**NHPA Section 106 Compliance Clauses for Design Build Contracts**

To ensure contract compliance with the National Historic Preservation Act, include the following clauses in Design-Build contracts for work involving GSA historic buildings. These requirements also apply to new construction adjoining a historic building or within a historic district. These clauses address the specific requirements of design-build contracts. Also include GSA preservation team member qualifications and submission requirements for historic building projects ([www.gsa.gov/historicpreservation](http://www.gsa.gov/historicpreservation)) in the A/E solicitation and design documents.

Project team qualifications, technical and past performance evaluation criteria, project schedules, submission requirements and budgets must take into account design and consultation time for development and review of alternatives to address Section 106 requirements. Compliance budgets, alternatives, and timeframes should be established in consultation with the Regional Historic Preservation Officer. Concept design consultation for Section 106 compliance must be completed before proceeding to development of bridging documents.

Design-Build contract clauses follow:

**General**

Design development and final construction documents must adhere to any conditions and processes set forth in related Section 106 correspondence or formal agreements governing the undertaking. Include applicable construction specialist qualification requirements for repair, restoration or replication of historic materials, as specified in GSA Competency Specifications for Preservation Construction Contractors in www.gsa.gov/historicpreservation. Construction execution must also allow for coordination with the preservation architect responsible for the approved preservation design solutions. Allow ample time for procurement of specialized materials required for work in restoration zones.

**Criteria Governing Survey, Analysis, Recommendations and Design**

Services to be performed by the Architect-Engineer under this contract shall conform to all applicable requirements and criteria of the following laws, directives and guidelines and to the latest issuances of and changes thereto:

1. National Historic Preservation Act of 1966 (NHPA), as amended
2. ADM 1020.3 GSA Historic Preservation Procedures
3. GSA P100 Facilities Standards, provisions on Alterations to Historic Buildings for each applicable design category
4. The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for the Treatment of Historic Properties
5. GSA Technical Preservation Guidelines
6. GSA Building Preservation Plan and Historic Structure Report, as available

**Section 106 Compliance**

Work in GSA historic buildings listed in or eligible for the National Register of Historic Places shall be consistent with the Secretary of the Interior’s Standards for Rehabilitation, applicable GSA Technical Preservation Guidelines and GSA Building Preservation Plan recommendations. Work that may affect historic spaces, materials or architectural features contributing to the significance of GSA historic property is subject to National Historic Preservation Act (NHPA) Section 106 compliance review, coordinated by GSA’s Regional Historic Preservation Officer (RHPO). Contact the RHPO in early planning to identify and address preservation issues the project may raise.

The RHPO must be review and approve proposed alterations that may affect restoration or rehabilitations zones identified in a Building Preservation Plan (BPP) or Historic Structure Report (HSR) before GSA can commit to or initiate such alterations. If no HSR or BPP exists for the building, the RHPO will determine these zones.

Submit for RHPO review and concurrence a completed 106 Compliance Form identifying historic spaces and materials that may be affected by planned alterations. Design development must explore alternatives that avoid or minimize adverse effects on the qualities that make the building eligible for the National Register. Preference will be given to alternatives that avoid adverse effects while meeting other project requirements.

Plans for any alterations that will result in adverse effects on historic property will require consultation with the State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation, at its discretion, and interested parties. This process, initiated during concept design, includes public consultation with the goal of identifying alternatives for avoiding, minimizing, or mitigating adverse effects. Projects that will result in unavoidable adverse effects may require extended consultation to explore additional alternatives and prepare project documentation required by the SHPO.

Preservation design problem solving and project documentation for 106 submissions must be undertaken by a qualified historic architect meeting the Secretary of the Interior’s Professional Qualification Standards and GSA Qualification requirements for Preservation Architects. The historic architect must be integrally involved in the analysis and development of design solutions for work affecting restoration or rehabilitation zones to minimize adverse effects on historic materials and character.

Projects involving substantive ground disturbance for new construction, excavation, utility work or major landscaping (e.g. relocation of mature trees) must include provisions for compliance with the NHPA, the National Environmental Protect Act , Archeological Resources Protection Act and other laws concerned with the protection of archeological resources, including advance assessment of archeological data potential prior to and provisions for responding appropriately to unanticipated discoveries.

**Preservation Design Parameters**

General preservation design parameters follow:

* Retain historic materials, features, spaces in BPP or HSR restoration or rehabilitation zones
* Design new installations to be compatible with the historic character of the space and to avoid damaging historic materials.
* Design alterations within restoration zones to be reversible, avoiding permanent changes to historic materials, features and character.