

CHANGE REQUEST COVER SHEET

Change Request Number: 12-110

Date Received: 9/13/2012

Title: AMS Real Property Policy Updates

Name: Charles Baldwin

Phone: 571-205-8427

Policy OR Guidance: Policy

Section/Text Location Affected: 4.2.3.10 & 4.2.3.3.2.5

Summary of Change: Policy for tenant improvements has been updated for consistency with Attachment B to the Space Lease. Seismic Policy has been updated based on new regulations contained within RP-8.

Reason for Change: Updates to Policy for Tenant Improvements and Seismic Guidance based on comments from the field and new regulations.

Development, Review, and/or Concurrence: ALO-200, AGC-520, WLSA, ELSA, CLSA, ALO-300

Target Audience: Real Estate Contracting Officers

Potential Links within FAST for the Change: N/A

Briefing Planned: No

ASAG Responsibilities: None

Potential Links within FAST for the Change: N/A

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:

Acquisition Management Policy:

Section 4.2.3.10 : Alterations and Improvements [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Acquisition Management Policy:

Section 4.2.3.3.2.5 : Seismic Safety [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Acquisition Management Policy:

Appendix E: Part III - Regulations/Standards [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

Acquisition Management Policy:

Appendix E: Part IV - External Authorities applicable to Real Estate [\[Old Content\]](#)[\[New Content\]](#) [\[RedLine Content\]](#)

SECTIONS EDITED:

Section 4.2.3.10 : Alterations and Improvements

Old Content: Acquisition Management Policy:

Section 4.2.3.10 : Alterations and Improvements

All alterations and/or improvements must be based upon technical requirements, business practices, or programmatic needs. Initial alterations, improvements, related items, and services associated with real property will be considered awarded through competition when included within the scope/requirements of the original procurement.

Alterations and improvements to an existing facility may be considered within the scope of a lease, if they are necessary to the operation of the facility as contemplated by the original procurement. In a leased facility, to minimize potential liabilities and restoration costs as well as other claims, the lessor should be considered the first choice for the provision of alterations. In making the determination of whether a lessor's proposed costs to make alterations and improvements to a leased facility are reasonable, the RECO should use a 1.) formal appraisal, 2.) construction data, 3.) cost to build publications, and/or 4.) an independent government cost estimate. If FAA makes the alterations, the lessor should be requested to waive any claims for restoration of the premises.

Any construction to leased or owned facilities must comply with the requirements of the Davis-Bacon Act. The Davis Bacon Act (40 U.S.C. 276a-278a-7) provides that contracts of \$2,000 or more to which the U.S. or the District of Columbia are a party for construction, alteration, or repair (including painting and decorating) of public buildings or public works within the U.S. must include provisions that no laborer or mechanic employed directly upon the site of the work will receive less than the prevailing wage rates as determined by Department of Labor.

If the lessor is unwilling or unable to provide the means to complete the improvements, and the property is leased for no or nominal consideration, then the FAA may exercise its authority under 49 USC Section 44502(a)(5) to make the required improvements.

**New Content: Acquisition Management Policy:
Section 4.2.3.10 : Alterations and Improvements**

All alterations and/or improvements, including Tenant Improvements (TIs), are required by FAA to make the leased premises acceptable for FAA occupancy, and post occupancy alterations and improvements must be based upon technical requirements, business practices, or programmatic needs. TIs are the finishes and fixtures that typically take space from the "shell" condition to a finished, usable condition.

Initial alterations, improvements, related items, and services associated with real property will be considered awarded through competition when included within the scope/requirements of the original procurement.

Alterations and improvements to an existing facility may be considered within the scope of a lease, if they are necessary to the operation of the facility as contemplated by the original procurement. In a leased facility, to minimize potential liabilities and restoration costs as well as other claims, the lessor should be considered the first choice for the provision of alterations. In making the determination of whether a lessor's proposed costs to make alterations and improvements to a leased facility are reasonable, the RECO should use a 1.) formal appraisal, 2.) construction data, 3.) cost to build publications, and/or 4.) an independent government cost estimate. If FAA makes the alterations, the lessor should be requested to waive any claims for restoration of the premises.

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If the lessor is unwilling or unable to provide the means to complete the improvements, and the property is leased for no or nominal consideration, then the FAA may exercise its authority under 49 USC Section 44502(a)(5) to make the required improvements.

A discussion of issues applicable to TIs, including the TI allowance often offered in the commercial market to encourage long term leases, is set forth in Real Estate Guidance 2.3.3, Tenant Improvements for Space Acquisition.

**Red Line Content: Acquisition Management Policy:
Section 4.2.3.10 : Alterations and Improvements**

All alterations and/or improvements, including Tenant Improvements (TIs), are required by FAA to make the leased premises acceptable for FAA occupancy, and post occupancy alterations and improvements must be based upon technical requirements, business practices, or programmatic needs. TIs are the finishes and fixtures that typically take space from the "shell" condition to a finished, usable condition.

Initial alterations, improvements, related items, and services associated with real property will be considered awarded through competition when included within the scope/requirements of the original procurement.

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If the lessor is unwilling or unable to provide the means to complete the improvements, and the property is leased for no or nominal consideration, then the FAA may exercise its authority under 49 USC Section 44502(a)(5) to make the required improvements.

~~***-A discussion of issues applicable to TIs, including the TI allowance often offered in the commercial market to encourage long term leases, is set forth in Real Estate Guidance 2.3.3, Tenant Improvements for Space Acquisition.***~~

Section 4.2.3.3.2.5 : Seismic Safety

Old Content: Acquisition Management Policy:

Section 4.2.3.3.2.5 : Seismic Safety In 1996, NIST RP-4 Standards for Seismic Safety for Existing Federally Owned or Leased Buildings, February 1994, instituted a requirement on all Federal agencies leasing space and buildings to follow Interagency Committee for Seismic Safety in Construction (ICSSC) standards similar to the requirement for existing owned buildings. RP-4 was superseded by RP-6 in 2002. (link to <http://fire.nist.gov/bfrlpubs/build01/PDF/b01056.pdf>), Standards for Seismic Safety for Existing Federally Owned or Leased Buildings, January 2002). RP-6 requires a "Seismic Safety Certification" to be performed following the requirements of FEMA 310 prior to signing any new lease, or renewing existing leases. In 2003, FEMA 310 was superseded by American Society of Civil Engineers (ASCE) Standard 31-03, Seismic Evaluation of Existing Buildings. RP-6 Section 1.3 lists exemptions that may relieve an Agency of the seismic safety certification requirement. These exemptions must be applied on a case-by-case basis. The following guidance ([2.4.8 Appendix H: Seismic](#)) gives guidance for the evaluation process of safety and exemption

applicability. **New Content:** Acquisition Management Policy:
Section 4.2.3.3.2.5 : Seismic Safety

It is FAA policy to provide/acquire space that complies with current federal standards for seismic safety. This policy is applicable to all space, whether such space is newly leased space, leased space subject to renewal, the purchase or construction of new buildings, or space undergoing major, renovations, where cost exceeds 50% of replacement value, in existing buildings. This policy is in accordance with the requirements of Executive Order (E.O.) 12699, E.O. 12941 and P.L. 101-614. In existing buildings, FAA follows National Institute of Standards and Technology (NIST) RP-8, [Standards for Seismic Safety for Existing Federally Owned or Leased Buildings, December 2011](#). RP-8 requires a "Seismic Safety Certification" that complies with the requirements of the American Society of Civil Engineers (ASCE) Standard 31-03, *Seismic Evaluation of Existing Buildings*, to be performed by a qualified structural engineer, prior to signing a new lease, renewing an existing lease, or granting rights to locate a privately owned structure on federal property. For new construction, the minimum standard for seismic compliance is the current edition of the International Building Code (IBC). In addition, the construction must be certified by a licensed structural engineer as meeting the requirements of the IBC.

RP-8 Section 1.3 lists exemptions from the seismic compliance requirements, and an exception that may relieve an Agency of the seismic safety certification requirement. However, these exemptions must be applied on a case-by-case basis and are invoked in consultation with the agency Seismic Safety Risk Mitigation Program Office (currently AJW-242), or other such seismic safety expertise the agency may provide. Further details on Seismic Safety procedures are found in Real Property Guidance section ([2.4.8 Appendix H: Seismic](#)).

