

## CHAPTER 1 FACILITIES SERVICES

### Section 1-1: PURPOSE, SCOPE, AND RESPONSIBILITY

1-1-00	Purpose and Scope
10	Organization
20	Responsibility
30	Distribution and Revision
40	Effective Date

#### 1-1-00 PURPOSE AND SCOPE

The HHS Facilities Program Manual documents HHS policies, requirements, and procedures and guidance for the planning, design, construction, and management of HHS facilities. Volume Two of the manual defines, interprets, and implements applicable policies, requirements, and procedures relative to: owned and leased real property management; GSA-assigned space management; facilities operations and maintenance; energy conservation; environmental management, and occupational safety and health. The intent of Volume Two is to promote efficient and economical management of the HHS agencies' owned and leased real property and GSA assigned space.

#### 1-1-10 ORGANIZATION

Volume Two of the HHS Facilities Program Manual will consist of a series of separately issued chapters each of which shall set forth HHS policies and procedures with respect to certain subjects. Related chapters will be grouped into seven subject categories as follows:

<u>Category</u>	<u>Chapter</u>
Facilities Services	1
Owned and Leased Real Property Management	2
GSA-Assigned Space Management	3
Facilities Operations and Maintenance	4
Energy Conservation	5
Environmental Management	6
Occupational Safety and Health	7

- A. The HHS Facilities Program Manual consists of chapters which represent major subject categories. The chapters are further broken down into sections, each of which shall set forth HHS policies and procedures with respect to Departmental facilities-related subjects. Exhibits/ Appendices are included in the manual as necessary to disseminate forms, examples, and additional detailed information.
- B. The numbering system for manual chapters shall be in accordance with the recommended guidelines in the HHS General Administrative Manual (GAM).

Example:

Chapter ..... 1  
 Section ..... 1-2  
 Sub-Section ..... 1-2-10  
 Paragraph ..... A  
 Subparagraph ..... A.1  
 Exhibit ..... X1-2-A  
 Exhibit ..... X1-2-B

The sections are generally organized in sub-sections as follows: Policy, 1-1-00; Procedures, 1-1-10; Guidance and Information, 1-1-20; and Reporting Requirements, 1-1-30.

- C. Exhibits to sections of this manual are numbered by placing an "X" before the section number and placing the exhibit letter immediately after the section number. As an example, Exhibit B to Section 1-2 would be numbered Exhibit X1-2-B.

1-1-20 RESPONSIBILITY

The Director, Office of Management (OM), HHS has assigned the responsibility for the development and maintenance of Volume Two of the HHS Facilities Program Manual to the Director, Facilities Services Branch, Division of Health Facilities Planning, in the Office of Resource Management, OM/PHS.

1-1-30 DISTRIBUTION AND REVISION

Volume Two of the Manual is distributed on the \_\_\_\_\_ mailing list. Requests for changes in distribution should be forwarded to:

Chief, Facilities Services Branch  
 Division of Health Facilities Planning  
 Office of Resource Management  
 Office of the Assistant Secretary for Health  
 Room 17A-10, Parklawn Building  
 5600 Fisher’s Lane  
 Rockville, Maryland 20857

Non-repetitive requests for additional copies of manual material should be forwarded to the above address. To avoid duplications, courtesy copy distribution to persons and organizations outside HHS will be designated by the Director, Division of Health Facilities Planning (DHFP). Requests for such distribution should be addressed to the Director, DHFP, at the address above.

New or revised section material will be forwarded by transmittal notices. Each notice will be dated and issued in numerical order. The notice will specify the material transmitted, material superseded (if any), filing instructions, distribution, and reason for issuance. A “Check List of Transmittal Notices” will be used to record the receipt of material and will be filed in the back of the manual.

1-1-40 EFFECTIVE DATE

The date of the HHS Transmittal Notice shown at the top of each page of each section will be the effective date of the section unless otherwise stated in the text of the section.

## Section 1-2: AUTHORITY, POLICY, AND DEFINITIONS

1-2-00	Purpose
10	Authority
20	Facility Management Policy
30	Applicability of HHS Facilities Program Manual, Volume Two
40	Definitions

### 1-2-00 PURPOSE

This section cites the organizational elements in the Department of Health and Human Service (HHS) with facilities management authority and responsibility, documents HHS facility management policy and the applicability of the HHS Facilities Program Manual, Volume Two, and defines specific terms used in Volume Two.

### 1-2-10 AUTHORITY

The Secretary of the Department of Health and Human Services is given broad authority to, “prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property.” (5 USC 301)

The Office of Management, Office of the Assistant Secretary for Health: “(1) directs and coordinates all management activities of HHS, nationwide; (2) advises and assists the Assistant Secretary for Health on HHS and internal management priorities and policies; (3) develops HHS policy and provides leadership and coordination of health agency activities in the areas of...facilities management...; (5) provides leadership and review of agency management activities for the purpose of assuring compliance with laws, regulations, departmental and HHS management policies, procedures, goals, and plans...” (44 FR 23132, 4/18/79)

The Office of Resource Management “serves as principal resource within HHS on all phases of facility management.” (38 FR 33785, 12/7/73)

The Director of the Division of Health Facilities Planning (DHFP), “serves as the principal advisor for, and establishes policies related to facilities, planning, acquisition, operation, maintenance and disposal; assures development of long-range plans and the annual review of facilities plans for the construction, maintenance, repair, improvement, and disposal of real property; manages or provides oversight in the design and construction of HHS facilities; provides technical assistance in planning, design, and construction of facilities projects, and in the acquisition, management, and disposition of HHS owned or leased real property; operates the safety maintenance program for HHS; operates the Federal Real Property Assistance Program on behalf of the Department; administers the Federal Buildings Fund for all the General Services Administration (GSA) assigned space; administers an integrated facilities engineering management system nationwide; and in HHS facilities related matters serves as the principal liaison with the Office of the Assistant Secretary for Management and Budget, GSA, other Federal agencies, and organizations outside the government.” (49 FR 35251, 9/6/84)

The Facilities Services Branch in DHFP specifically addresses the functional management of HHS-owned, HHS-leased, and GSA-assigned real property; facilities operation maintenance and disposal; energy conservation; occupational safety and health; and environmental management of HHS facilities. Specific

authorities and regulations applicable to HHS-owned, HHS-leased, and GSA-assigned real property are cited in Parts 2 and 3, Volume Two, of the HHS Facilities Program Manual.

#### 1-2-20 FACILITY MANAGEMENT POLICY

The policies regarding real property facilities and associated equipment are promulgated by Executive Orders, Federal Property Management Regulations, and OMB Circulars. Also covered under these policies are fixtures, and related personal property which are owned (held) by, assigned to, or leased by HHS for occupancy and use. These policies are implemented in HHS through HHS executive orders and HHS agency guidelines. The goals of these policies are to:

- A. Protect the public interest by conservation of property and prudent management of resources.
- B. Effectively support the HHS mission by assuring facilities operation and performance of maintenance at a level of adequacy which will continually provide attractive, functioning, and useful facilities and a healthful, stimulating, and efficient work environment for HHS employees and the public they serve. Where facilities are not under direct control of HHS (e.g., GSA-assigned space, HHS leases, etc.) emphasis shall be given to active participation with GSA and/or lessors to assure that required operations and maintenance standards are maintained.

