

## ARTICLE 49

1. The programmes of construction projects necessary to cover the requirements of a force or of a civilian component shall be agreed upon between the German authorities competent for Federal building and the authorities of the force or of the civilian component.

2. Construction works shall normally be carried out by the German authorities competent for Federal building in accordance with German legal provisions and administrative regulations in force, and in accordance with special administrative agreements.

3. The authorities of a force or of a civilian component may, after consultation with the German authorities, carry out construction works with their own personnel, or may, applying their normal procedures, place contracts direct with contractors

(a) for minor construction projects, and,

(b) exceptionally, in other cases,

in accordance with special administrative agreements which may exist at the date of entry into force of the present Agreement or which are concluded or amended thereafter. In carrying out such works, the authorities of the force or of the civilian component shall respect German building regulations and take into consideration the principles applying in the Federal Republic regarding public construction, which are reflected in the regulations concerning competition, preferred tenderers and prices applicable to public contracts.

4. Repairs and maintenance work necessary to meet the requirements of a force or of a civilian component shall be carried out either by the German authorities or, after consultation with those authorities, by the authorities of the force or of the civilian component. In the second alternative the provisions of paragraph 3 of this Article shall apply *mutatis mutandis*.

5. The authorities of the force or of the civilian component and the German authorities shall agree concerning the form and extent of the consultation envisaged in paragraphs 3 and 4 of this Article.

6. When the work referred to in paragraphs 2 and 4 of this Article is carried out on behalf of a force or a civilian component by the German authorities,

(a) the authorities of the force or of the civilian component may, where they consider it necessary, participate in the drafting of the plans or may furnish plans and specifications themselves;

(b) the method of tender and, in the case of limited tender, the number and identity of the contractors to be invited, shall be agreed between the German authorities and the authorities of the force or of the civilian component;

(c) the contract shall be awarded only after the authorities of the force or of the civilian component have given their consent in writing;

(d) the authorities of the force or of the civilian component shall be permitted to participate in inspections of building work and shall have access to building plans and all relevant documents and accounts;

(e) the German authorities shall, unless it is otherwise agreed, confirm to contractors the satisfactory completion of major sections