Red Line Content: Acquisition Management Policy:
Section 4.2.3.3.2.5 : Seismic Safety

~~In It 1996, is NIST FAA RP-4 policy Standards to for provide/acquire Seismic Safety for Existing Federally Owned or Leased space that complies with current federal standards for Buildings, seismic February safety. 1994, This instituted a requirement on policy is applicable to all Federal space, agencies leasing whether such space and is buildings newly leased space, leased space subject to follow renewal, the Interagency Committee for Seismic Safety purchase or construction of new in buildings, Construction or (ICSSC) space standards undergoing similar major, to renovations, the requirement for where cost exceeds existing 50% owned of replacement value, in existing buildings. RP-4 This was superseded by policy is in RP-6 accordance in with 2002, the requirements of Executive Order (link E.O.) to 12699, http://fireE.nistO.gov/bfrlpubs/build01/PDF/b01056_12941_and_P.pdf, L. 101-614. In existing buildings, FAA follows National Institute of Standards and Technology (NIST) RP-8, Standards for Seismic Safety for Existing Federally Owned or Leased Buildings, January December 2011 2002 (wbdg.org/ccb/NIST/nist_gcr11_917_12.pdf). RP-68 requires a "Seismic Safety Certification" to be that performed following complies with the requirements of FEMA the American Society of Civil Engineers (ASCE) Standard 31-03, *Seismic Evaluation of Existing Buildings, to be performed by a qualified 310 structural engineer*, prior to signing any a new lease, or renewing an existing leases lease, or granting rights to locate a privately~~

owned structure on federal property. In For new 2003 construction, FEMA the 310 was superseded by American minimum standard for seismic compliance Society is the current edition of Civil the Engineers International Building Code (ASCE IBC). Standard In 31-03 addition, Seismic the Evaluation construction must be certified by a licensed structural engineer as meeting the requirements of Existing Buildings the IBC.

RP-68 Section 1.3 lists exemptions from the seismic compliance requirements, and an exception that may relieve an Agency of the seismic safety certification requirement. These However, these exemptions must be applied on a case-by-case basis. The following guidance and are invoked (2.4.8 in Appendix consultation H: with the agency Seismic Safety Risk Mitigation Program Office (currently AJW-242), or gives guidance for other such seismic safety expertise the evaluation process agency may of provide. safety Further and details on Seismic Safety procedures are found exemption in Real Property applicability Guidance section (2.4.8 Appendix H: Seismic).

Appendix E: Part III - Regulations/Standards

Old Content: Acquisition Management Policy:

Appendix E: Part III - Regulations/Standards

Title	Description Summary	Functional area affected	Promulgated by AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel			
Cost Accounting Standards (CAS) (48 CFR 9903.101)	Uniform standards for Government contractor's accounting for and reimbursement of costs. Within FAA, Cost Accounting Standards (CAS) do not apply to contracts for commercial items. Full or modified CAS coverage may be applied to cost type contracts only.	Procurement	P	G	C	
Department of Transportation Policy for Seismic Safety of New and Existing DOT Owned or Leased Buildings (DOT SS-98-01)	Requires each DOT Operating Administration to ensure new owned and leased buildings and additions are designed and constructed to comply with appropriate seismic design and construction standards. Each Operating Administration is required to mitigate unacceptable earthquake risks in existing buildings via a long-term risk mitigation program.	All	P			
Federal Management Regulations (formerly Federal Property Management)	Regulations used by GSA and other executive agency officials to regulate, and prescribe policies, procedures, and delegations of authority pertaining to the management of property, inventory, and disposal.	Real Property	P			

Federal Standard 313, Material Safety Data, Transportation Data and Disposal Data for hazardous materials furnished to Government activities.(March 1, 1988)	Establishes requirements for preparing and submitting Material Safety Data Sheets by contractors who provide hazardous materials to Government activities.	Procurement Environment	P	G	C	
FEMA 74, Reducing the Risk of Nonstructural Earthquake Damage, (Sep. 1994)	Provides Interagency Committee for Seismic Safety in Construction requirements for equipment and other building system installation, risk mitigation and guidance on prioritizing projects.	All	P			
FEMA 310, Handbook for the Seismic Evaluation of Buildings: A Pre-Standard, (January 1998)	Provides requirements for identifying unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 356, NEHRP. Pre-Standard and Commentary for the Seismic Rehabilitation of Buildings, (November 2000)	Provides requirements for mitigating unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 368/369, 2000 NEHRP Provision for Seismic Regulations for New Buildings and Other Structures, Parts 1 and 2, 2001.	Provides Interagency Committee for Seismic Safety in Construction requirements for construction of new buildings and design and installation of new equipment for any new or existing building.	All	P			
International Building Code (IBC) (2000/2003)	Establishes the current international building code in effect for all new construction of Federal buildings.	All	P			
Local Seismic Building codes (depends on location of project or installation site)	Requires use of local seismic building codes if they require a greater margin of safety than international or national building codes.	All	P			
NIST RP-6, standards for Seismic Safety for Existing Federally Owned or Leased Buildings, (January 2002)	Provides requirements for leasing and acquisition of existing buildings.	All	P			
Occupational Safety and Health Administration Regulations (29 CFR 1910.38)	Requires a written plan for emergency situations for each workplace where there is a possibility of an emergency. Appropriate portions of the plan must be implemented in the event of an emergency.	All	P	G	C	
Office of the Secretary of Transportation - Public Availability of Information (49 CFR	Implementing regulations for Freedom of Information Act (FOIA)	All	P	G		*

Part 7)						
OMB Circular A-21, Cost Principles for Educational Institutions	Describes basic cost principles applicable to the organization incurring the cost.	Procurement		G		*
OMB Circular A-76, Performance of Commercial Activities - (Aug. 4, 1983; Revised 1999)	Establishes Federal policy for performing commercial activities. FAA's policy is to follow the guidance of this circular to the extent such standards are consistent with AMS and the Administrator's authority to implement "such terms or conditions as the Administrator may deem appropriate."	Investment Analysis Procurement	P	G		*
OMB Circular A-87, Cost Principles for State Local and Indian Tribal Governments	Describes basic cost principles applicable to the organization incurring the cost.	Procurement		G		*
OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments.	Establishes standards for grants and cooperative agreements with State and local Governments.	Procurement		G		*
OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit organizations.	Establishes pre-award and post-award standards for Federal grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations.	Procurement		G		*
OMB Circular A-122, Cost Principles for Non-profit Organizations, excluding educational institutions and other organizations specified in the Circular	Describes basic cost principles applicable to the organization incurring the cost.	Procurement		G		*
Patent and Copyright Laws	Establishes prohibitions regarding patent and copyright infringement.	Procurement	P	G	C	
Protests and Contract Disputes; 14 CFR, Parts 14 & 17	Prescribes procedures for AMS protests and contract disputes.	All	P		C	
Standards of Conduct for Employees of the Executive Branch (5 CFR 2635)	Prohibits conflicts of interest	All	P	G	C	

END OF PART III

**New Content: Acquisition Management Policy:
Appendix E: Part III - Regulations/Standards**

Title	Description Summary	Functional area affected	Promulgated by AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel			
American Society of Civil Engineers (ASCE) Standard 7, Minimum Design Loads for Buildings and Other Structures, (2007)	Provides requirements for seismic design of new buildings and equipment.	All	P			
American Society of Civil Engineers (ASCE) Standard 31, Seismic Evaluation of Existing Buildings, (2003)	Provides requirements for evaluation of existing buildings and equipment installations to identify unacceptable seismic risks	All	P			
American Society of Civil Engineers (ASCE) Standard 41, Seismic Rehabilitation of Existing Buildings (2007)	Provides requirements for mitigation of unacceptable seismic risks in existing buildings and equipment installations.	All	P			
Cost Accounting Standards (CAS) (48 CFR 9903.101)	Uniform standards for Government contractor's accounting for and reimbursement of costs. Within FAA, Cost Accounting Standards (CAS) do not apply to contracts for commercial items. Full or modified CAS coverage may be applied to cost type contracts only.	Procurement	P	G	C	
Department of Transportation Policy for Seismic Safety of New and Existing DOT Owned or Leased Buildings (DOT SS-98-01)	Requires each DOT Operating Administration to ensure new owned and leased buildings and additions are designed and constructed to comply with appropriate seismic design and construction standards. Each Operating Administration is required to mitigate unacceptable earthquake risks in existing buildings via a long-term risk mitigation program.	All	P			
Federal	Regulations used by GSA and other	Real Property	P			