#### 1-2-30 APPLICABILITY OF HHS FACILITIES PROGRAM MANUAL, VOLUME TWO

Each HHS agency and staff office is responsible for the operation, maintenance, repair, alteration, and custodial care of agency real property over which they have jurisdiction. The effort and resources applied to these functions shall achieve a condition of preservation, utility, and appearance consistent with HHS facility management goals stated in 1-2-20 above.

By the authorities cited in 1-2-12 above, each HHS agency and staff office will follow the policies, requirements, and procedures in the HHS Facilities Program Manual, Volume Two, and shall issue supplementary instructions, as necessary, to implement these at the HHS facilities under their jurisdiction.

#### 1-2-40 DEFINITIONS

For the purposes of Volume Two of the HHS Facilities Program Manual, certain key terms are defined as follows:

Excess Real Property - Any property under the control of a Federal agency which is not required for its needs and the discharge of its responsibilities.

Executive Agency - Any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

Federal Agency - Any executive agency or establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, the Architect of the Capitol and any activities under the Architect's direction).

Holding Agency - The executive agency which has accountability for the property involved.

Installation - A separately located and defined area of real property in which HHS exercises a real property interest. The term also applies to portions of installations, facilities, or buildings not

owned by HHS but which have been acquired for exclusive use through lease, permit, or other written agreement.

HHS Agency - Agency for Toxic Substances and Disease Registry (ATSDR); Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA); Centers for Disease Control (CDC); Consumer Product Safety Commission (CPSC); Food and Drug Administration (FDA); Health Resources and Services Administration (HRSA); and National Institutes of Health (NIH).

Real Property - Any interest in land (together with the improvements, structures, and fixtures located thereon) under the control of any Federal agency, except the public domain, or lands reserved or dedicated for national forest or national park purposes.

Real Property Contracting Authority - The authority to enter into, administer, and/or terminate contracts and make related determinations and findings.

Real Property Unit Manager (RPUM) - The HHS agency designee responsible for carrying out the policies and procedures of the Office of the Secretary of HHS, HHS, and GSA in matters relating to the acquisition, management, and disposal of real property.

Surplus Real Property - Any real property and related personal property reported as excess which has been screened by GSA for needs of Federal agencies or waived from such screening by GSA and has not been designated by GSA for utilization by another Federal agency.

## CHAPTER 2 OWNED AND LEASED REAL PROPERTY MANAGEMENT

### SECTION 2-1: FUNDING SOURCES AND DEFINITIONS

2-1-00	Purpose
10	Definition of Major Facility Engineering Program Activities
20	Funding Categories
30	Facility Project Budgets

#### 2-1-00 PURPOSE

The purpose of this section is to provide uniform definitions for the major facilities engineering program activities and construction categories in order to identify the appropriate funding source to carry out these activities. Any exceptions to the provisions of this section must be approved in writing by the Office of Management (OM)/OASH.

#### 2-1-10 DEFINITION OF MAJOR FACILITY ENGINEERING PROGRAM ACTIVITIES

The HHS facilities engineering program generally includes all activities necessary to provide land, structures, and equipment required by an agency to carry out its mission. The facilities engineering program includes new construction, improvements, repair, maintenance, and temporary construction, for which definitions follow.

New Construction – The erection of a building, structure, or facility, including the concurrent installation of equipment, site preparation, landscaping, associated roads, parking, and utilities, which provides area or cubage not heretofore available. It includes freestanding structures, additional wings or floors, enclosed courtyards or entryways, and any other means to provide usable program space that did not previously exist. It also includes the complete replacement of an existing facility.

Improvements (Renovations/Alterations) – Any change to an existing property to allow its more efficient use within its designated purpose (Renovation), or for use for a different purpose or function (Alteration). Building improvements also include improvements to or upgrading of primary mechanical, electrical, or other building systems. Improvements do not include the addition of wings, floors, or other increases to usable program area or cubage; such projects constitute new construction. The only added area or cubage which may be construed as a building improvement rather than new construction involves new stairwells, elevator towers, pipe chases, etc., not providing usable program space. If, however, an increase in usable program space occurs incidental to

HHS Owned and Leased Realty – The term “HHS-owned realty” refers to real property over which HHS has independent control and accountability; it is used to distinguish such real property from “GSA-assigned realty,” which refers to real property, the use of which is administratively assigned to HHS from GSA, and from “HHS-leased realty,” which refers to real property that is leased directly by HHS.

## 2-1-20 Policy and Procedures for Acquisitions

It is HHS policy that (a) only such real property as is needed for effective program operation be acquired, and then only after requisite authorization and clearances; (b) private property may be acquired or improvements constructed only if suitable Government-owned facilities are not available; and (c) wherever practicable, HHS activities in the same city or town should be located in the same building.

- A. Need. The acquisition of real property by the HHS calls for:
1. A need for real property which cannot be satisfied in facilities charging nominal rent.
  2. An existing statutory authority for, or new legislation authorizing, the acquisition.
- B. Justification. The primary responsibility for justifying the need for the acquisition and for developing the specifications to satisfy that need rests with the HHS Agency Head assigned the specific function. Such a justification should include:
1. Program requirements to be satisfied, citing statutory authorities.
  2. Special requirements for location (including geographical area), site (such as soil and topography), and other special considerations.
  3. Collateral factors, such as the needs of employees related to housing, transportation, and socio-economic considerations.
  4. Details of personnel requirements.
  5. Duration of need and possibility of expansion.
- C. Review. The original justification for the acquisition developed by the HHS agency must be forwarded to the Division of Health Facilities Planning (DHFP), ORM/OM, to determine whether the need can be satisfied in space already under HHS control and, in general, to determine its overall merits.
- D. DHFP Functions. DHFP reviews the justifications submitted to it by the HHS agency, provides technical support for the engineering aspects of the proposal, screens other segments of HHS for available space, and acts as a liaison with the GSA.
- E. Facility/Site Review and Evaluation. A formal Site Evaluation Report will be prepared for each action by HHS to acquire space in excess of 25,000 gross square feet, other than Indian Health Service (IHS) projects proposed for location on tribal land or on administratively reserved land where the site location is made in accordance with IHS procedures involving the Indians in the decision-making process. The amount of actual land on which the building(s) is situated and contiguous land related to building use shall be excluded in any square footage computations. The report will consider the criteria set forth above and the requirements of the FPMRs. The Department of Housing and Urban Development (HUD) should be consulted in these matters in accordance with the memorandum of understanding between HUD and GSA.

See FPMR 101-19.101-3.

Site evaluation teams will gather data, review potential facilities or sites, consult with local area, State, and other government officials, and prepare the site Evaluation Report, including recommendations for facilities/site selection. The team shall as a minimum consist of designated representatives of the Office of Management, HHS, and the HHS agency. Representatives of HUD, GSA, and the Department of Commerce must be consulted and should be encouraged to participate as site evaluation team members or as consultants to the team.

