CLASS DETERMINATION AND FINDINGS
Use of Warranty of Construction Clause

In accordance with FAR 52.246-21, the use of contract clause "Warranty of Construction," is hereby authorized for use in all fixed-price construction solicitations/contracts issued by Contracting Operations, West (Pacific West Region and Alaska Region).

FINDINGS

Contracting Operations -West proposes to include the "Warranty of Construction" clause in all fixed-price construction solicitations and resultant contracts.

The nature of the construction industry makes identification of potential defects difficult at time of acceptance of the project. Environmental influences and use of the system for a period of time are what may cause a defect to become apparent.

Warranties are standard in the construction industry. Therefore, the inclusion of the warranty clause is not expected to have an appreciable effect on cost. Administrative costs and any difficulty in enforcing the warranty are considered minor in comparison with the costs incurred when a warranty is not available.

In most instances, materials used in construction projects are commercial and carry a manufacturer's warranty to perform as stated. As a result, the cost to the Government will be the same whether or not a warranty is included. However, a manufacturer's recommendation of application is frequently relied upon to supplement contract specifications, thereby making the warranty clause even more useful and beneficial to the Government.

DETERMINATION

The authority for use of warranties is found in the Department of the Interior Acquisition Regulation (DIAR), subpart 1446.704, whereas, "The Chief of the Contracting Office (CCO) is authorized to make the written determination to use a warranty in an acquisition." Should the CCO also be the Contracting Officer (CO) for an action requiring approval of the CCO, approval must be obtained from the Head of the Contracting Activity.

Pursuant the prescription at FAR 46.710(e), the "Warranty of Construction" clause is approved for use, at the discretion of the CO, in all fixed-price construction solicitations and resultant contracts issued by Contracting Operations - West. This class determination and findings is effective upon issuance and expires on December 31, 2030 or until rescinded or superseded. It applies to all solicitations and contracts issued after date of signature below.

LILETTE BALTODANO Digitally signed by LILETTE BALTODANO
Date: 2026.05.06 12:41:43 -07'00'

5/6/2026

Lilette J. Baltodano
Chief of the Contracting Office

Date