

# CHANGE REQUEST COVER SHEET

**Change Request Number:** 09-49

**Date Received:** 3/25/2009

**Title:** Revision and Clarification of Real Property Duties and Responsibilities

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**Name:** Jeffrey Baker

**Phone:** 202-493-5723

**Policy OR Guidance:** Guidance

**Section/Text Location Affected:** AMS Procurement Guidance T3.2.1

**Summary of Change:** Revision and Clarification of Real Property Duties and Responsibilities

**Reason for Change:** This change is being made to clarify roles and duties in the acquisition of real property, update and expand current references, and to add new requirements surrounding Due Diligence Audits.

**Development, Review, and/or Concurrence:** AJA-43, AJA-431, ARC/ALO-100

**Target Audience:** FAA Contracting Workforce

**Potential Links within FAST for the Change:** None

**Briefing Planned:** No

**ASAG Responsibilities:** None

**Potential Links within FAST for the Change:** None

**Links for New/Modified Forms (or) Documents (LINK 1)**

**Links for New/Modified Forms (or) Documents (LINK 2)**

**Links for New/Modified Forms (or) Documents (LINK 3)**

## SECTIONS EDITED:

Procurement Guidance:

**T3.2.1 - Procurement Planning** [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Procurement Guidance:

*T3.2.1 - Procurement Planning*

*Procurement Request (PR)*

**Section 13 : Real Property** [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

## SECTIONS EDITED:

**T3.2.1 - Procurement Planning (Revision 6, July 2008)**

**Old Content:** Procurement Guidance:

**T3.2.1 - Procurement Planning (Revision 6, July 2008) New Content:** Procurement Guidance:

**T3.2.1 - Procurement Planning Red Line Content:** Procurement Guidance:

**T3.2.1 - Procurement Planning** ~~(Revision 6, July 2008)~~

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### **Section 13 : Real Property**

**Old Content:** Procurement Guidance:

*T3.2.1 - Procurement Planning*

*Procurement Request (PR)*

**Section 13 : Real Property**

a. *Real Property Responsibilities.* For the regions and centers, the Real Estate and Utilities Branch, or for Washington Headquarters, the Facilities Management Staff (ALO-100), are the primary contracting offices for purchase and lease of real estate and for utilities. In requests for the lease or acquisition of real estate, or for acquisition of utilities services, the requiring office should initially contact the Real Estate Branch to determine an acceptable format for providing information requested by the Real Estate Branch. (e.g., whether the format should be that of a memo, a requisition, or other) The requesting office will complete the requisition itself later, after cost information becomes available for its completion. Initially, cost information would not be available, and remain to be developed in consultation with the Real Estate Branch. A representative of the Real Estate Branch should be included at every stage in the real estate acquisition or leasing process, whether this is to make initial inquiry, or to make contact with the property owner or his/her representative, or to approve required audit reports, or for other steps in the process.

b. *General.* The requisition should include the name, address and telephone number of the property owner (or his/her representative), if known, and a record of any and all contacts with the owner/representative. Remember however, that contacts with owner/representative should not be made unless the Real Estate Branch is involved. As a minimum, requisitions for real property should contain the information described below, by type of requirement.

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c. *Land Acquisition (Purchase or Lease)*. For such acquisitions, the PR package should include information for the RECO to begin the acquisition process. Items for a new or renewal lease action include:

- (1) The projected life of facility (total term requirement for real property).
- (2) Intended use of property (e.g., VASI, REIL, VORTAC, ARSR, ASR), and amount and type of all required restrictive easements (e.g., 750, 1000, 1200 or 1500 foot radius; trees removed to XX feet).
- (3) The legal description of the site and easements, expressed either in metes and bounds or as required by local land registries. If a legal description is not available, a legal description can be requested by a separate requisition transmitted to the Real Estate Branch.

(4) Drawings, to scale, of the property(ies) to be acquired, if available.