The HHS agencies shall consult with employees to be housed in the proposed new facility or “replacement” project. The HHS agencies will develop implementing instructions for agency officials on the nature and frequency of the consultations. A meeting is mandatory prior to the completion of the Site Evaluation Report, at which time the considerations and findings of the site evaluation team will be presented to the employees. Summary reports of the meetings held and of unresolved issues will be prepared by the HHS agencies’ representative. These reports will be attached to the Site Evaluation Report. Where a labor organization has been granted exclusive recognition for a unit of employees affected by the move (Executive Order 11491) contact with employees shall be made through the exclusively recognized labor organization.

An Abbreviated Site Evaluation Report will be prepared for all actions where the scope of the proposed facility is less than 25,000 gross square feet.

- F. Statement of Program and Employee Needs. A Statement of Program and Employee Needs is required for all acquisitions by HHS where the scope of the proposed facility will exceed 25,000 gross square feet.

No agency or element of HHS will undertake any discussion of prospective geographical areas or locations for sites or facilities with persons outside the Department without the approval of the Assistant Secretary for Management and Budget, OS if the area under consideration extends into more than one region.

The HHS agency will develop and issue the Statement of Program and Employee Needs, which will contain information concerning the special needs, statutory authorities, program requirements, etc. An analysis of the impact upon employees is not mandatory for replacement facilities.

## 2-1-30 BASIC ACQUISITION AUTHORITIES

The principal statutes authorizing the acquisition of land and the provision of space are the following:

- A. Section 304(b)(4) of the PHS Act (42 U.S.C. 242b) authorizes the Secretary of HHS to acquire, construct, improve, repair, operate, and maintain laboratory, research and other necessary facilities and equipment, and such other real or personal property as the Secretary deems necessary for health statistical activities and health services research, evaluation, and demonstrations.
- B. Section 321 of the PHS Act (42 U.S.C. 248) authorizes the Secretary, with the approval of the President, to select sites for and to establish such institutions, hospitals, and stations as are necessary to enable HHS to discharge its functions and duties. The President’s authority to approve facilities has been delegated by him to the Director of the Office of Management and Budget (OMB).
- C. Section 413(b)(6)(A) of the PHS Act (42 U.S.C. 285(b)(2)) authorizes the Director of the National Cancer Institute (NCI), NIH/HHS (in consultation with the advisory council for the Institute) to acquire, construct, improve, repair, operate, and maintain laboratories, other research facilities, equipment, and such other real or personal property as the Director determines necessary.
- D. Section 413(a) of the PHS Act (42 U.S.C. 287b) authorizes the Director of the National Heart, Lung, And Blood Institute (NHLBI), NIH/HHS (after consultation with the National Heart and Lung Advisory Counsel) to acquire such real property as may be necessary.



- E. Section 386 of the PHS Act (42 U.S.C. 280) authorizes the Administrator of General Services to acquire suitable sites, selected by the Secretary of HHS in accordance with the directions of the Board of Regents of the National Library of Medicine (NLM), NIH/HHS and to erect thereon, furnish, and equip suitable and adequate buildings and facilities for NLM. It also authorizes appropriations for the erection and equipment of buildings and facilities for the use of the Library.
- F. Section 7 of Public Law 83-568 (known as the Indian Health Transfer Act) as amended (42 U.S.C. 2004 a), authorizes the construction improvement, or extension of sanitary facilities to serve Indians and the acquisition of lands, or rights or interests therein, including sites, rights-of-way, and easements for that purpose.

## 2-1-40      AQUISITION BY PURCHASE

Acquisition. As noted in section 2-1-30, the Federal Government has the inherent power to acquire land. However, section 3736 of the Revised Statutes (41 U.S.C. 14) provides that land may be purchased for the United States only under a law authorizing such a purchase. Statutes authorizing a public improvement and appropriating money therefore are not sufficient authority within themselves for the purchase of land necessary or proper for such an improvement. Also, section 3733 of the Revised Statutes (41 U.S.C. 12) prohibits entering into any contract for the erection, repair, or furnishing of any public building which binds the Government to pay a larger sum than the amount specifically appropriated for the particular purpose. OGC should be involved in any acquisition of real property by HHS for the United States.

- A. Public Domain and Acquired Lands. The Federal Government owns approximately one-third of the total land area within the 50 States. Aside from land held in trust for Indians or Indian tribes, such land is divided into public domain land and acquired land.

The term public domain, as it applies to land within a State, refers to those lands which were acquired by the United States prior to the creation of the State and which are still retained by the United States, such as lands acquired by the Federal Government by virtue of the Louisiana Purchase and the Alaska Purchase. The term has no application to any land in the original 13 states, or in Texas, which was independent prior to its admission to the Union, and in a few other States. Much of what was originally public domain is now in private ownership through operation of the homestead laws and other similar laws. Other portions of the public domain have been withdrawn or reserved for military or other public purposes.

The distinction between public domain and acquired land has in recent years become blunted. It is nevertheless important to know the source of a property because lands reserved from the public domain, but no longer needed for a Federal use, are offered for return to the public domain.

- B. Title to Federal Real Property. With certain minor exceptions, title to all Federal real property is held in the name of the United States of America. The HHS does not hold title to any real property in its own name. That is so because neither the HHS nor any official thereof has the statutory authority to hold title to real property, such as do certain Government corporations and officials of certain agencies in connection with their lending authorities.

Title to real property acquired by the HHS is taken in the name of the United States of America, and the deed transferring such title is recorded in the appropriate local land records. Transfers of control and accountability to or from other Government agencies are not so recorded because title thereto

continues to be vested in the United States of America. Such transfers are usually made administratively through the General Services Administration (GSA).

There is no general repository of Federal land records for lands owned by the United States, although GSA maintains an inventory based on data submitted by the agencies having control and accountability (see Section 2-6, Real Property Inventory Reporting Requirements). This emphasizes the importance of HHS keeping accurate and complete records of its real property holdings. They play an important role in determining whether the real property is effectively utilized and whether statutes and regulations are fully executed.

There are a few statutes, such as section 321 of the **PHS Act** (42 U.S.C. 248), authorizing HHS to acquire sites and to construct facilities so that it may carry out its functions. Such space, wholly or predominantly used for the special purposes of HHS and not generally suitable for the use of other agencies, is referred to as “special purpose” space. Other space, primarily space used for office or storage purposes, is called “general purpose” space. Generally, such space is acquired by GSA and administratively assigned to HHS.

- C. Legislative Jurisdiction. Article I, section 8, clause 17, of the U.S. Constitution provides that, in certain cases, the Federal Government may acquire the power to exercise “exclusive Legislation” over certain areas within the territorial limits of the several States, principally places to which it has acquired title. In present-day terminology, the power of “exclusive Legislation” is called exclusive jurisdiction, and the areas are called Federal enclaves. Within such areas, the Federal Government exercises jurisdiction, or police powers, to the exclusion of all other authorities, State and local. This does not embrace Indian reservations, in which the Federal authority over the Indians is based on other Constitutional provisions, nor does it usually apply to public domain land. Limited forms of legislative jurisdiction are often employed. These forms include “concurrent jurisdiction,” wherein both the Federal Government and the State exercise full authority concurrently, and “partial jurisdiction,” wherein the jurisdiction is neither wholly concurrent nor wholly exclusive, but the State has reserved to itself certain limited authority, such as the right to tax private property. These forms of limited legislative jurisdiction are usually applied only to States, but have been applied elsewhere such as in the Commonwealth of Puerto Rico. If the Federal Government has acquired no special legislative authority over a property, it is said to have only “a proprietorial interest” therein, but that still carries with it the right to impose criminal sanctions to protect its property and the right to be free of State interference over the exercise of its governmental functions therein.

