to the board. The GSA may also have one non-voting advisor.~~
[Evaluation boards shall not exceed two (2) non-voting external to GSA advisors (i.e., those not employed by GSA).]

(e) Contracting officers should attend all board meetings and all external communications shall route through the contracting officer.]

~~(e)~~**[(f)]** ~~Other than you and the individuals appointed under paragraphs (e[b]) and (d)[through (e)] of this subsection, there must be no other advisors, or participants in the official activities of the board.~~

~~(f)~~**[(g)]** ~~The selection authority officially appoints the evaluation board members. For new construction and prospectus level modernization projects, the selection authority must obtain the concurrence of the Chief Architect of GSA on the appointment of board members.~~

~~(g)~~**[(h)]** ~~Each board member, including advisors, (voting and non-voting) must sign a "Conflict of Interest Acknowledgement and Nondisclosure Agreement" (Figure 515[.3]-1) before the activities of the board commence. No person may serve as a board member if that person or any member of that person's family has any direct~~

financial or employment interest in any of the firms being evaluated. The board member is responsible for identifying any possible conflict of interest once you identify the competing architect-engineer firms **[have been identified]**. You **[If a conflict of interest is identified, the contracting officer shall]** determine whether to disqualify the ~~at~~ member from the board.

536.602-3 Evaluation board functions.

(a) The evaluation board performs the functions described in FAR 36.602-3.

~~(b) Evaluation board members who are private sector design professionals from the GSA National Register of Peer Professionals may participate in all activities of the board, including deliberations and voting. However, they must provide their individual and independent evaluation of each competing architect-engineer firm to you.~~ **[Proposals shall be protected in accordance with FAR 3.104.]**

(c) Evaluation boards recommend, in order of preference, the most highly qualified architect-engineer firms for the specific project to the selection authority.

(1) Each board member is responsible individually for evaluating and rating the qualifications of each firm being considered following the established evaluation criteria.

(2) The chairperson of the board must maintain the integrity of the evaluation process and ensure that the final selection report is prepared and submitted to the selection authority.

~~(3) The selection authority concurs with the recommendations from the evaluation board which lists in order of preference the most highly qualified firms. If the selection authority does not concur with the recommendation from the evaluation board, the selection authority must provide for the contract file a written explanation of the reason.~~

[536.602-4 Selection authority.

(a) The Chief Architect of GSA is delegated as the selection authority for architect-engineer procurements. This authority may be re-delegated in accordance with service-level policy to appropriate officials.

(b) The selection authority reviews the recommendations from the evaluation board which lists in order of preference the most highly qualified architect-engineer firms. If the selection authority does not concur with the

recommendation from the evaluation board, the selection authority must provide to the contracting officer a written explanation of the reason.]

[536.602-70 Architect-Engineer 6 Percent Fee Limitation.

The Architect-Engineer topic page on the GSA Acquisition Portal at <https://insite.gsa.gov/acquisitionportal> contains specific job aids, which must be used to ensure consistent application of the 6 percent fee limitation in accordance with FAR Part 15.404-4(c)(4)(i)(B), for architect-engineer services for public works or utilities for production and delivery of designs, plans, drawings, and specifications.]

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