

AGP-51. DESIGN WITHIN FUNDING LIMITATIONS

- (a) The Contractor shall accomplish the design services required under this Contract so as to permit the award of a contract for the construction of the facilities designed at a price that does not exceed the estimated construction contract price as set forth in this Contract. 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 Institute if the unfavorable bids or proposals are the result of conditions beyond its reasonable control.

- (b) The Contractor will promptly advise JPL 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, JPL will review the Contractor's revised estimate of construction cost. JPL 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, or JPL may adjust such estimated construction contract price.