Prior to February 1, 1940, the Federal Government is presumed to have accepted such legislative jurisdiction over particular areas as the States offered, and that presumption applies to the great bulk of all acquired lands. In a few cases, such jurisdiction extends to public domain lands.

For acquisitions on or after February 1, 1940, no special jurisdiction may be acquired unless the head of the agency first accepts in writing such jurisdiction as the State offers. Once the Federal Government has accepted jurisdiction from the State, it cannot, as a rule, relinquish any portion of it without statutory authority to do so.

Legislative jurisdiction, like title, is vested in the United States of America. Consequently, properties transferred to HHS from another agency, such as a military department, continue to be held under the same legislative jurisdiction as that previously made applicable to it unless the jurisdiction ceded is contingent upon the continued use of the property for a specified purpose that has ceased to prevail.

The decision to accept or not accept legislative jurisdiction rests with the Secretary. In recent times, jurisdiction has been accepted only in certain special cases. For example, jurisdiction may be

accepted for an addition to an existing installation in order to secure as much uniformity as possible over the whole of the installation. Federal jurisdiction may be desirable because it enables Federal officials to enforce as Federal crimes certain major offenses adopted for Federal enclaves by the Assimilative Crimes Act (18 U.S.C. 13) without reliance solely on State enforcement of State criminal laws, although concurrent jurisdiction is often more desirable because it provides alternative means of enforcement for criminal offenses. Federal jurisdiction may also be desirable because it enables the Federal Government, under 40 U.S.C. 318, to proscribe certain minor offenses, not made applicable by State law. On the other hand, exclusive jurisdiction would be undesirable if its exercise were to deprive residents of the area of certain civil rights and privileges provided by State Governments. That objection, however, has been largely surmounted over the years by State legislation and by judicial interpretation in matters like voting privileges and access to State courts, in particular divorce and probate proceedings, which are not usually provided for by Federal law.

All actions to acquire, modify, or relinquish legislative jurisdiction should be undertaken only by or with the assistance of DHFP. DHFP will coordinate the action with the Office of Facilities and Management Services (OFMS) in OS and in all cases will seek advice from the Office of the General Counsel (OGC).

- D. Requirements for Acquiring Real Property by Purchase. After the Secretary determines that the Department will acquire the property under its own authority, and after funds are apportioned, the HHS agency will proceed with the purchase.

The agency will obtain, from the owner(s) of the property, for a period of at least 90 days, an option to purchase the preferred site, subject to the establishment of just compensation by appraisal in accordance with the provisions of the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (P.L. 91-646).

An appraiser, approved by the U.S. Attorney having jurisdiction over the area in which the property is located, will be used to establish the amount which he/she believes to be just compensation. The cost of the appraisal will be determined by negotiation.

After a price has been agreed to, DHFP will coordinate the acquisition with the Office of the General Counsel (OGC) (or Regional Attorney) who will prepare the necessary purchase commitment documents consisting of (1) contract of sale, (2) draft of deed, (3) authority to execute the deed, (4) title policy commitment, and (5) a survey prepared by a registered surveyor.

OGC will submit the documents to the office of the Attorney General for a preliminary or final title opinion.

After receiving advice from the Attorney General that the site acquisition documents are complete, including a satisfactory title opinion, payment, by U.S. Treasury check, may be made. The original site purchase documents will be filed with DHFP after they are recorded with the registry of deed in the area where the property is located.

## 2-1-50 ACQUISITION BY DONATION

- A. Various statutes authorize the acceptance of gifts of real property (usually unconditional but sometimes conditional) by or on behalf of HHS. Gifts are unconditional unless the applicable statute provides otherwise.

1. Section 501 of the PHS Act (42 U.S.C. 219) authorizes the Secretary of HHS to accept unconditional gifts or, if recommended by the Surgeon General, conditional gifts of real property for the benefit of HHS.
  2. Section 384 of the PHS Act (42 U.S.C. 278) extends the authority under section 501, above, to the acceptance and administration of gifts of real property for the benefit of the NLM.
  3. Section 409 of the PHS Act (42 U.S.C. 286d) authorizes the Director of NCI (after consultation with the National Cancer Advisory Board) to accept unconditional gifts of real property, among other things.
  4. Section 423 of the PHS Act (42 U.S.C. 288b) authorizes the Surgeon General to recommend to the Secretary of HHS the acceptance of conditional gifts, pursuant to section 501, for the National Institute of Dental Research, NIH/HHS.
  5. Section 22 of the Occupational Safety and Health Act (29 U.S.C. 671) authorizes the Director of the National Institute of Occupational Safety and Health, CDC/HHS to accept property, including real property, donated, bequeathed, or devised without condition other than that it be used for the purposes of the Institute.
  6. 24 U.S.C. 181, 184 authorizes the Secretary of HHS to accept gifts of real property for the benefit of St. Elizabeth's Hospital.
- B. The procedures for acquiring real property by gift or donation are set forth in section 2-1-40. The sequential steps relating to acquisition by purchase will generally be followed.
- C. Although statutory authority to accept gifts obviates the need for returning to the Treasury and amount equal to the value of the gift, an appraisal is required. The cost of the appraisal must be borne by the HHS agency.
- D. OGC will review the formal offer of donation prior to requesting a title opinion from the Attorney General. The opinion must be received before the land is accepted on behalf of the United States.

#### 2-1-60 AQUISITION BY TRANSFER

- A. Property which is excess to the needs of another department of agency of the Government may be requested for use by HHS when the requirements of acquisition set forth herein are met, and it has been established that the transfer will prove more economical over a sustained period of time than the acquisition of a new facility specifically designed to satisfy the program requirement.
- B. The requirement for reimbursement in an amount equal to 100 percent of the estimated fair market value of the transferred property, except under certain conditions, is found in GSA regulations at 101-47.203 (Executive Order 12512).
- C. The HHS agency will be responsible for initiating the transfer request, obtaining program approvals and funding commitments, and preparing the Request for Transfer (GSA Form 1334) in accordance with instructions in FPMR 101-47.4904. The Request for Transfer, together with supporting documents, will be forwarded to DHFP for review, any required analyses, and approval and coordination with GSA.

## 2-1-70 ACQUISITION OF DIRECT-LEASED FACILITIES

The acquisition of leasehold interests generally or of leasehold interests in space is usually handled by GSA except in certain instances as under specific delegations of the General Services Administrator's authority to the Secretary of HHS, **redelegated to PHS**, or as permitted by delegations included in FPMR Subpart 101-18.1.

