

## 570.105-2 Criteria for the use of two-phase design-build.

The contracting officer may use the two-phase design-build selection procedures in 41 U.S.C. 253m for lease construction projects. This includes lease construction projects with options to purchase the real property leased. Use the procedures in 41 U.S.C. 253m and FAR 36.3 when the conditions in (a) and (b) below are met:

- (a) The contracting officer anticipates that the lease will involve the design and construction of a building, facility, or work for lease to the Government.
- (b) The contracting officer determines whether the procedures are appropriate for entering into a lease construction contract based on the following:
  - (1) The contracting officer expects to receive three or more offers.
  - (2) Offerors will need to perform design work before developing a price.
  - (3) Offerors will incur a substantial amount of expense in preparing offers.
  - (4) The contracting officer considers criteria such as the following:
    - (i) The extent to which the project requirements have been adequately defined.
    - (ii) The time constraints for delivery of the project.
    - (iii) The capability and experience of potential contractors.
    - (iv) The past performance of potential contractors.
    - (v) The suitability of the project for use of the two-phase selection procedures.
    - (vi) The capability of the agency to manage the two-phase selection process.
    - (vii) Other criteria established by the HCA.
- (c) See [570.305](#) for additional information.

**Parent topic:** [570.105 Methods of contracting.](#)