

project is proposed will consult with, and receive advice from, the regional office of HUD, and local planning and housing authorities concerning the present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where the project is to be located. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). A copy of the prospectus for each project which is authorized by the Committees on Public Works of the Congress in accordance with the requirements of section 7(a) of the Public Buildings Act of 1959, will be provided to HUD.

(2) When a site investigation for an authorized public buildings project is conducted by regional representatives of GSA to identify a site on which the public building will be constructed, a representative from the regional office of HUD will participate in the site investigation for the purposes of providing a report on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation. Such report will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a).

(d) Major lease actions having a significant socioeconomic impact on a community: At the time GSA and the agencies who will occupy the space have tentatively delineated the general area in which the leased space must be located in order that the agencies may effectively perform their missions and programs, the regional representative of HUD will be consulted by the regional representative of GSA who is responsible for the leasing action to obtain advice from HUD concerning the availability of low- and moderate-income housing on a nondiscriminatory basis to the delineated area. Such advice will constitute the principal basis for GSA's consideration of the availability of such housing in accordance with paragraphs 6 and 9(a). Copies of lease-construction prospectuses approved by the Committees on Public Works of the Congress in conformity with the provisions of the Independent Offices and Department of Housing and Urban Development appropriation acts, will be provided to HUD.

(e) GSA and HUD will each issue internal operating procedures to implement this memorandum of understanding within a reasonable time after its execution. These procedures shall recognize the right of HUD, in the event of a disagreement between HUD and GSA representatives at the area or regional level, to bring such disagreement to the attention of GSA officials at headquarters in sufficient time to assure full consideration of HUD's views, prior to the making of a determination by GSA.

(f) In the event a decision is made by GSA as to the location of a federally constructed building or leased space, and HUD has made findings, expressed in the advice given or a report made to GSA, that the availability to such location of low- and moderate-income housing on a nondiscriminatory basis is inadequate, the GSA shall provide the DHUD with a written explanation why the location was selected.

(g) Whenever the advice or report provided by HUD in accordance with paragraph 9(c)(1), 9(c)(2), or 9(d) with respect to an area or site indicates that the supply of low- and moderate-income housing on a nondiscriminatory basis is inadequate to meet the needs of the personnel of the agency involved, GSA and HUD will develop an affirmative action plan designed to insure that an adequate supply of such housing will be available before the building or space is to be occupied or within a period of 6 months thereafter. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provision of such housing, when such obstacles exist, and to take effective steps to assure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist its personnel to obtain such housing. As part of any plan during, as well as after its development, HUD agrees to give priority consideration to applications for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

10. This memorandum will be reviewed at the end of one year, and modified to incorporate any provision necessary to improve its effectiveness in light of actual experience.

PART 102-84—ANNUAL REAL PROPERTY INVENTORIES

Sec.

- 102-84.5 What is the scope of this part?
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- 102-84.30 Is it necessary for my agency to certify the accuracy of its real property inventory submission?
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- 102-84.55 When are the Annual Real Property Inventory Reports due?

AUTHORITY: 40 U.S.C. 121(c)

SOURCE: 73 FR 2167, Jan. 14, 2008, unless otherwise noted.

§ 102-84.5 What is the scope of this part?

GSA's policies contained in this part apply to all Federal agencies. This part prescribes guidance that all Federal agencies must follow in preparing and submitting annual real property inventory information for real property owned, leased or otherwise managed by the United States. Detailed guidance implementing these policies is contained in the annual *Guidance for Real Property Inventory Reporting*, issued by the Federal Real Property Council and published by GSA.

§ 102-84.10 What is the purpose of the Annual Real Property Inventory program?

The purpose of the Annual Real Property Inventory program is to:

- (a) Promote efficient and economical use of Federal real property assets.
- (b) Increase the level of agency accountability for asset management.
- (c) Allow for comparing and benchmarking across various types of real property assets.
- (d) Give decision makers the accurate, reliable data needed to make asset management decisions, including disposing of unneeded federal assets.

§ 102-84.15 Why must I provide information for the Annual Real Property Inventory?