GSA has lease authority, provided by 40 U.S.C. 490(h)(1), which allows it to enter into lease agreements for periods not to exceed 20 years for buildings in existence or to be erected. For the most part, HHS does not have the authority to lease for long periods. It is so because, without express authority in that regard, an agency cannot commit future appropriations, and leases are charged to the then current fiscal year of the lease rather than to the year of entering into the lease commitment. Thus, authority to enter into a 20-year lease such as GSA has under 40 U.S.C. 490(h)(1) is in effect an authority, a multi-year lease can only be regarded as a lease for one-year periods. One major exception is provided by section 704 of the Indian Health Care Improvement Act of 1976 (P.L. 94-437), wherein the Secretary of HHS is authorized to enter into leases with Indian tribes for space to be used for serving Indian health needs. Such leases may be for up to 20 years and may provide for reconstruction or renovation of the leased property pursuant to an agreement with the Indian tribe involved.

Moreover, a March 3, 1877 statute (40 U.S.C. 34) provides that no building, or part of a building, may be rented in the District of Columbia until an appropriation therefore shall have been made in terms by Congress. Some Institutes of the NIH have specific legislation waiving this restriction (see section 2-1-70B).

### A. Basis for Acquiring Leased Facilities

The FPMRs issued by GSA permit HHS to lease space in certain cases. they include rentals at a nominal consideration, or rentals under a specific case delegation, or rentals of not more than 2,500 square feet or special purpose space for no more than one year with renewable options (see FPMR 101-18)

1. Acquisition of space by lease will be on the basis most favorable to the Government, with due consideration to maintenance and operational efficiency, and only at charges consistent with prevailing scales in the community for comparable facilities.
2. Acquisition of space by lease by negotiation except where all the factors are present which will permit true competition and where the formal sealed bid method is required by law. In negotiating, competition will be obtained to the maximum extent practical among suitable locations meeting minimum Government requirements. In negotiating, competition will be obtained to the maximum extent practical among suitable available locations meeting minimum Government requirements.
3. Regulations regarding the location of Federal facilities as contained in the current FPMRs shall be strictly adhered to.

### B. Delegation of Leasing Authority

The HHS agencies occasionally need to lease specially designed facilities which are not generally suitable for the use of other agencies. When the lease of such special purpose space exceeds the 2,500 square feet or one year limitations of the FPMRs, GSA can be asked to provide delegated leasing authority on a case-by-case basis. Generally, special purpose space is meant to include hospitals, quarantine stations, and laboratories. Some HHS agencies have delegated leasing authority provided through legislation:

1. Section 304(b)(4) of the PHS Act (42 U.S.C. 242b) authorizes the Secretary of HHS to acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of GSA, buildings or parts of buildings in the District of Columbia or adjacent communities for health statistical activities and health services research, evaluations, and demonstrations.
2. Section 413(b)(6)(C) of the PHS Act (42 U.S.C. 285(d)(2)) authorizes the Director of NCI in consultation with the advisory council for the Institute to acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of GSA, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed 10 years.
3. Section 421(2)(C) of the PHS Act (42 U.S.C. 287b(c)(2)) authorizes the Director of NHBLI, in consultation with the advisory council for the Institute, to acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of GSA, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed 10 years.
4. Section 704 of the Indian Health Care Improvement Act of 1976 (P.L. 94-437) (25 U.S.C. 1674) authorizes the Secretary of HHS to enter into leases with Indian tribes for periods not in excess of 20 years. This authority may be exercised independently of GSA. In addition, the statute authorizes the Secretary to reconstruct or renovate the leased property pursuant to an agreement with the Indian tribe.
5. Section 524 of the Education Amendments of 1976 (P.L. 94-482) (20 U.S.C. 2564) authorizes the Secretary of HHS to provide suitable space for day care centers for children of employees of HHS. The Comptroller General has ruled that under that statute the Secretary may, if necessary, rent suitable space for that purpose.

## 2-1-80 OTHER ACQUISITION METHODS

The federal government generally can reduce costs by constructing its own facilities on federally-owned land rather than by leasing. This method of acquiring needed facilities, however, requires allocating the full cost of construction into one year's budget appropriations. There are other, non-traditional methods of acquiring interests in real property.

- A. One method is through construction on government land by a lease-purchase transaction. Section 6 of HR 3036, 99<sup>th</sup> Congress, 1<sup>st</sup> session, enacted into law P.L. 99-170, December 19, 1985, provides that "Funds hereafter made available to the General Services Administration for the payment of rent shall be available for the purpose of leasing, for periods not to exceed 30 years, space in buildings erected on land owned by the United States." GSA has concluded that this section authorizes GSA to engage in lease purchase transactions. Under this authority, GSA would lease Federal land to a private party and lease back the building erected thereon for a period not to exceed 30 years. GSA is willing to use its authority only when a specific project is included in its appropriations. The authority cannot be redelegated.

OMB's position is that all lease-purchase proposals must be submitted for approval as GSA projects. Therefore, an Agency's request must be provided to the appropriate GSA regional office to enable GSA to study the proposal and submit it to OMB for approval. If the request is for office space, GSA requires the standard information; i.e., an SF-81, SF-81A, and any special requirements for security, parking, etc. for a research facility, GSA would require the specific information that is contained in a

POR/PID as well as other data such as operations/maintenance responsibilities, security and telecommunications needs, and any rights to the roof, outside areas, etc.

Prior to contacting GSA, both HHS and OS must approve the concept of obtaining facilities by the lease-purchase option.

Facilities acquired by a lease-purchase transaction are generally built for the Government by a contractor who obtains long-term financing for the work from a third-party. The Government then occupies the completed facility and makes periodic payments to cover the loan that the contractor has secured.

After a specified period, generally 30 years, the building becomes the property of the government, much like a typical mortgage. This arrangement is beneficial to the Government because it gives the agency use of a facility constructed specifically for the agency's needs with essentially 100 percent financing. Drawbacks of this system are the loss of direct control over the design and construction process, the need for an up-front transfer of assets (e.g. long-term lease to the contractor for the land), and sometimes poor quality construction.

- B. In evaluating whether to pursue direct federal construction or to secure a long-term lease to provide needed facilities, the agency must perform the lease-versus-buy analysis required by OMB Circular A-104, revised June 1, 1986. The Circular is intended to assist government agencies in determining whether it would be cheaper to lease or to buy a given asset. This guide should be used to develop all prospectuses, proposed legislation, budget justifications, etc. for submission to OMB and to Congress.

Whenever the mission of the agency requires that it acquire the use of a capital asset, it should use that method of acquisition which is least expensive to the government as a whole.

1. A capital asset, is any tangible property, including durable goods, equipment, buildings, facilities, installations, or land which:
  - a. is leased to the Federal Government for a term of five or more years; or
  - b. in the case of a new asset with an economic life of less than five years, is leased to the Federal Government for a term of 75 percent or more of the economic life of the asset; or
  - c. is built for the express purpose of being leased to the Federal Government; or
  - d. clearly has no alternative commercial use (e.g. a special-purpose government installation).
2. For purposes of lease-versus-buy analysis, the economic life of an asset is the physical or productive lifetime of the asset. It begins when the asset is new and ends when it is retired from service. The economic life is frequently not the same as the useful life for tax purposes.
3. In determining the term of a lease, all renewal options shall be added to the initial lease period. In addition, successive leases with respect to the same or substantially similar property shall be added to the initial lease term unless the succeeding lease is entered into after fully considering alternative lease contracts offered in competition.