Management Regulations (formerly Federal Property Management)	executive agency officials to regulate, and prescribe policies, procedures, and delegations of authority pertaining to the management of property, inventory, and disposal.					
Federal Standard 313, Material Safety Data, Transportation Data and Disposal Data for hazardous materials furnished to Government activities.(March 1, 1988)	Establishes requirements for preparing and submitting Material Safety Data Sheets by contractors who provide hazardous materials to Government activities.	Procurement Environment	P	G	C	
FEMA E-74, Reducing the Risk of Nonstructural Earthquake Damage, (June 2011)	Provides Interagency Committee for Seismic Safety in Construction requirements for equipment and other building system installation, risk mitigation and guidance on prioritizing projects.	All	P			
FEMA 368/369, 2000 NEHRP Provision for Seismic Regulations for New Buildings and Other Structures, Parts 1 and 2, 2001.	Provides Interagency Committee for Seismic Safety in Construction requirements for construction of new buildings and design and installation of new equipment for any new or existing building.	All	P			
International Building Code (IBC) (2000/2003)	Establishes the current international building code in effect for all new construction of Federal buildings.	All	P			
Local Seismic Building codes (depends on location of project or installation site)	Requires use of local seismic building codes if they require a greater margin of safety than international or national building codes.	All	P			
NIST RP-8, standards for Seismic Safety for Existing Federally Owned or Leased Buildings, (December 2002)	Provides requirements for leasing and acquisition of existing buildings.	All	P			
Occupational Safety and Health Administration Regulations (29 CFR 1910.38)	Requires a written plan for emergency situations for each workplace where there is a possibility of an emergency. Appropriate portions of the plan must be implemented in the event of an emergency.	All	P	G	C	

Office of the Secretary of Transportation - Public Availability of Information (49 CFR Part 7)	Implementing regulations for Freedom of Information Act (FOIA)	All	P	G		
OMB Circular A-21, Cost Principles for Educational Institutions	Describes basic cost principles applicable to the organization incurring the cost.	Procurement		G		*
OMB Circular A-76, Performance of Commercial Activities - (Aug. 4, 1983; Revised 1999)	Establishes Federal policy for performing commercial activities. FAA's policy is to follow the guidance of this circular to the extent such standards are consistent with AMS and the Administrator's authority to implement "such terms or conditions as the Administrator may deem appropriate."	Investment Analysis Procurement	P	G		*
OMB Circular A-87, Cost Principles for State Local and Indian Tribal Governments	Describes basic cost principles applicable to the organization incurring the cost.	Procurement		G		*
OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments.	Establishes standards for grants and cooperative agreements with State and local Governments.	Procurement		G		*
OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit organizations.	Establishes pre-award and post-award standards for Federal grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations.	Procurement		G		*
OMB Circular A-122, Cost Principles for Non-profit Organizations, excluding educational institutions and other organizations	Describes basic cost principles applicable to the organization incurring the cost.	Procurement		G		*

specified in the Circular						
Patent and Copyright Laws	Establishes prohibitions regarding patent and copyright infringement.	Procurement	P	G	C	
Protests and Contract Disputes; 14 CFR, Parts 14 & 17	Prescribes procedures for AMS protests and contract disputes.	All	P		C	
Standards of Conduct for Employees of the Executive Branch (5 CFR 2635)	Prohibits conflicts of interest	All	P	G	C	

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Red Line Content: Acquisition Management Policy:

Appendix E: Part III - Regulations/Standards

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<u>American Society of Civil Engineers (ASCE) Standard 7, Minimum Design Loads for Buildings and Other Structures, (2007)</u>	Provides requirements for seismic design of new buildings and equipment.	All	P			
American Society of Civil Engineers (ASCE) Standard 31, Seismic Evaluation of Existing Buildings, (2003)	Provides requirements for evaluation of existing buildings and equipment installations to identify unacceptable seismic risks	All	P			
American Society of Civil Engineers (ASCE) Standard 41, Seismic Rehabilitation of	Provides requirements for mitigation of unacceptable seismic risks in existing buildings and equipment	All	P			

Existing Buildings (2007)	installations.					
Cost Accounting Standards (CAS) (48 CFR 9903.101)	Uniform standards for Government contractor's accounting for and reimbursement of costs. Within FAA, Cost Accounting Standards (CAS) do not apply to contracts for commercial items. Full or modified CAS coverage may be applied to cost type contracts only.	Procurement	P	G		C
Department of Transportation Policy for Seismic Safety of New and Existing DOT Owned or Leased Buildings (DOT SS-98-01)	Requires each DOT Operating Administration to ensure new owned and leased buildings and additions are designed and constructed to comply with appropriate seismic design and construction standards. Each Operating Administration is required to mitigate unacceptable earthquake risks in existing buildings via a long-term risk mitigation program.	All	P			
Federal Management Regulations (formerly Federal Property Management)	Regulations used by GSA and other executive agency officials to regulate, and prescribe policies, procedures, and delegations of authority pertaining to the management of property, inventory, and disposal.	Real Property	P			
Federal Standard 313, Material Safety Data, Transportation Data and Disposal Data for hazardous materials furnished to Government activities.(March 1, 1988)	Establishes requirements for preparing and submitting Material Safety Data Sheets by contractors who provide hazardous materials to Government activities.	Procurement Environment	P	G		C

<p>FEMA <u>E-74</u>, Reducing the Risk of Nonstructural Earthquake Damage, (Sep.<u>June</u> 1994<u>2011</u>)</p>	<p>Provides Interagency Committee for Seismic Safety in Construction requirements for equipment and other building system installation, risk mitigation and guidance on prioritizing projects.</p> <p>All</p>	<p>P - <u>All</u> -</p>	<p>-FEMA 310, Handbook for the Seismic Evaluation of Buildings: A Pre- Standard, (January 1998) Provides requirements for identifying unacceptable seismic risks in existing buildings and equipment installations. All</p> <p>P</p> <p>-</p>	<p>-FEMA 356, NEHRP. Pre- Standard and Commentary for the Seismic Rehabilitation of Buildings, (November 2000) Provides requirements for mitigating unacceptable seismic risks in existing buildings and equipment installations.</p> <p>All</p>	<p>P -</p>
<p>FEMA 368/369, 2000 NEHRP Provision for Seismic Regulations for New Buildings and Other Structures, Parts 1 and 2, 2001. International</p>	<p>Provides Interagency Committee for Seismic Safety in Construction requirements for construction of new buildings and design and installation of new equipment for any new or existing building.</p>	<p>All</p>	<p>P</p>		
<p>Building Code (IBC) (2000/2003) Local Seismic</p>	<p>Establishes the current international building code in effect for all new construction of Federal buildings.</p>	<p>All</p>	<p>P</p>		
<p>Building codes (depends on location of project or installation site) NIST RP-<u>68</u>,</p>	<p>Requires use of local seismic building codes if they require a greater margin of safety than international or national building codes.</p>	<p>All</p>	<p>P</p>		
<p>standards for Seismic Safety for</p>	<p>Provides requirements for leasing and acquisition of existing buildings.</p>	<p>All</p>	<p>P</p>		

Existing Federally Owned or Leased Buildings, (January <u>December</u> 2002)						
Occupational Safety and Health Administration Regulations (29 CFR 1910.38)	Requires a written plan for emergency situations for each workplace where there is a possibility of an emergency. Appropriate portions of the plan must be implemented in the event of an emergency.	All	P	G	C	
Office of the Secretary of Transportation - Public Availability of Information (49 CFR Part 7)	Implementing regulations for Freedom of Information Act (FOIA)	All	P	G		*
OMB Circular A-21, Cost Principles for Educational Institutions	Describes basic cost principles applicable to the organization incurring the cost.	Procurement		G		*
OMB Circular A-76, Performance of Commercial Activities - (Aug. 4, 1983; Revised 1999)	Establishes Federal policy for performing commercial activities. FAA's policy is to follow the guidance of this circular to the extent such standards are consistent with AMS and the Administrator's authority to implement "such terms or conditions as the Administrator may deem appropriate."	Investment Analysis Procurement	P	G		*
OMB Circular A-87, Cost Principles for State Local and Indian Tribal Governments	Describes basic cost principles applicable to the organization incurring the cost.	Procurement		G		*
OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments.	Establishes standards for grants and cooperative agreements with State and local Governments.	Procurement		G		*
OMB Circular A-110, Uniform Administrative Requirements for	Establishes pre-award and post-award standards for Federal grants and agreements awarded to	Procurement		G		*

Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit organizations.	institutions of higher education, hospitals, and other non-profit organizations.					
OMB Circular A-122, Cost Principles for Non-profit Organizations, excluding educational institutions and other organizations specified in the Circular	Describes basic cost principles applicable to the organization incurring the cost.	Procurement		G		*
Patent and Copyright Laws	Establishes prohibitions regarding patent and copyright infringement.	Procurement	P	G		C
Protests and Contract Disputes; 14 CFR, Parts 14 & 17	Prescribes procedures for AMS protests and contract disputes.	All	P			C
Standards of Conduct for Employees of the Executive Branch (5 CFR 2635)	Prohibits conflicts of interest	All	P	G		C

END OF PART III

Appendix E: Part IV - External Authorities applicable to Real Estate

Old Content: Acquisition Management Policy:

Appendix E: Part IV - External Authorities applicable to Real Estate

Part IV A: Statutes

				Promulgated by AMS:
				P=Policy, G=Guidance, C=Clause
		Functional		*=See Office of

Title	Description Summary	area affected	Chief Counsel			
Act of December 10, 1941 (40 USC 291)	Requires Federal agencies to admit seeing-eye dogs or other guide dogs accompanied by their blind masters to any building or other property owned or controlled by the United States.	Real Estate	P			
Administrative Procedures Act (5 USC 500 se seq)	Authorizes a duly qualified individual to represent a person before an agency.	All				*
Anti-Kickback Act(41 USC 51-58)	Prohibits offering or accepting kickbacks; criminal penalties apply.	Ethics Procurement Real Estate			C	*
Architectural Barriers Act of 1968 (42 USC 4151-4157)	Requires facilities be provided to ensure ready access for disabled persons to public buildings and certain interior spaces.	Real Estate	P	G	C	
Assignment of Claims (31 USC 3727, 41 USC 15)	Authorizes the lessor to assign his rights to be paid under a lease agreement	Real Estate			C	
Bribery and Conflict of Interest Laws (18 USC 201)	Prescribes fines and punishment for bribery of public officials and witnesses.	All				*
Bribery and Conflict of Interest Laws (18 USC 208)	Prescribes acts and penalties affecting a personal financial interest.	All	P			
Child Care Services for Federal Employees in Federal Buildings	Provides Federal agencies with the authority to allot space in Federal buildings to individuals or entities that will provide child care services to Federal employees.	Real Estate	P			
Clean Air Act of 1963 (42 USC 7401)	Requires the utilization in Federal air control programs of all available and appropriate facilities and resources within the Federal Government for the prevention and abatement of air pollution.	Real Estate	P			
Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9601)	Provides for liability, compensation, cleanup and emergency response for hazardous substances released into the environment, and the cleanup of hazardous waste disposal sites.	Real Estate	P			

Energy Independence and Security Act of 2007 (Pub. L. 110-140)	Amends portions of the National Energy Conservation Policy Act (42 USC 8253(a)(1) and adopts the energy intensity reduction goals of Executive Order 13423 beginning in year 2008. Provides for enhanced building standards, lighting, and water and energy usage goals.	Real Estate Procurement	P			
Energy Policy Act (EPAAct) of 2005	Provides for increased energy and water efficiency.	Real Estate	P			
Energy Policy Act of 1992 (Pub. L. 102-486, 106 Stat. 2776)	Provides for increased energy efficiency. Superseded, in part, by the EPAAct of 2005.	Real Estate Procurement	P			
False Claims Act(31 USC 3729)	Specifies civil penalties for false claims against the U.S.	All		G		*
Federal Aviation Authorization Act of 1996 (49 USC 106)	The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions.	Real Estate	P	G		
Federal Water Pollution Control Act (33 USC 1251)	Requires that all agencies comply with all Federal, State, interstate, and local requirements, respecting the control and abatement of water pollution.	Real Estate	P			
Federal Property and Administrative Services Act of 1949, as amended (40 USC 471)	This act establishes the Federal Building Fund and provides the Administrator of General Services Administration with an important source of real property related authority. FAA is not required to follow Title II of this act.	Real Estate	P	G		
Federal Water Pollution Control Act (33 USC 1251)	Requires that all agencies of the executive, legislative, and judicial branches of the Federal Government must comply with all Federal, State, interstate, and local requirements respecting the control and abatement of water pollution.	Real Estate	P			
Freedom of Information Act of 1986 (5 USC 552)	Regulates the release of public information; agency rules, opinions, orders, records, and proceedings.	All	P	G	C	
General Procurement Authority (49 USC 40110)	The Administrator may acquire services or, by condemnation or otherwise, and interest in property, and may dispose of an interest in property.	Real Estate	P	G		
General Facilities and Personnel Authority (49 USC 44502)	Provides general authority to the Administrator of the Federal Aviation Administration to acquire, establish, improve, operate, and maintain air navigation facilities; and provide	Procurement Real Estate	P	G		

	facilities and personnel to regulate and protect air traffic.					
Gift and Bequests (49 USC 326)	Authorizes the Administrator to accept any conditional or unconditional gift or donation of money or property, real or personal, or of services for the FAA.	All		G		
National Earthquake Hazards Reduction Act of 1977 (P.L. 95-124), Amended 1990 (P.L. 101-614) (42 USC 7701 et seq.)	Requires Agencies to adopt standards for assessing and enhancing the seismic safety of buildings designed for, or constructed by, or leased by the Federal Government.	Real Estate	P			
Paperwork Reduction Act (44 U.S.C. 3501)	Requires Federal Agencies to become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes resulting from the collection of information by or for the Federal Government.	All	P			
Public Buildings Act of 1959, as amended (40 USC 601-619)	This act establishes a prospectus threshold, applicable to all federal agencies. Also the Administrator of GSA has authority to construct, acquire, and alter public buildings.	Real Estate	P			
Public Buildings Cooperative Use Act of 1976 (40 USC 601a, 612a.)	Requires the Administrator of GSA to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance.	Real Estate	P			
National Environmental Policy Act of 1969 (42 USC 4321)	Requires consideration of environmental factors in the decision-making process for major Federal actions.	Real Estate	P			
National Historic Preservation Act (16 USC 470)	Requires Federal agencies to take into account the effect of any Federal undertaking on any property in or eligible for listing in the National Register of Historic Places.	Real Estate	P			
Occupational Safety and Health Act of 1970, amended (29 USC 653)	Requires Federal agencies to provide safe and healthful places and conditions of employment.	Real Estate	P	G	C	
Quarters and facilities; employees in the United States (5 USC 5911)	Agency may provide quarters and facilities for employees when conditions warrant.	Real Estate	P			
Randolph-Sheppard Vending	Provides for blind persons licensed under the	Procurement	P	G		

Facility Act, amended (20 U.S.C. 107 - 107f)	provisions of this chapter authorization to operate vending facilities on any Federal property.	Real Estate	P	G		
Rehabilitation Act of 1973, amended (Pub. L. 93-112, 387 Stat. 355)	Requires Federal agencies to ensure compliance with standards set by GSA, DOD and HUD pursuant to the Architectural Barriers Act of 1968.	Real Estate	P	G		
Rural Development Act of 1972 (Pub. L. 92-419, 86 Stat. 657)	Provides for improving the economy and living conditions in rural America. FAA must give first consideration to rural areas when locating new space, land, and other facilities	Real Estate	P	G	C	
Stewart B. McKinney Homeless Assistance Act (42 USC 11411-11412)	Requires Federal agencies to make available surplus real property to homeless organizations.	Real Estate	P			
Superfund Amendments and Reauthorization Act of 1986, amended (42 USC 9601-9675)	Extends and amends CERCLA.					*
Service, supplies, and facilities at remote places (49 USC 331)	Agency may provide when necessary, services, supplies, and facilities at remote places.	Real Estate	P			
Title 49, USC, Section 1159 (a) and (c)	Airport property and airway property in territory (including Alaska) outside the continental limits of the United States.	Real Estate	P			
Uniform Relocation Assistance and Real Property Acquisition (42 USC 4651-4655)	Requires Federal agencies to treat all property owners and other affected persons in a fair and equitable manner, and to provide relocation services and benefits to persons displaced by Federal agency's acquisition of their real property.	Real Estate	P	G		

Part IV B: Executive Orders

			Promulgated by AMS:
			P=Policy, G=Guidance, C=Clause
	Functional area affected		*=See Office of