(5) *Clearances*. Environmental clearances, as follows:

(a) A statement that due diligence has been applied according to the requirements of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). The statement is based on at least a Phase I study and analysis of the site that will indicate the presence or absence of hazardous waste or toxic substances. Attach a copy of that study/analysis report. The Phase I report shall also indicate if further analysis is required in a Phase II study. This is accomplished using FAA Order 1050.19 (August 22, 1994), Environmental Due Diligence Audits (EDDA) in the Conduct of FAA Real Property Transactions. A licensed professional engineer of an appropriate environmental discipline shall sign reports for all audits performed by a contractor. Review and approval/certification of the EDDA is the responsibility of the regional Airway Facilities Division Manager.

(b) If it has been decided to acquire a site determined to have, or be subject to, hazardous material contamination, the PR package should include a statement of justification signed by the requiring office Program Manager/Division Manager, together with a Phase III cost/benefit analysis.

(c) A statement certifying that an analysis of environmental impacts has been accomplished according to FAA Order 1050.1D (December 5, 1986) National Environmental Policy Act. Environmental analysis may include a Categorical Exclusion (CATEX) or Environmental Assessment (EA) - which would culminate in a Finding of No Significant Impact (FONSI), or Environmental Impact Statement (EIS). These statements must clearly identify any environmental impact mitigation required, and the need for additional lease clauses to cover such mitigation. The Environmental Analysis shall also identify all environmental compliance permits for the project. Examples of permit activities are: wetlands

permits from the Army Corps of Engineers, land use permits, special area, water use, and other local, federal and state permits as necessary.

d. *Space Acquisition*. For space acquisitions, the PR package should include the following information for the RECO to begin the acquisition process:

- (1) The intended use of the space (e.g., AFS, FSDO).
- (2) A five-year projected staffing chart including the number of authorized positions, by job title, which will use the space. Any projected staffing increases must be validated.
- (3) Special Requirements. These include, but are not limited to:
  - (a) Authorized private offices;
  - (b) Wiring for data lines;
  - (c) 24-hour access/HVAC requirements;
  - (d) Temperature and humidity level limits;
  - (e) Local Area Network (LAN) rooms;
  - (f) Computer Based Instruction (CBI) rooms;
  - (g) Written examination room;
  - (h) Floor loads and types;
  - (i) Antennas attached to roof; and
  - (j) Special finishes.
- (4) Number of parking spaces required.
- (5) Recommended total lease term (base lease term plus renewal option(s)).
- (6) Delineated area and map depicting the area.

e. *Space Alterations/Improvements/Repairs (AIR)*. For this, the PR package should include:

- (1) A full narrative description of work to be accomplished, supported by a clear sketch or drawing of proposed AIR; and
- (2) Other related items, as stated in the paragraph just preceding.

f. *Construction*. For construction, the PR package should include:

(1) *For Real Property Interests - Land*. When the lease or purchase of land is involved, include a statement that such lease or purchase has been consummated. In rare circumstances, if there is written assurance the property owner will give that real property rights, and a written right of entry to begin construction has been provided, the PR may be processed if approved by the servicing Real Estate Branch.

(2) *For Real Property Interests - Space*. When a servicing contracting activity, that is, the contracting office, is requested to obtain construction, modification, alteration, and/or repair to leased space or buildings, care should be taken to ensure that the Real Estate Branch is involved in such leased space actions. The PR package must:

(a) contain a statement from the servicing real estate organization that approval from the property owner has been secured and the lease amended to cover FAA's requirements; and

(b) comply with all applicable requirements set forth in c.(2) and (3) above.

(3) *Environmental Considerations*. These include a statement certifying that all current requirements for Environmental Assessment and Due Diligence Audits have been met. (See the above paragraph c.(5) on environmental clearances.)

(4) *Utility Requirements*. When new or changed utilities, location or service is involved, state the status of obtaining utility service and the estimated date of its availability to the project.