Lease-purchase or purchase-contract agreements are subject to the same requirements. Appendix A of OMB Circular A-104 provides a summary of the Lease-Versus-Buy Analysis.

Other Guides which should be considered when preparing a lease-versus-buy analysis include:  
 OMB Circular A-11 – “Preparation and Submission of Budget Estimates”  
 OMB Circular A-70 – “Policies and Guidelines for Federal Credit Programs”

OMB Circular A-76 – “Performance of Commercial Activities”

Federal Information Resources Management Regulations (41 CFR 201-24.208 (b) and 24.305)

“Joint OMB and Treasury Guidelines to the Department of Defense Covering Lease or Charter Arrangements for Aircraft and Naval Vessels,” dated October 31, 1984 – provides guidelines for satisfying the requirements of Chapter 141 of Title 10 of the US Code.



## SECTION 2-2: USE OF SPACE FOR THE MORALE AND WELFARE OF PATIENTS AND EMPLOYEES

2-2-00	General
10	Federal Credit Unions
20	Federal Employee Health Units
30	Day Care Centers
40	Concessions
50	Vending Stands for the Blind
X2-2-A	Interagency Report to Rehabilitation Services Administration Form
2-2-00	GENERAL

The use of HHS-controlled space may be allowed for the enhancement of the morale and welfare of employees or patients, provided it does not interfere with the Government's use of the property. Such use includes employee welfare and recreation associations, cafeterias, and other concessions, health units, vending stands, credit unions, and the like. Where real property is assigned for any of the above purposes, a written agreement shall be prepared, setting forth all requirements pertaining to the assignment. The agreement shall be retained in installation files for review and shall include the basis for making the assignment and the terms and conditions governing the use of the property.

For non-official purposes other than the enhancement of the morale and welfare of employees or patients, see Section 2-3, Easements, Licenses, and Use Permits.

### 2-2-10 FEDERAL CREDIT UNIONS

- A. The Federal Credit union Act—Allotment of Space in Federal Buildings (12 U.S.C. 1770) states: “Upon application by any credit union organized under State law or by any Federal credit union organized in accordance with the terms of this section, at least 95 per centum of the membership of which is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, which application shall be addressed to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which such credit union does business, such officer or agency may in his or its discretion allot space to such credit union if space is available without charge for rent or services.”

An Amendment to the Act, adopted October 15, 1982 (Public Law 97-320), adds “For the purpose of this section, the term ‘services’ includes, but is not limited to, the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone service), and security systems (including installation and other expenses associated with security systems). Where there is an agreement for the payment of costs associated with the provision of space or services, nothing in Title 31 or any other provision of law, shall be construed to prohibit or restrict payment by reimbursement to the miscellaneous receipts or other appropriate account of the treasury.

- B. It shall be HHS policy, upon request by officially recognized credit unions, to assign space in HHS-controlled buildings that is available and not required for official purposes by the occupant activity controlling the space. Such space will be assigned without charge for rent and services, except where there is an agreement providing for reimbursement.

- C. All credit unions shall conform to standards set forth in FPMR 101-20.3, "Conduct on Federal Property," as well as the regulations and guidelines instituted by the Department. Desk-to-desk distribution of credit union informational materials and similar promotional activities may be authorized by the Real Property Unit Manager (RPUM), provided such activities do not disrupt efficiency. Denied requests by credit unions to conduct or engage in activities not clearly prohibited by policy or regulations may be appealed in writing to ASH. The decision of the ASH may be appealed, through proper channels, to ASMB, whose decision is final.
- D. The RPUM shall, in keeping with these procedures and upon request from officially recognized credit unions, reassign available space and services to credit unions, limiting the space to that actually required to conduct effectively the activities of credit unions. If there is a critical shortage of space at the installation, this will be sufficient reason to deny assignment of space to the credit union, but only after a review of current space utilization is conducted.
- E. The space assigned must conform to the Uniform Federal Accessibility Standards for the physically handicapped. (See FPMR 101-19.6). Space assigned should be in a central location within the building, close to main corridors to provide convenient access for all employees.
- F. The RPUM shall, within available resources and in keeping with these procedures, provide the following services without charge to authorized credit unions:
1. Heating, lighting, ventilation, and necessary electrical outlets.
  2. Housekeeping and maintenance services such as cleaning and waxing floors, repairing and replacing floor coverings, cleaning and repairing Venetian blinds, and cleaning windows, all in accordance with normal building programs for such work.
  3. Repairs to the building structure in the vicinity of the credit union.
- G. The responsibilities of the credit union include, but are not limited to, the following:
1. The installation and maintenance of internal partitioning and special equipment.
  2. The arrangement of furniture and equipment in a manner that will facilitate operation and will minimize congestion, hazards, and general maintenance problems.
  3. The submission of space layout plans to the RPUM for advance approval to assure conformance with sound buildings management practices, including consideration of health and safety features, electrical system loading, and handicap barriers.
- H. The written agreement should address the following:
1. Description of space to be assigned, including building name and address, room number(s), and square footage assigned.
  2. Official name of the credit union and citation of its charter.
  3. The agreement is not assignable and may be revoked at will by the Government.
  4. The services which HHS will supply without charge, such as preparation or reconditioning the initial space assigned to the credit union, as well as the items noted in item F. above.
  5. The services, equipment, or furniture for which the credit union will be responsible.
  6. The credit union will not discriminate against employees, applicants for employment or membership, or patrons on the grounds of age, race, color, national origin, handicap, or sex, and will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), section 504 of the

Rehabilitation Act of 1973 (P.L. 93-112), Title III of the Age Discrimination Act of 1975 (P.L. 94-135), and the Department's regulations issued pursuant thereto.

7. The credit union shall conform to the GSA rules and regulations relating to conduct on Federal property as set forth in FPMR 101-20.3.

Except for the foregoing provisions, the agreement may be modified and additional terms and conditions added where necessary to fit the particular circumstances. Care should be taken to assure that any modifications or additional conditions will not be contrary to law or other regulatory requirements, or be detrimental to the mission of the host installation.

All agreements shall be signed by the appropriate RPUM and by an authorized credit union official. Executed agreements will be distributed as follows:

1. Original to credit union.
2. Copy for the real property management files of the RPUM.

#### 2-2-20 FEDERAL EMPLOYEE HEALTH UNITS

- A. The provision for the establishment of health programs for Government employees is contained in P.L. 79-658 (5 U.S.C. 7901). The Act provides that employee health programs shall be established only after consultation with the Division of Federal Occupational and Beneficiary Health Services, Health Resources and Services Administration (HRSA), and consideration of its recommendations, and only in localities where there is a sufficient number of Federal employees to warrant the provision of such services.
  1. In most instances, space for a full-time formally organized health program may be provided in buildings where the number of Federal employees to be served exceeds 300.
  2. For employee groups of less than 300, management may make arrangements to provide services such as physical examination, health screening, and other preventative services.
  3. Employee health services, including operation of health units, can also be provided by another agency or agencies, or even by contract with an outside source, subject to the provisions of the aforementioned Act.
- B. The administration and operation of health programs in Federal buildings by the Division of Federal Occupational and Beneficiary health Services, HRSA, is based on its agreement for reimbursement with the Federal agency involved.