Title	Description Summary		Chief Counsel			
Executive Order 11508, Providing for the Identification of Unneeded Federal Real Property (Feb. 12, 1970)	Establishes a uniform policy for Executive branch concerning the identification of excess real property holdings.	Real Estate	P			
Executive Order 11593, Protection and Enhancement of the Cultural Environment (May 13, 1971)	Requires Federal Agencies to direct their policies, plans and programs that federally owned sites, and structures are preserved, restored and maintained.	Real Estate	P			
Executive Order 11738, Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with respects to Federal Contracts, Grants, or Loans (Sept. 12, 1973)	Requires Federal agencies having authority to enter into contracts to conduct its acquisitions that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act.	Real Estate	P			
Executive Order 11988, Floodplain Management (May 24, 1977)	Requires that agencies take action to reduce the risk of flood loss and to restore and preserve the natural and beneficial values served by floodplains for acquiring, managing and disposing of Federal lands and facilities.	Real Estate	P			
Executive Order 11990, Protection of Wetlands (May 24, 1977)	Requires that agencies take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands for acquiring, managing, and disposing of Federal lands and facilities.	Real Estate	P			
Executive Order 12003, Relating to Energy Policy and Conservation (July 20, 1977)	Requires buildings constructed for Government lease to meet certain energy consumption design specifications.	Real Estate	P			
Executive Order 12088, Federal Compliance with Pollution Control Standards (October 13, 1978)	Requires agencies ensure action is taken to prevent, control, and abate environmental pollution with respect to Federal facilities and activities. Revoked, in part, by EO 13423.	Real Estate	P			

Executive Order 12196, Occupational Safety and Health Programs	Requires Federal agencies to establish and maintain occupational safety and health programs for Federal employees.	Real Estate	P			
Executive Order 12512, Federal Real Property Management (April 29, 1985)	Authorizes the GSA administrator to provide Government wide policy oversight and guidance for Federal real property management.	Real Estate	P			
Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction (January 5, 1990)	Requires agencies responsible for the design and construction of each new Federal building and/or the construction and lease of new buildings for Federal use to ensure the building is designed and constructed in accord with appropriate seismic design and construction standards.	All	P			
Executive Order 12941, Seismic Safety of Existing Federally Owned and Leased Buildings (December 1994)	Requires agencies to meet substantial life safety standards for seismic.	Real Estate	P			
Executive Order 13202, Preservation of Open Communication and Government Neutrality towards Government Contractors (Feb. 17, 2001)	Promotes the economical, non-discriminatory, and efficient administration and completion of Federal and Federally funded or assisted construction projects. (Also see E.O. 13208)	Procurement Real Estate				*
Executive Order 13208, Assisted Construction Projects (April 6, 2001)	Amends E.O. 13202. Added a new section to permit the Head of an Executive Agency to exempt a particular project from the requirements of any or all provisions of Sections 1 and 3 of E.O. 13202. (Also see E.O. 13202)	Procurement Real Estate				*
Executive Order 13327, Federal Real Property Asset Management (Feb. 4, 2004)	To improve the overall management of Federal real property assets on a Government-wide level. Amended by E.O. 13423.	Real Estate	P			
Executive Order 13423, Strengthening	Revokes E.O. 13101, 13123, 13134, 13148, and 13149, and amends E.O. 12088 and 13327. Provides that (i)	All	P	G		

Federal Environmental, Energy, and Transportation Management (January 24, 2007)	new construction and major renovation of agency buildings; and (ii) 15 percent of the existing Federal capital asset building inventory of Federal agencies move towards sustainable environmental practices. Note: Related and previously revoked Executive Orders include: 11507,11752, 12856, 12873, and 12902.					
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Part IV C: Regulations/Standards

Title	Description Summary	Functional area affected	Promulgated by AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel			
Department of Transportation Policy for Seismic Safety of New and Existing DOT Owned or Leased Buildings (DOT SS-98-01)	Requires each DOT Operating Administration to ensure that new DOT owned buildings and additions and new buildings leased for DOT occupancy, are designed and constructed to comply with appropriate seismic design and construction standards. Additionally, each Operating Administration is required to mitigate unacceptable earthquake risks in existing buildings via a long-term risk mitigation program.	All	P			
Federal Management Regulations (formerly Federal Property Management)	Prescribes regulations, policies, procedures and delegations of authority pertaining to the management of property, inventory, and disposal when FAA leases real property through GSA. Serves as guidelines for FAA direct lease actions.	Real Estate	P	G		
FEMA 74, Reducing the Risk of Nonstructural Earthquake Damage, (Sep. 1994)	Provides Interagency Committee for Seismic Safety in Construction (ICSSC) requirements for equipment and other building system installation, risk mitigation and guidance on prioritizing projects.	All	P			
FEMA 310, Handbook for the	Provides requirements for identification of unacceptable seismic	All	P			

Seismic Evaluation of Buildings: A Pre-Standard, (January 1998)	risks in existing buildings and equipment installations.					
FEMA 356, NEHRP. Pre-Standard and Commentary for the Seismic Rehabilitation of Buildings, (November 2000)	Provides requirements for mitigation of unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 368/369, 2000 NEHRP Provision for Seismic Regulations for New Buildings and Other Structures, Parts 1 and 2, 2001.	Provides Interagency Committee for Seismic Safety in Construction (ICSSC) requirements for the construction of new buildings as well as design and installation of new equipment for installation in any new or existing building.	All	P			
International Building Code (IBC) (2000/2003)	Establishes the current international building code in effect for all new construction of Federal buildings.	All	P			
Local Seismic Building codes (depends on location of project or installation site)	Requires use of local seismic building codes if they require a greater margin of safety than international or national building codes.	All	P			
NIST RP-6, standards for Seismic Safety for Existing Federally Owned or Leased Buildings, (January 2002)	Provides requirements for leasing and acquisition of existing buildings.	All	P			
Occupational Safety and Health Administration Regulations (29 CFR 1910.38)	Requires a written plan for emergency situations for each workplace where there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency.	All	P	G	C	
Protests and Contract Disputes; 14 CFR, Parts 14 & 17.	Prescribes procedures for protests and contract disputes.	All	P		C	
Standards of Conduct for Employees of the Executive Branch (5 CFR 2635)	Prohibits conflicts of interest	All	P	G	C	
Uniform Federal	Prescribes handicapped accessibility	Real Estate	P	G	C	

Accessibility Standards (UFAS) (41 CFR 101-19.6 App. A)	regulations for Federally owned or leased building premises.					
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End of Part IV

**New Content: Acquisition Management Policy:
Appendix E: Part IV - External Authorities applicable to Real Estate**

Part IV A: Statutes

Title	Description Summary	Functional area affected	Promulgated by AMS:			
			P=Policy,	G=Guidance,	C=Clause	*=See Office of Chief Counsel
Act of December 10, 1941 (40 USC 291)	Requires Federal agencies to admit seeing-eye dogs or other guide dogs accompanied by their blind masters to any building or other property owned or controlled by the United States.	Real Estate	P			
Administrative Procedures Act (5 USC 500 se seq)	Authorizes a duly qualified individual to represent a person before an agency.	All				*
Anti-Kickback Act(41 USC 51-58)	Prohibits offering or accepting kickbacks; criminal penalties apply.	Ethics Procurement Real Estate			C	*
Architectural Barriers Act of 1968 (42 USC 4151-4157)	Requires facilities be provided to ensure ready access for disabled persons to public buildings and certain interior spaces.	Real Estate	P	G	C	
Assignment of Claims (31 USC 3727, 41 USC 15)	Authorizes the lessor to assign his rights to be paid under a lease agreement	Real Estate			C	
Bribery and Conflict of Interest Laws (18 USC 201)	Prescribes fines and punishment for bribery of public officials and witnesses.	All				*
Bribery and Conflict of Interest Laws (18 USC	Prescribes acts and penalties affecting a personal financial interest.	All	P			

208)						
Child Care Services for Federal Employees in Federal Buildings	Provides Federal agencies with the authority to allot space in Federal buildings to individuals or entities that will provide child care services to Federal employees.	Real Estate	P			
Clean Air Act of 1963 (42 USC 7401)	Requires the utilization in Federal air control programs of all available and appropriate facilities and resources within the Federal Government for the prevention and abatement of air pollution.	Real Estate	P			
Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9601)	Provides for liability, compensation, cleanup and emergency response for hazardous substances released into the environment, and the cleanup of hazardous waste disposal sites.	Real Estate	P			
Energy Independence and Security Act of 2007 (Pub. L. 110-140)	Amends portions of the National Energy Conservation Policy Act (42 USC 8253(a)(1) and adopts the energy intensity reduction goals of Executive Order 13423 beginning in year 2008. Provides for enhanced building standards, lighting, and water and energy usage goals.	Real Estate Procurement	P			
Energy Policy Act (EPAAct) of 2005	Provides for increased energy and water efficiency.	Real Estate	P			
Energy Policy Act of 1992 (Pub. L. 102-486, 106 Stat. 2776)	Provides for increased energy efficiency. Superseded, in part, by the EPAAct of 2005.	Real Estate Procurement	P			
False Claims Act(31 USC 3729)	Specifies civil penalties for false claims against the U.S.	All		G		*
Federal Aviation Authorization Act of 1996 (49 USC 106)	The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions.	Real Estate	P	G		
Federal Water Pollution Control Act (33 USC 1251)	Requires that all agencies comply with all Federal, State, interstate, and local requirements, respecting the control and abatement of water pollution.	Real Estate	P			
Federal Property and Administrative Services Act of 1949, as amended (40 USC 471)	This act establishes the Federal Building Fund and provides the Administrator of General Services Administration with an important source of real property related authority. FAA is not required to follow Title II of this act.	Real Estate	P	G		
Federal Water	Requires that all agencies of the	Real Estate	P			