(5) *Vehicle or Pedestrian Safety*. When the contract work will or may affect the traffic or safety of vehicles or pedestrians on the right-of-way of a public highway, road, or street owned by a governmental body other than the Federal Government, a statement that this is the case, and an identification of the governmental body which owns the highway, road, or street. For further information, see AMS Real Estate Guidance.

**New Content: Procurement Guidance:**

*T3.2.1 - Procurement Planning*

*Procurement Request (PR)*

**Section 13 : Real Property**

a. *Real Property Responsibilities*. For the regions and centers, the Real Estate and Utilities Branch, or for Washington Headquarters, the Facilities Management Staff (ALO-100), are the primary contracting offices for the acquisition, management, and disposal of real estate, including utilities. In requests for acquisition (i.e. lease land or space), management, or disposal of real estate, or for acquisition of utilities services, the requiring office should initially contact and provide the requirements to the Real Estate Branch. For further information on submitting program office requirements to Real Estate, see AMS Policy 4.2. The requesting office will complete the requisition itself later, after cost information becomes available for its

completion. Initially, cost information would not be available, and remain to be developed in consultation with the Real Estate Branch. A representative of the Real Estate Branch should be included at every stage in the real property acquisition, management, and disposal process, whether this is to make initial inquiry, to make contact with the property owner or his/her representative, to approve required audit reports, or for other steps in the process.

b. *General.* The requisition should include the name, address and telephone number of the property owner (or his/her representative), if known, and a record of any and all contacts with the owner/representative. Remember however, that contacts with owner/representative should be made only by the Real Estate Branch. As a minimum, requisitions for real property should contain the information described below, by type of requirement.

c. *Land Acquisition (Purchase or Lease).* For such acquisitions, the PR package should include information for the RECO to begin the acquisition process. Items for any new or renewal lease action include:

(1) The projected life of facility (total term requirement for real property).

(2) Intended use of property (e.g., VASI, REIL, VORTAC, ARSR, ASR), and amount and type of all required restrictive easements (e.g., 750, 1000, 1200 or 1500 foot radius; trees removed to XX feet).

(3) The legal description of the site and easements, expressed either in metes and bounds or as required by local land registries. If a legal description is not available, a legal description can be requested by a separate requisition transmitted to the Real Estate Branch.

(4) Drawings, to scale, of the property(ies) to be acquired, if available.

(5) *Clearances.* Environmental clearances, as follows:

(a) A statement that due diligence has been applied according to the requirements of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and FAA Order 1050.19B, Environmental Due Diligence Audits (EDDA) in the Conduct of FAA Real Property Transactions. Paragraph 1-10 of FAA Order 1050.19B describes the EDDA report review and approval process. The Real Estate Contracting Officer (RECO) receives the final, signed EDDA and places a copy of the report in the real property transaction file. A copy of the EDDA report should be included in the PR package, as well as a letter of acceptance of the report signed by the requiring office Program Manager/Division Manager. When an EDDA is not required, a memorandum must be included explaining the rationale for not conducting an EDDA. If the EDDA was not conducted as a result of an EDDA waiver request, also include a copy of the EDDA waiver request form.

(b) If it has been decided to acquire a site determined to have hazardous material contamination, the PR package should include a statement of justification signed by the requiring office Program Manager/Division Manager, together with a cost/benefit analysis.

(c) A statement certifying that an analysis of environmental impacts has been accomplished according to FAA Order 1050.1E and the National Environmental Policy Act. Environmental analysis may include a Categorical Exclusion (CATEX) or Environmental Assessment (EA) - which would culminate in a Finding of No Significant Impact (FONSI) or Environmental Impact Statement (EIS). These statements must clearly identify any environmental impact mitigation required, and the need for additional lease clauses to cover such mitigation. The environmental analysis must also identify all environmental compliance permits for the project. Examples of permit activities are: wetlands permits from the Army Corps of Engineers, land use permits, special area, water use, and other local, federal and state permits as necessary.