#### 2-2-30 DAY CARE CENTERS

- A. In accordance with Public Law 94-482, space in Government buildings may be allotted for day care centers for children of HHS employees at no cost. In addition, HHS has the authority to provide equipment for use by the day care centers, except that the cost of such equipment is to be reimbursed over the expected life of such equipment not to exceed 10 years.
- B. The officer in charge of the installation will determine whether there is a need for a center, and will be responsible for initiating and approving a revocable agreement for use of the space.

## 2-2-40 CONCESSIONS

- A. Concession-type activities are those which sell a commodity or perform a service as an established price. This includes, but is not limited to, barber and beauty shops, taxi stands, vending stands and machines, commissaries, mobile vending stands, canteens, soda fountains, lunch counters, and cafeterias.
- B. It is HHS policy to provide for concessions which are both convenient and beneficial for employees and patients, and which are likely to increase employee morale and efficiency. The RPUM will determine whether concessions are needed and feasible by the following criteria:
1. Sufficient funds must be available to defray any cost for which HHS will be responsible under the contractual agreement.
  2. Sufficient and satisfactory space, not required for official purposes, must be available for the concession.
  3. It must be possible to establish and operate each concession in conformance with applicable safety, health, and sanitation codes.
  4. The commodities and services sold shall be limited to those which are beneficial for employees and patients and which cannot easily be obtained from existing facilities.

Each concession shall be required to serve all Federal employees or patients without regard to their race, creed, color, sex, age, or national origin.

- C. In granting permission to operate concession-type activities, the following categories should be considered in the order of precedence listed below:
1. Activities involving the rehabilitation and therapy of patients under Sections 341-346 of the **PHS Act**, as amended, 42 U.S.C. §257-261, the employment of Indian labor and the selling of products of Indian Industry under the provisions of the Buy Indian Act, as amended, 25 U.S.C. §47, and the operation of vending facilities for the blind under the Randolph-Sheppard Vending Stand Act, as amended, 20 U.S.C. §107 et seq.
  2. Activities of HHS Employee Associations.
  3. Uses by private individuals and organizations.

Questions concerning this order of precedence should be addressed to DHFP, who will secure, when appropriate, the advice of ASMB and the Office of the General Counsel.

- D. Commissaries and similar enterprises involving the use of HHS facilities for the sale of groceries, household goods, appliances, and any other commodity to employees, will not be established at any installation unless it is isolated or remote and extreme hardship would result if such activities were not permitted. The officer in charge shall submit a statement justifying the need for the commissary to HHS agency headquarters prior to the establishment of the commercial activity. The statement shall include information on the availability of foodstuffs and other supplies, transportation problems (goods and services), special living allowances, a comparison of local prices and those likely to be established at the concession, and other pertinent information.
- E. The RPUM responsible for the installation must ensure that applicable regulations are complied with and that proper conduct is maintained at each concession. In particular, the RPUM must ensure that operations are conducted in conformance with the terms and conditions of the agreement, applicable

Federal, State, and local regulations for safety, health, and sanitation, and such other operating standards as may be issued.

Unless otherwise stipulated in the agreement, the concessionaire shall provide as follows:

1. Equipment and facilities, unless Government equipment is already installed. All equipment shall be in good condition and operating efficiently.
2. Space preparations and subsequent alterations required for the installation and operation of the concession, and costs entailed in the removal of equipment, restoration of premises, etc., upon termination of the agreement.
3. Cleaning of the area in an acceptable manner. If cleaning and related services are provided by the Government, the concessionaire shall reimburse the Government at actual cost when known, or otherwise at a cost estimated by the RPUM.
4. Reimbursement for utilities such as heat, light, power, telephones, as determined by the RPUM, based on separately metered or estimated consumption. For vending machines contracted for by employee associations, \$1.00 per month for each vending machine will be charged unless the RPUM determines that this is not cost effective.

The concessionaire will comply with the Equal Opportunity Clause prescribed by Executive Order 11246, and "Rules of Conduct on Federal Property" as set forth in FPMR 101-20.3.

- F. The concession agreement, entered into in accordance with Federal Acquisition Regulations issued by GSA, must be signed by a contracting officer with delegated authority.

#### 2-2-50 VENDING STANDS FOR THE BLIND

- A. The Randolph-Sheppard Vending Stand Act (20 U.S.C. § 107 et seq.), provides a priority for blind persons in the location and operation of vending facilities on Federal property. It also directs the assignment of vending machine income and establishes certain State licensing agency (SLA) responsibilities for effective management of the vending facility program for the blind in each State.
- B. Blind persons licensed by SLAs designated by the Secretary of Education, under the provisions of the Act, shall be given preference in the operation of vending facilities on any HHS controlled property. Any limitation on the location or operation of a vending facility by a blind vendor, based on a finding that such location or operation would adversely affect the interests of HHS, shall be fully justified in writing to the Secretary of Education who shall determine whether such limitation is warranted. A decision made by the Secretary concerning such limitation shall be binding and shall be published in the Federal Register (see 34 CFR 395.30(b)).
- C. Consideration shall be given to the inclusion of vending facilities in the planning for construction, substantial alterations, or renovations of buildings, and in the leasing of space when the population of the building will be sufficient to support such facilities. Where it is determined that vending machines are to be installed on leased property, the necessary approval of the lessor shall be obtained prior to the approval of the Department of Education's unnumbered form, "Application and Permit for the Establishment of a Vending Facility on Federal Property" (permit). The permit is the basis for the establishment and operation of all vending facilities with the exception of cafeterias which are operated by a contractual agreement.
- D. The appropriate SLA shall be provided with written notice of HHS' intention to acquire additional properties where 100 or more Federal employees will be occupying the space during normal working

hours. In actions meeting the notice requirement, HHS shall offer a satisfactory site. See CFR 395.31(c) and (d).

- E. The permit shall be issued in the name of the applicant SLA, shall prescribe such procedures as are necessary, as set forth in 34 CFR 395, and shall be for an indefinite term. No charge will be made to the SLA for the use of the Government-furnished space, or for the maintenance and repair of the building structure in and adjacent to the vending stand areas. This includes painting and decorating, utilities required to operate the vending stands and vending machines, and other related building services in accordance with the normal level of service.
- F. The SLA is responsible for the purchase, installation, maintenance, repair, replacement, servicing, and removal of all vending facility equipment. It is also responsible for the cleaning necessary for sanitation, over and above the standard level of service, and the maintenance of vending facilities and vending machines in an orderly condition at all times.
- G. In the granting of approval to designated licensing agencies, or by contract with others, such as a necessary basic food service operation, the Department of Education regulations (34 CFR 395) should be followed. The regulations provide that income collected from vending machines in competition with a blind vending facility shall accrue to the SLA as follows:
  - 1. 100 per centum of all income collected from all vending machines in direct competition with vending facilities operated by blind vendors.
  - 2. 50 per centum of all income collected from vending machines not in direct competition with a blind vending facility.
  - 3. 30 per centum of all income collected from vending machines not in direct competition with vending facilities operated by blind vendors at which at least 50 per centum of the total hours worked on premises occurs during a period other than normal working hours.