You must provide information for the Annual Real Property Inventory because:

- (a) The Senate Committee on Appropriations requests that the Govern-

ment maintain an Annual Real Property Inventory.

(b) Executive Order 12411, Government Work Space Management Reforms, dated March 29, 1983 (48 FR 13391, 3 CFR, 1983 Comp., p. 155), requires that Executive agencies:

(1) Produce and maintain a total inventory of work space and related furnishings and declare excess to the Administrator of General Services all such holdings that are not necessary to satisfy existing or known and verified planned programs; and

(2) Establish information systems, implement inventory controls and conduct surveys, in accordance with procedures established by the Administrator of General Services, so that a governmentwide reporting system may be developed.

(c) Executive Order 13327, *Federal Real Property Asset Management*, dated February 4, 2004, requires that the Administrator of General Services, in consultation with the Federal Real Property Council, establish and maintain a single, comprehensive and descriptive database of all real property under the custody and control of all executive branch agencies, except when otherwise required for reasons of national security. The Executive Order authorizes the Administrator to collect from each Executive agency such descriptive information, except for classified information, as the Administrator considers will best describe the nature, use, and extent of the real property holdings of the Federal Government.

§ 102-84.20 Where should I obtain the data required to be reported for the Annual Real Property Inventory?

You should obtain data reported for the Annual Real Property Inventory from the most accurate real property asset management and financial management records maintained by your agency.

§ 102-84.25 Is it necessary for my agency to designate an official to serve as the point of contact for the real property inventories?

Yes. You must designate an official to serve as your agency's point of contact for the Annual Real Property Inventories. We recommend that you designate the same point of contact for

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the Federally-owned and leased real property inventory, although separate points of contact are permitted. You must advise the General Services Administration, Office of Government-wide Policy, Office of Real Property (MP), 1800 F Street, NW., Washington, DC 20405, in writing, of the name(s) of these representative(s) and any subsequent changes.

§ 102-84.30 Is it necessary for my agency to certify the accuracy of its real property inventory submission?

Yes. Your agency's official designated in accordance with § 102-84.25 must certify the accuracy of the real property information submitted to GSA.

§ 102-84.35 Which agencies must submit a report for inclusion in the Annual Real Property Inventory?

Each agency that has jurisdiction, custody, control, or otherwise manages Federal real property or enters into leases, is responsible for submitting the real property inventory information. Additional information on the responsibility for reporting inventory data is contained in the annual Guidance for Real Property Inventory Reporting.

§ 102-84.40 What types of real property must I report for the Annual Real Property Inventory?

You must report for the Annual Real Property Inventory all land, buildings, and other structures and facilities owned by the United States (including wholly-owned Federal Government corporations) throughout the world, all real property leased by the United States from private individuals, organizations, and municipal, county, State, and foreign governments, and all real property otherwise managed by the United States where the ownership interest is held by a State or foreign government. Property to be reported includes, but is not limited to:

(a) Real property acquired by purchase, construction, donation, eminent domain proceedings, or any other method;

(b) Real property in which the Government has a long-term interest considered by the reporting agency as being equivalent to ownership. This

would include land acquired by treaty or long-term lease (e.g., 99-year lease), and that your agency considers equivalent to Federally-owned land;

(c) Buildings or other structures and facilities owned by or leased to the Government, whether or not located on Government-owned land;

(d) Excess and surplus real property;

(e) Leased real property (including leased land, leased buildings, leased other structures and facilities, or any combination thereof);

(f) Real property leased rent free or for a nominal rental rate, if the real property is considered significant by the reporting agency; and

(g) Real property where title is held by a State or foreign government, but rights for use have been granted to a Federal entity in an arrangement other than a leasehold.

§ 102-84.45 What types of real property are excluded from reporting for the Annual Real Property Inventory?

The following real property assets are excluded from Executive Order 13327 and reporting is optional:

(a) Land easements or rights-of-way held by the Federal Government.

(b) Public domain land (including lands withdrawn for military purposes) or land reserved or dedicated for national forest, national park, or national wildlife refuge purposes, except for improvements on those lands.