Pollution Control Act (33 USC 1251)	executive, legislative, and judicial branches of the Federal Government must comply with all Federal, State, interstate, and local requirements respecting the control and abatement of water pollution.					
Freedom of Information Act of 1986 (5 USC 552)	Regulates the release of public information; agency rules, opinions, orders, records, and proceedings.	All	P	G	C	
General Procurement Authority (49 USC 40110)	The Administrator may acquire services or, by condemnation or otherwise, and interest in property, and may dispose of an interest in property.	Real Estate	P	G		
General Facilities and Personnel Authority (49 USC 44502)	Provides general authority to the Administrator of the Federal Aviation Administration to acquire, establish, improve, operate, and maintain air navigation facilities; and provide facilities and personnel to regulate and protect air traffic.	Procurement Real Estate	P	G		
Gift and Bequests (49 USC 326)	Authorizes the Administrator to accept any conditional or unconditional gift or donation of money or property, real or personal, or of services for the FAA.	All		G		
National Earthquake Hazards Reduction Act of 1977 (P.L. 95-124), Amended 1990 (P.L. 101-614) (42 USC 7701 et seq.)	Requires Agencies to adopt standards for assessing and enhancing the seismic safety of buildings designed for, or constructed by, or leased by the Federal Government.	Real Estate	P			
Paperwork Reduction Act (44 U.S.C. 3501)	Requires Federal Agencies to become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes resulting from the collection of information by or for the Federal Government.	All	P			
Public Buildings Act of 1959, as amended (40 USC 601-619)	This act establishes a prospectus threshold, applicable to all federal agencies. Also the Administrator of GSA has authority to construct, acquire, and alter public buildings.	Real Estate	P			
Public Buildings Cooperative Use Act of 1976 (40 USC 601a, 612a.)	Requires the Administrator of GSA to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance.	Real Estate	P			
National Environmental	Requires consideration of environmental factors in the decision-	Real Estate	P			

Policy Act of 1969 (42 USC 4321)	making process for major Federal actions.					
National Historic Preservation Act (16 USC 470)	Requires Federal agencies to take into account the effect of any Federal undertaking on any property in or eligible for listing in the National Register of Historic Places.	Real Estate	P			
Occupational Safety and Health Act of 1970, amended (29 USC 653)	Requires Federal agencies to provide safe and healthful places and conditions of employment.	Real Estate	P	G	C	
Quarters and facilities; employees in the United States (5 USC 5911)	Agency may provide quarters and facilities for employees when conditions warrant.	Real Estate	P			
Randolph-Sheppard Vending Facility Act, amended (20 U.S.C. 107 - 107f)	Provides for blind persons licensed under the provisions of this chapter authorization to operate vending facilities on any Federal property.	Procurement Real Estate	P P	G G		
Rehabilitation Act of 1973, amended (Pub. L. 93-112, 387 Stat. 355)	Requires Federal agencies to ensure compliance with standards set by GSA, DOD and HUD pursuant to the Architectural Barriers Act of 1968.	Real Estate	P	G		
Rural Development Act of 1972 (Pub. L. 92-419, 86 Stat. 657)	Provides for improving the economy and living conditions in rural America. FAA must give first consideration to rural areas when locating new space, land, and other facilities	Real Estate	P	G	C	
Stewart B. McKinney Homeless Assistance Act (42 USC 11411-11412)	Requires Federal agencies to make available surplus real property to homeless organizations.	Real Estate	P			
Superfund Amendments and Reauthorization Act of 1986, amended (42 USC 9601-9675)	Extends and amends CERCLA.					*
Service, supplies, and facilities at remote places (49 USC 331)	Agency may provide when necessary, services, supplies, and facilities at remote places.	Real Estate	P			
Title 49, USC, Section 1159 (a) and (c)	Airport property and airway property in territory (including Alaska) outside the continental limits of the United States.	Real Estate	P			

Uniform Relocation Assistance and Real Property Acquisition (42 USC 4651-4655)	Requires Federal agencies to treat all property owners and other affected persons in a fair and equitable manner, and to provide relocation services and benefits to persons displaced by Federal agency's acquisition of their real property.	Real Estate	P	G		
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Part IV B: Executive Orders

Title	Description Summary	Functional area affected	Promulgated by AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel			
Executive Order 11508, Providing for the Identification of Unneeded Federal Real Property (Feb. 12, 1970)	Establishes a uniform policy for Executive branch concerning the identification of excess real property holdings.	Real Estate	P			
Executive Order 11593, Protection and Enhancement of the Cultural Environment (May 13, 1971)	Requires Federal Agencies to direct their policies, plans and programs that federally owned sites, and structures are preserved, restored and maintained.	Real Estate	P			
Executive Order 11738, Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with respects to Federal Contracts, Grants, or Loans (Sept. 12, 1973)	Requires Federal agencies having authority to enter into contracts to conduct its acquisitions that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act.	Real Estate	P			
Executive Order 11988, Floodplain Management (May 24, 1977)	Requires that agencies take action to reduce the risk of flood loss and to restore and preserve the natural and beneficial values served by floodplains for acquiring, managing and disposing of Federal lands and facilities.	Real Estate	P			

Executive Order 11990, Protection of Wetlands (May 24, 1977)	Requires that agencies take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands for acquiring, managing, and disposing of Federal lands and facilities.	Real Estate	P			
Executive Order 12003, Relating to Energy Policy and Conservation (July 20, 1977)	Requires buildings constructed for Government lease to meet certain energy consumption design specifications.	Real Estate	P			
Executive Order 12088, Federal Compliance with Pollution Control Standards (October 13, 1978)	Requires agencies ensure action is taken to prevent, control, and abate environmental pollution with respect to Federal facilities and activities. Revoked, in part, by EO 13423.	Real Estate	P			
Executive Order 12196, Occupational Safety and Health Programs	Requires Federal agencies to establish and maintain occupational safety and health programs for Federal employees.	Real Estate	P			
Executive Order 12512, Federal Real Property Management (April 29, 1985)	Authorizes the GSA administrator to provide Government wide policy oversight and guidance for Federal real property management.	Real Estate	P			
Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction (January 5, 1990)	Requires agencies responsible for the design and construction of each new Federal building and/or the construction and lease of new buildings for Federal use to ensure the building is designed and constructed in accord with appropriate seismic design and construction standards. Amended by: EO 13286 , February 28, 2003	All	P			
Executive Order 12941, Seismic Safety of Existing Federally Owned and Leased Buildings (December 1994)	Requires agencies to meet substantial life safety standards for seismic.	Real Estate	P			
Executive Order 13202, Preservation of Open	Promotes the economical, non-discriminatory, and efficient administration and completion of Federal and Federally funded or	Procurement Real Estate				*

Communication and Government Neutrality towards Government Contractors (Feb. 17, 2001)	assisted construction projects. (Also see E.O. 13208)					
Executive Order 13208, Assisted Construction Projects (April 6, 2001)	Amends E.O. 13202. Added a new section to permit the Head of an Executive Agency to exempt a particular project from the requirements of any or all provisions of Sections 1 and 3 of E.O. 13202. (Also see E.O. 13202)	Procurement Real Estate				*
Executive Order 13327, Federal Real Property Asset Management (Feb. 4, 2004)	To improve the overall management of Federal real property assets on a Government-wide level. Amended by E.O. 13423.	Real Estate	P			
Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management (January 24, 2007)	Revokes E.O. 13101, 13123, 13134, 13148, and 13149, and amends E.O. 12088 and 13327. Provides that (i) new construction and major renovation of agency buildings; and (ii) 15 percent of the existing Federal capital asset building inventory of Federal agencies move towards sustainable environmental practices. Note: Related and previously revoked Executive Orders include: 11507,11752, 12856, 12873, and 12902.	All	P	G		