d. *Space Acquisition.* For space acquisitions, the PR package should include the following information for the RECO to begin the space acquisition process:

- (1) The intended use of the space (e.g., AFS, FSDO).
- (2) A five-year projected staffing chart including the number of authorized positions, by job title, which will use the space. Any projected staffing increases must be validated.
- (3) Special Requirements. These include, but are not limited to:
  - (a) Authorized private offices;
  - (b) Wiring for data lines;
  - (c) 24-hour access/HVAC requirements;
  - (d) Temperature and humidity level limits;
  - (e) Local Area Network (LAN) rooms;
  - (f) Computer Based Instruction (CBI) rooms;
  - (g) Written examination room;
  - (h) Floor loads and types;
  - (i) Antennas attached to roof; and
  - (j) Special finishes.

(4) Number of parking spaces required.

(5) Recommended total lease term (base lease term plus renewal option(s)).

(6) Delineated area and map depicting the area.

e. *Space Alterations/Improvements/Repairs (AIR)*. For this, the PR package should include:

(1) A full narrative description of work to be accomplished, supported by a clear sketch or drawing of proposed AIR; and

(2) Other related items, as stated in the paragraph just preceding.

f. *Construction*. For construction, the PR package should include:

(1) *For Real Property Interests - Land*. When the lease or purchase of land is involved, include a statement that such lease or purchase has been consummated. In rare circumstances, if there is written assurance the property owner will give that real property rights, and a written right of entry to begin construction has been provided, the PR may be processed if approved by the servicing Real Estate Branch.

(2) *For Real Property Interests - Space*. When a servicing contracting activity, that is, the contracting office, is requested to obtain construction, modification, alteration, and/or repair to leased space or buildings, care should be taken to ensure that the Real Estate Branch is involved in such leased space actions. The PR package must:

(a) Contain a statement from the servicing real estate organization that approval from the property owner has been secured and the lease amended to cover FAA's requirements; and

(b) Comply with all applicable requirements set forth in c.(2) and (3) above.

(3) *Environmental Considerations*. These include a statement certifying that all current requirements for Environmental Assessment and Due Diligence Audits have been met. (See the above paragraph c.(5) on environmental clearances.)

(4) *Utility Requirements*. When new or changed utilities, location or service is involved, state the status of obtaining utility service and the estimated date of its availability to the project.

(5) *Vehicle or Pedestrian Safety*. When the contract work will or may affect the traffic or safety of vehicles or pedestrians on the right-of-way of a public highway, road, or street owned by a governmental body other than the Federal Government, a statement that this is the case, and an identification of the governmental body which owns the highway, road, or street. For further information, see AMS Real Estate Guidance.



**Red Line Content: Procurement Guidance:**

*T3.2.1 - Procurement Planning*

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(a) A statement that due diligence has been applied according to the requirements of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). ~~The statement~~ and is based on FAA Order 1050.19B, at least a Phase I Environmental Due Diligence Audits (EDDA) study and analysis in the Conduct of the FAA site that Real Property will Transactions. Paragraph 1-10 indicate ~~the presence or absence of FAA Order 1050.19B of hazardous waste or toxic substances and Attach approval a process. The copy of that Real Estate Contracting study/analysis Officer report. (RECO) The Phase receives the final, report shall also indicate if further analysis is required signed EDDA and places a copy of the report in the Phase real property II study transaction file. A This is accomplished using FAA Order 1050.19B (August 22, 1944) the PR package, Environmental Due Diligence Audits as well as a (EDDA) letter in of acceptance of the Conduct of FAA Real Property report signed by the requiring Transactions office Program Manager/Division Manager. When A licensed professional engineer an EDDA is not of required, an appropriate memorandum environmental must be discipline shall sign reports included explaining the rationale for all not audits performed conducting an by EDDA. a If contractor the Review and EDDA was approval/certification not conducted as a result of the an EDDA is waiver the request, also include responsibility a copy of the regional Airway EDDA Facilities Division Manager waiver request form.~~

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