(c) Land held in trust or restricted-fee status for individual Indians or Indian tribes.

(d) Land, and interests in land, that are withheld from the scope of Executive Order 13327 by agency heads for reasons of national security, foreign policy or public safety.

§ 102-84.50 May the GSA Form 1166 be used to report information?

No. Agencies must submit information in accordance with the electronic format outlined in the annual reporting instructions by either submitting an XML file in a predetermined format or by entering the data manually into the online Federal Real Property Profile system. For more information on format requirements, or any other information and guidance on the Annual Real Property Inventory, contact

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GSA's Office of Governmentwide Policy, Office of Real Property (MP), 1800 F Street, NW., Washington, DC 20405, or by telephone at (202) 501-0856.

§ 102-84.55 When are the Annual Real Property Inventory reports due?

You must prepare the Annual Real Property Inventory information prescribed in §102-84.50 as of the last day of each fiscal year. This information must be submitted electronically to the General Services Administration, Office of Governmentwide Policy, Office of Real Property (MP), 1800 F Street, NW., Washington, DC 20405, no later than December 15 of each year.

PART 102-85—PRICING POLICY FOR OCCUPANCY IN GSA SPACE

Subpart A—Pricing Policy—General

Sec.

- 102-85.5 By what authority is the pricing policy in this part prescribed?
- 102-85.10 What is the scope of this part?
- 102-85.15 What are the basic policies for charging Rent for space and services?
- 102-85.20 What does an Occupancy Agreement (OA) do?
- 102-85.25 What is the basic principle governing OAs?
- 102-85.30 Are there special rules for certain Federal customers?
- 102-85.35 What definitions apply to this part?
- 102-85.40 What are the major components of the pricing policy?

Subpart B—Occupancy Agreement

- 102-85.45 When is an Occupancy Agreement required?
- 102-85.50 When does availability of funding have to be certified?
- 102-85.55 What are the terms and conditions included in an OA?
- 102-85.60 Who can execute an OA?
- 102-85.65 How does an OA obligate the customer agency?
- 102-85.70 Are the standard OA terms appropriate for non-cancelable space?
- 102-85.75 When can space assignments be terminated?
- 102-85.80 Who is financially responsible for expenses resulting from tenant non-performance?
- 102-85.85 What if a customer agency participates in a consolidation?

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Subpart C—Tenant Improvement Allowance

- 102-85.90 What is a tenant improvement allowance?
- 102-85.95 Who pays for the TI allowance?
- 102-85.100 How does a customer agency pay for tenant improvements?
- 102-85.105 How does an agency pay for customer alterations that exceed the TI allowance?
- 102-85.110 Can the allowance amount be changed?

Subpart D—Rent Charges

- 102-85.115 How is the Rent determined?
- 102-85.120 What is "shell Rent"?
- 102-85.125 What alternate methods may be used to establish Rent in Federally owned space?
- 102-85.130 How are exemptions from Rent granted?
- 102-85.135 What if space and services are provided by other executive agencies?
- 102-85.140 How are changes in Rent reflected in OAs?
- 102-85.145 When are customer agencies responsible for Rent charges?
- 102-85.150 How will Rent charges be reflected on the customer agency's Rent bill?
- 102-85.155 What does a customer agency do if it does not agree with a Rent bill?
- 102-85.160 How does a customer agency know how much to budget for Rent?

Subpart E—Standard Levels of Service

- 102-85.165 What are standard levels of service?
- 102-85.170 Can flexitime and other alternative work schedules cost the customer agency more?
- 102-85.175 Are the standard level services for cleaning, mechanical operation, and maintenance identified in an OA?
- 102-85.180 Can there be other standard services?
- 102-85.185 Can space be exempted from the standard levels of service?
- 102-85.190 Can GSA Rent be adjusted when standard levels of service are performed by other customer agencies?

Subpart F—Special Services

- 102-85.195 Does GSA provide special services?

Subpart G—Continued Occupancy, Relocation and Forced Moves

- 102-85.200 Can customer agencies continue occupancy of space or must they relocate at the end of an OA?