Part IV C: Regulations/Standards

Title	Description Summary	Functional area affected	Promulgated by AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel			
Department of Transportation Policy for Seismic Safety of New and Existing DOT Owned or Leased Buildings (DOT SS-	Requires each DOT Operating Administration to ensure that new DOT owned buildings and additions and new buildings leased for DOT occupancy, are designed and constructed to comply with appropriate seismic design and	All	P			

98-01)	construction standards. Additionally, each Operating Administration is required to mitigate unacceptable earthquake risks in existing buildings via a long-term risk mitigation program.					
Federal Management Regulations (formerly Federal Property Management)	Prescribes regulations, policies, procedures and delegations of authority pertaining to the management of property, inventory, and disposal when FAA leases real property through GSA. Serves as guidelines for FAA direct lease actions.	Real Estate	P	G		
FEMA 74, Reducing the Risk of Nonstructural Earthquake Damage, (Sep. 1994)	Provides Interagency Committee for Seismic Safety in Construction (ICSSC) requirements for equipment and other building system installation, risk mitigation and guidance on prioritizing projects.	All	P			
FEMA 310, Handbook for the Seismic Evaluation of Buildings: A Pre-Standard, (January 1998)	Provides requirements for identification of unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 356, NEHRP. Pre-Standard and Commentary for the Seismic Rehabilitation of Buildings, (November 2000)	Provides requirements for mitigation of unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 368/369, 2000 NEHRP Provision for Seismic Regulations for New Buildings and Other Structures, Parts 1 and 2, 2001.	Provides Interagency Committee for Seismic Safety in Construction (ICSSC) requirements for the construction of new buildings as well as design and installation of new equipment for installation in any new or existing building.	All	P			
International Building Code (IBC) (2000/2003)	Establishes the current international building code in effect for all new construction of Federal buildings.	All	P			
Local Seismic Building codes (depends on location of project or installation site)	Requires use of local seismic building codes if they require a greater margin of safety than international or national building codes.	All	P			
NIST RP-6, standards for	Provides requirements for leasing and acquisition of existing buildings.	All	P			

Seismic Safety for Existing Federally Owned or Leased Buildings, (January 2002)						
Occupational Safety and Health Administration Regulations (29 CFR 1910.38)	Requires a written plan for emergency situations for each workplace where there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency.	All	P	G	C	
Protests and Contract Disputes; 14 CFR, Parts 14 & 17.	Prescribes procedures for protests and contract disputes.	All	P		C	
Standards of Conduct for Employees of the Executive Branch (5 CFR 2635)	Prohibits conflicts of interest	All	P	G	C	
Uniform Federal Accessibility Standards (UFAS) (41 CFR 101-19.6 App. A)	Prescribes handicapped accessibility regulations for Federally owned or leased building premises.	Real Estate	P	G	C	

End of Part IV

Red Line Content: Acquisition Management Policy:

Appendix E: Part IV - External Authorities applicable to Real Estate

Part IV A: Statutes

Title	Description Summary	Functional area affected	Promulgated by AMS:			
			P=Policy,	G=Guidance,	C=Clause	
			*=See Office of Chief Counsel			
Act of December 10, 1941 (40 USC 291)	Requires Federal agencies to admit seeing-eye dogs or other guide dogs accompanied by their blind masters to any building or other property owned or controlled by the United States.	Real Estate	P			
Administrative Procedures Act (5	Authorizes a duly qualified individual to represent a person before an	All				*

USC 500 se seq)	agency.					
Anti-Kickback Act(41 USC 51-58)	Prohibits offering or accepting kickbacks; criminal penalties apply.	Ethics Procurement Real Estate			C	*
Architectural Barriers Act of 1968 (42 USC 4151-4157)	Requires facilities be provided to ensure ready access for disabled persons to public buildings and certain interior spaces.	Real Estate	P	G	C	
Assignment of Claims (31 USC 3727, 41 USC 15)	Authorizes the lessor to assign his rights to be paid under a lease agreement	Real Estate			C	
Bribery and Conflict of Interest Laws (18 USC 201)	Prescribes fines and punishment for bribery of public officials and witnesses.	All				*
Bribery and Conflict of Interest Laws (18 USC 208)	Prescribes acts and penalties affecting a personal financial interest.	All	P			
Child Care Services for Federal Employees in Federal Buildings	Provides Federal agencies with the authority to allot space in Federal buildings to individuals or entities that will provide child care services to Federal employees.	Real Estate	P			
Clean Air Act of 1963 (42 USC 7401)	Requires the utilization in Federal air control programs of all available and appropriate facilities and resources within the Federal Government for the prevention and abatement of air pollution.	Real Estate	P			
Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 USC 9601)	Provides for liability, compensation, cleanup and emergency response for hazardous substances released into the environment, and the cleanup of hazardous waste disposal sites.	Real Estate	P			
Energy Independence and Security Act of 2007 (Pub. L. 110-140)	Amends portions of the National Energy Conservation Policy Act (42 USC 8253(a)(1) and adopts the energy intensity reduction goals of Executive Order 13423 beginning in year 2008. Provides for enhanced building standards, lighting, and water and energy usage goals.	Real Estate Procurement	P			
Energy Policy Act (EPAAct) of 2005	Provides for increased energy and water efficiency.	Real Estate	P			

Energy Policy Act of 1992 (Pub. L. 102-486, 106 Stat. 2776)	Provides for increased energy efficiency. Superseded, in part, by the EPA Act of 2005.	Real Estate Procurement	P			
False Claims Act(31 USC 3729)	Specifies civil penalties for false claims against the U.S.	All		G		*
Federal Aviation Authorization Act of 1996 (49 USC 106)	The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions.	Real Estate	P	G		
Federal Water Pollution Control Act (33 USC 1251)	Requires that all agencies comply with all Federal, State, interstate, and local requirements, respecting the control and abatement of water pollution.	Real Estate	P			
Federal Property and Administrative Services Act of 1949, as amended (40 USC 471)	This act establishes the Federal Building Fund and provides the Administrator of General Services Administration with an important source of real property related authority. FAA is not required to follow Title II of this act.	Real Estate	P	G		
Federal Water Pollution Control Act (33 USC 1251)	Requires that all agencies of the executive, legislative, and judicial branches of the Federal Government must comply with all Federal, State, interstate, and local requirements respecting the control and abatement of water pollution.	Real Estate	P			
Freedom of Information Act of 1986 (5 USC 552)	Regulates the release of public information; agency rules, opinions, orders, records, and proceedings.	All	P	G	C	
General Procurement Authority (49 USC 40110)	The Administrator may acquire services or, by condemnation or otherwise, and interest in property, and may dispose of an interest in property.	Real Estate	P	G		
General Facilities and Personnel Authority (49 USC 44502)	Provides general authority to the Administrator of the Federal Aviation Administration to acquire, establish, improve, operate, and maintain air navigation facilities; and provide facilities and personnel to regulate and protect air traffic.	Procurement Real Estate	P	G		
Gift and Bequests (49 USC 326)	Authorizes the Administrator to accept any conditional or unconditional gift or donation of money or property, real or personal, or of services for the FAA.	All		G		
National Earthquake Hazards Reduction Act of 1977 (P.L.	Requires Agencies to adopt standards for assessing and enhancing the seismic safety of buildings designed for, or constructed by, or leased by	Real Estate	P			

95-124), Amended 1990 (P.L. 101-614) (42 USC 7701 et seq.)	the Federal Government.					
Paperwork Reduction Act (44 U.S.C. 3501)	Requires Federal Agencies to become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes resulting from the collection of information by or for the Federal Government.	All	P			
Public Buildings Act of 1959, as amended (40 USC 601-619)	This act establishes a prospectus threshold, applicable to all federal agencies. Also the Administrator of GSA has authority to construct, acquire, and alter public buildings.	Real Estate	P			
Public Buildings Cooperative Use Act of 1976 (40 USC 601a, 612a.)	Requires the Administrator of GSA to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance.	Real Estate	P			
National Environmental Policy Act of 1969 (42 USC 4321)	Requires consideration of environmental factors in the decision-making process for major Federal actions.	Real Estate	P			
National Historic Preservation Act (16 USC 470)	Requires Federal agencies to take into account the effect of any Federal undertaking on any property in or eligible for listing in the National Register of Historic Places.	Real Estate	P			
Occupational Safety and Health Act of 1970, amended (29 USC 653)	Requires Federal agencies to provide safe and healthful places and conditions of employment.	Real Estate	P	G	C	
Quarters and facilities; employees in the United States (5 USC 5911)	Agency may provide quarters and facilities for employees when conditions warrant.	Real Estate	P			
Randolph-Sheppard Vending Facility Act, amended (20 U.S.C. 107 - 107f)	Provides for blind persons licensed under the provisions of this chapter authorization to operate vending facilities on any Federal property.	Procurement Real Estate	P P	G G		
Rehabilitation Act of 1973, amended (Pub. L. 93-112, 387 Stat. 355)	Requires Federal agencies to ensure compliance with standards set by GSA, DOD and HUD pursuant to the Architectural Barriers Act of 1968.	Real Estate	P	G		
Rural Development Act of 1972 (Pub. L. 92-419, 86 Stat.	Provides for improving the economy and living conditions in rural America. FAA must give first consideration to	Real Estate	P	G	C	

