

7.5 Coordination between the Service Organization and Agency Counsel Added 10/2009

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1. Each RECO must notify the appropriate Region or Center Counsel when he/she receives a PR or other formal request to initiate a real property action. As the project proceeds, the RECO will work with the Region or Center Counsel to determine if the project is a competitive action or a non-competitive action and the type of review that is required. During the transaction process, the Realty Specialist/RECO shall keep in regular contact with the appropriate Region or Center Counsel in order to ensure that all legal issues that arise are addressed as they occur.

2. It is recommended that the RECO use the same Region or Center Counsel throughout the real estate action to ensure continuity and consistency of legal support. However, in the event that unique legal or other questions arise during a real property action, the RECO may contact ALO-200 and/or AGC-520 for advice; provided that the RECO first informs the pertinent Region or Center Counsel of his/her intent to contact AGC-520 and the Region or Center Counsel concurs in the request. Concurrence to such request shall not be withheld unreasonably.

3.a. Region and Center Counsel will respond to the requesting RECO in a timely manner, with accurate and effective legal advice that is consistent with legal mandates and consistent with the agency's business discretion. Prior to award, the RECO must submit the project package (as described below in Section 7.6) to the appropriate Regional, or Center Counsel for legal review and concurrence if it meets the criteria stated in Section 7.1 or is one of the types of real property actions described in Section 7.4. C.2.

b. Region and Center Counsel will work with the RECO to establish a deadline for the receipt of legal review and comments and/or concurrence or non-concurrence. Unless otherwise determined necessary by the appropriate Region and/or Center Counsel due to their extent or depth, comments and/or concurrence shall be provided on the Legal Review and Concurrence form.

i.) The deadline for receipt of comments and/or concurrence or non-concurrence will not exceed a total of ten (10) working days, unless otherwise agreed to by the RECO and the appropriate Region or Center Counsel. Counsel will describe and interpret legal issues involved in the matter; identify and assess the legal risk of a particular proposed decision; evaluate alternative courses of action; and identify potential illegal or improper actions. In those instances where the appropriate Regional or Center Counsel is unable to meet the established review deadline, the Region or Center Counsel in conjunction with the RECO may seek review and concurrence from the Assistant Chief Counsel for Acquisition and Commercial Law (AGC-520).

c. If the RECO receives a concurrence with comments from the Region or Center Counsel, the RECO does not have to resubmit the review package to the Region or Center Counsel. Rather, the RECO should address the comments provided and proceed with the acquisition, disposal or condemnation.

d. If reviewing Counsel non-concurs in the proposed action, the RECO shall address the issues raised by Counsel and resubmit the matter for review and concurrence within two (2) working days from the receipt of the non-concurrence. Reviewing Counsel will have

three (3) working days from the date of submission of the revised documentation to review and provide written comments and/ or concurrence and return the submission to the RECO. Once the RECO has received the concurrence from the Region or Center Counsel, he/she may proceed with the real property action.

4. Upon the receipt of legal counsel review and concurrence, the RECO will place the Legal Review and Concurrence Form in the real property action file with agency counsel's written opinion and recommendations.