

Summary of Revisions – Indefinite Delivery and Indefinite Quantity (ID/IQ) Contracting for Federal-aid Construction Final Rule November 10, 2022

On November 9, 2022, FHWA published its [final rule on ID/IQ Contracting for Federal-aid Construction](#) in the Federal Register. The final rule adopts the provisions established in the [ID/IQ interim final rule](#), published on November 16, 2020, with a few minor revisions and technical adjustments. The final rule becomes effective on December 9, 2022.

A list of the regulation revisions put forth in the final rule follows. The complete discussion of the revisions along with FHWA’s responses to public comments appears in the ID/IQ final rule Federal Register notice.

ID/IQ Regulation Revisions

(Strikeouts and bold font are used below to show text that has been changed between the interim final rule and final rule.)

- **23 CFR 635.604(a)(3)(iii)**
 - Revision: “Specify the estimated ~~minimum and maximum~~ quantity **or value** of services the contracting agency ~~will~~ **anticipates it may** acquire under the contract, **either on an annual basis or over the entire initial term of the ID/IQ contract**. The ID/IQ contract may also specify estimated ~~minimum or maximum quantities that the contracting agency may order under each work order.~~”
 - [Link to discussion in ID/IQ final rule](#)

- **23 CFR 635.604(a)(6)(i)**
 - Revision: “Prior to granting ~~a~~ **an optional** contract extension **of the ID/IQ contract**, the contracting agency must receive concurrence from the Division Administrator.”
 - [Link to discussion in ID/IQ final rule](#)

- **23 CFR 635.604(a)(6)(ii)**
 - Revision: “For ID/IQ contracts where prevailing wages apply under 23 U.S.C. 113, the current prevailing wage rate determination as determined by the U.S. Department of Labor in effect on the date of the execution of the **optional** contract extension **of the ID/IQ contract** shall apply to work covered under the **optional** contract extension.”
 - [Link to discussion in ID/IQ final rule](#)

Technical Correction

- **23 CFR 635.309(p)(1)(vi)(A) and (B)**
 - During a previous rulemaking (CM/GC final rule, 81 FR 86928, 12/2/2016), two sections were removed due to an administrative error, leading to an incomplete paragraph in this section. The two sections that predate the CM/GC rule have been restored, reflecting the logical meaning and remainder of the provision.
 - Revision:
 - **“(A) A statement concerning scope and current status of the required services; and**
 - **“(B) A statement which requires compliance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended, and 23 CFR part 710.”**
 - [Link to discussion in ID/IQ final rule](#)

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.