657)	rural areas when locating new space, land, and other facilities					
Stewart B. McKinney Homeless Assistance Act (42 USC 11411-11412)	Requires Federal agencies to make available surplus real property to homeless organizations.	Real Estate	P			
Superfund Amendments and Reauthorization Act of 1986, amended (42 USC 9601-9675)	Extends and amends CERCLA.					*
Service, supplies, and facilities at remote places (49 USC 331)	Agency may provide when necessary, services, supplies, and facilities at remote places.	Real Estate	P			
Title 49, USC, Section 1159 (a) and (c)	Airport property and airway property in territory (including Alaska) outside the continental limits of the United States.	Real Estate	P			
Uniform Relocation Assistance and Real Property Acquisition (42 USC 4651-4655)	Requires Federal agencies to treat all property owners and other affected persons in a fair and equitable manner, and to provide relocation services and benefits to persons displaced by Federal agency's acquisition of their real property.	Real Estate	P	G		

Part IV B: Executive Orders

Title	Description Summary	Functional area affected	Promulgated by AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel			
Executive Order 11508, Providing for the Identification of Unneeded Federal Real Property (Feb. 12, 1970)	Establishes a uniform policy for Executive branch concerning the identification of excess real property holdings.	Real Estate	P			
Executive Order 11593, Protection	Requires Federal Agencies to direct their policies, plans and programs that	Real Estate	P			

and Enhancement of the Cultural Environment (May 13, 1971)	federally owned sites, and structures are preserved, restored and maintained.					
Executive Order 11738, Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with respects to Federal Contracts, Grants, or Loans (Sept. 12, 1973)	Requires Federal agencies having authority to enter into contracts to conduct its acquisitions that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act.	Real Estate	P			
Executive Order 11988, Floodplain Management (May 24, 1977)	Requires that agencies take action to reduce the risk of flood loss and to restore and preserve the natural and beneficial values served by floodplains for acquiring, managing and disposing of Federal lands and facilities.	Real Estate	P			
Executive Order 11990, Protection of Wetlands (May 24, 1977)	Requires that agencies take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands for acquiring, managing, and disposing of Federal lands and facilities.	Real Estate	P			
Executive Order 12003, Relating to Energy Policy and Conservation (July 20, 1977)	Requires buildings constructed for Government lease to meet certain energy consumption design specifications.	Real Estate	P			
Executive Order 12088, Federal Compliance with Pollution Control Standards (October 13, 1978)	Requires agencies ensure action is taken to prevent, control, and abate environmental pollution with respect to Federal facilities and activities. Revoked, in part, by EO 13423.	Real Estate	P			
Executive Order 12196, Occupational Safety and Health Programs	Requires Federal agencies to establish and maintain occupational safety and health programs for Federal employees.	Real Estate	P			
Executive Order 12512, Federal Real Property Management (April 29, 1985)	Authorizes the GSA administrator to provide Government wide policy oversight and guidance for Federal real property management.	Real Estate	P			

Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction (January 5, 1990)	Requires agencies responsible for the design and construction of each new Federal building and/or the construction and lease of new buildings for Federal use to ensure the building is designed and constructed in accord with appropriate seismic design and construction standards. Amended by: EO 13286, February 28, 2003	All	P			
Executive Order 12941, Seismic Safety of Existing Federally Owned and Leased Buildings (December 1994)	Requires agencies to meet substantial life safety standards for seismic.	Real Estate	P			
Executive Order 13202, Preservation of Open Communication and Government Neutrality towards Government Contractors (Feb. 17, 2001)	Promotes the economical, non-discriminatory, and efficient administration and completion of Federal and Federally funded or assisted construction projects. (Also see E.O. 13208)	Procurement Real Estate				*
Executive Order 13208, Assisted Construction Projects (April 6, 2001)	Amends E.O. 13202. Added a new section to permit the Head of an Executive Agency to exempt a particular project from the requirements of any or all provisions of Sections 1 and 3 of E.O. 13202. (Also see E.O. 13202)	Procurement Real Estate				*
Executive Order 13327, Federal Real Property Asset Management (Feb. 4, 2004)	To improve the overall management of Federal real property assets on a Government-wide level. Amended by E.O. 13423.	Real Estate	P			
Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management (January 24, 2007)	Revokes E.O. 13101, 13123, 13134, 13148, and 13149, and amends E.O. 12088 and 13327. Provides that (i) new construction and major renovation of agency buildings; and (ii) 15 percent of the existing Federal capital asset building inventory of Federal agencies move towards sustainable environmental practices. Note: Related and previously revoked Executive Orders	All	P	G		

	include: 11507,11752, 12856, 12873, and 12902.					
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Part IV C: Regulations/Standards

Title	Description Summary	Functional area affected	Promulgated by AMS: P=Policy, G=Guidance, C=Clause *=See Office of Chief Counsel			
Department of Transportation Policy for Seismic Safety of New and Existing DOT Owned or Leased Buildings (DOT SS-98-01)	Requires each DOT Operating Administration to ensure that new DOT owned buildings and additions and new buildings leased for DOT occupancy, are designed and constructed to comply with appropriate seismic design and construction standards. Additionally, each Operating Administration is required to mitigate unacceptable earthquake risks in existing buildings via a long-term risk mitigation program.	All	P			
Federal Management Regulations (formerly Federal Property Management)	Prescribes regulations, policies, procedures and delegations of authority pertaining to the management of property, inventory, and disposal when FAA leases real property through GSA. Serves as guidelines for FAA direct lease actions.	Real Estate	P	G		
FEMA 74, Reducing the Risk of Nonstructural Earthquake Damage, (Sep. 1994)	Provides Interagency Committee for Seismic Safety in Construction (ICSSC) requirements for equipment and other building system installation, risk mitigation and guidance on prioritizing projects.	All	P			
FEMA 310, Handbook for the Seismic Evaluation of Buildings: A Pre-Standard, (January 1998)	Provides requirements for identification of unacceptable seismic risks in existing buildings and equipment installations.	All	P			
FEMA 356, NEHRP. Pre-Standard and Commentary for the Seismic	Provides requirements for mitigation of unacceptable seismic risks in existing buildings and equipment installations.	All	P			

Rehabilitation of Buildings, (November 2000)						
FEMA 368/369, 2000 NEHRP Provision for Seismic Regulations for New Buildings and Other Structures, Parts 1 and 2, 2001.	Provides Interagency Committee for Seismic Safety in Construction (ICSSC) requirements for the construction of new buildings as well as design and installation of new equipment for installation in any new or existing building.	All	P			
International Building Code (IBC) (2000/2003)	Establishes the current international building code in effect for all new construction of Federal buildings.	All	P			
Local Seismic Building codes (depends on location of project or installation site)	Requires use of local seismic building codes if they require a greater margin of safety than international or national building codes.	All	P			
NIST RP-6, standards for Seismic Safety for Existing Federally Owned or Leased Buildings, (January 2002)	Provides requirements for leasing and acquisition of existing buildings.	All	P			
Occupational Safety and Health Administration Regulations (29 CFR 1910.38)	Requires a written plan for emergency situations for each workplace where there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency.	All	P	G	C	
Protests and Contract Disputes; 14 CFR, Parts 14 & 17.	Prescribes procedures for protests and contract disputes.	All	P		C	
Standards of Conduct for Employees of the Executive Branch (5 CFR 2635)	Prohibits conflicts of interest	All	P	G	C	
Uniform Federal Accessibility Standards (UFAS) (41 CFR 101-19.6 App. A)	Prescribes handicapped accessibility regulations for Federally owned or leased building premises.	Real Estate	P	G	C	

End of Part IV