52.236-22 Design Within Funding Limitations.

As prescribed in <u>36.609-1(c)</u>, 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 <i>construction</i> contract price for the project described in this contract is \$	
(End of clause)	

Parent topic: 52.236 [Reserved]