It shall be the responsibility of the RPUM to determine whether a vending machine on the property is in direct competition with a vending facility operated by a blind vendor, subject to the concurrence of the SLA.

The collection of vending machine income by the RPUM and its disbursement to the appropriate SLA shall be conducted on at least a quarterly basis.

All arrangements pertaining to the operation of vending machines on HHS-owned or -leased property, not covered by contract with or by a permit issued to an SLA, shall be renegotiated upon the expiration of the existing contract or other arrangements so as to satisfy the provisions of this section.

The provisions of this section do not apply to income from vending machines which are not in direct competition and earn less than \$3,000 annually.

- H. No later than 60 days after the end of the fiscal year, each HHS agency with blind vending facilities on HHS-controlled property shall submit a report to DHFP on the past year's activities. The data should be collected from the SLA and other sources including, but not limited to, employee associations, cafeteria operators, and other commercial vendors operating automatic vending machines on HHS-controlled property. The report should include data in the format shown in Exhibit X2-2-A, Interagency Report to Rehabilitation Services Administration.

## SECTION 2-3: EASEMENTS, LICENSES, AND USE PERMITS

2-3-00	Authorities
10	Definitions
20	Requests for Easements
30	Terms and Conditions of Easements
40	Management of Easements
50	Termination of Easements
60	Revocable Licenses
70	Use Permits to Other Federal Agencies
80	HHS Use of Other Federal Agencies
X2-3-A	Agreement and Grant of Easement
X2-3-B	Revocable License for Use of Real Property
X2-3-C	Use Permit – Federal Agency, HHS-588

## 2-3-00 AUTHORITIES

A. Easements

The granting of a right-of-way through Federal lands for a specified purpose, such as a highway or utility line for other than a temporary use, is a grant of an interest in the property of the Government, and under the Constitution it must be authorized by Congress. Section 1 of P.L. 87-852 (40 U.S.C. 319) granted the authority to grant easements in, over, and upon such property (other than public domain or property held in trust for Indians) for a right-of-way or other purpose with or without consideration and upon such terms as are deemed appropriate to protect the interests of the United States. Legislative jurisdiction over the subject real property may be relinquished to States, as deemed necessary or desirable.

B. Revocable Licenses

The Attorney General has ruled that the Government has the inherent right to license the use of property under its control for private purposes provided that the license is revocable at will. Such a revocable license does not convey any interest in the real property. Thus, HHS has the authority under 5 U.S.C. 301 to license the use of property under its control, provided the license does not interfere with the Government's use of the property and is not otherwise adverse to the interests of the United States. Such a license must not be issued in a discriminatory manner or otherwise violate any statutory provision.

C. Use Permits

HHS may acquire the right under a temporary permit to use the property of another Government agency or, conversely, to permit another Government agency to use HHS property. Permits granted under this authority are not permanent relinquishments of property. They merely provide permission for the temporary use of the property by another Federal agency so long as the property is not required by the permitter. They are revocable at will by the permitter, and are not assignable. Under the Federal Property Management Regulations (FPMR), HHS may acquire the right to use excess property prior to its declaration as surplus property pending its disposal. HHS assumes the responsibility for maintaining the real property while using it.

D. Right-of-way for Federal Aid Highway

Under 23 U.S.C. 317, **PHS** may transfer lands needed for a right-of-way for a Federal aid Highway to the Secretary of Transportation, who has the authority to make a grant of and transfer title to, not merely an easement, over such lands to State highway departments.

## 2-3-10 DEFINITIONS

- A. Easement. An interest in land granted for a specified purpose, such as a highway, utility line, etc.
- B. License. The right to use Federal property for private purposes, revocable at the will of the grantor. It does not convey an interest in the property.
- C. Use Permit. The right of one Government agency to use the property of another agency on a temporary basis. It does not transfer control of the property but only its temporary use.

## 2-3-20 REQUESTS OF EASEMENTS

- A. Formal requests for easements must be submitted to the Real Property Unit Manager (RPUM) in writing. After receipt, the RPUM should submit their request through the appropriate HHS agency headquarters to the Division of Health Facilities Planning (DHFP), together with the following documents and information;
  - 1. Small-scale plot of the entire land area under control of the installation with the portion affected by the proposed easement delineated thereon (including installation numbers).
  - 2. Cadastral surveys or other records showing encumbrances, including a legal description of the lands affected.
  - 3. Evidence of Government ownership of the land affected by the proposed easement, and evidence of holding agency responsibility if the land was transferred from another Federal agency.
  - 4. Discussion of nature and extent of relocation of fences or other improvements, if any, which will be necessitated by the proposed grant, and a brief description of such improvements.
  - 5. Nature, description, and purpose of proposed use of land for which the easement is requested.
  - 6. Estimated duration of use.
  - 7. Statement of benefits to be derived by the Government or others.
  - 8. Discussion of present and possible future use of land by the holding agency.
  - 9. Recommended monetary consideration to be paid by the grantee, if any.
  - 10. Statement of other terms and conditions required by the installation involved.
  - 11. Recommendations as to disposition of request.
  - 12. Name and title of the RPUM having immediate control over the property and the name and title of the person recommended to administer the terms of the easement, if granted.
  - 13. The easement request.
  - 14. Information necessary for the conduct of an environmental review in accordance with the provisions of Part 30 of the HHS General Administrative Manual and regulations of the Council on Environmental Quality (40 CFR Parts 1500 and 1508).
  - 15. A draft Agreement and Grant of Easement document (see X2-3-A for guidance).



- B. After the draft easement document is reviewed and found acceptable, it shall be prepared in final by the requesting office, signed by the grantee, and returned through agency headquarters to DHFP for approval.
- C. After the instrument is approved by the Director, DHFP, it will be returned to the RPUM, through channels, with a request that the grantee have it recorded and the recordation information furnished to agency headquarters and DHFP. Machine copies may be retained by the offices involved.

#### 2-3-30 TERMS AND CONDITIONS OF EASEMENTS

- A. Grants of easements are usually made without monetary consideration if the easement is for the benefit of a Federal installation or the public.
- B. The easement document should, as a minimum, contain the terms and conditions set forth in X2-3-A. Other terms and conditions may be included that are peculiar to the type of easement being granted. Care should be exercised in providing terms which will protect the interests of the Government and restrict actions on the part of the grantee which would create undue interference with the management and operation of the installation. When easements are granted without consideration, an assurance will be included that the grantee will not discriminate in the use of the property on the grounds of race, color, national origin, age, handicap, or sex, and will comply with the HHS regulations issued pursuant to Title VI of the Civil Rights Act of 1964 (P.L. 88-352), section 504 of the Rehabilitation Act of 1973 (P.L. 93-112), and Title III of the Age Discrimination Act of 1975 (P.L. 94-135).
- C. Requests for the interim use of land pending the formal grant of easement may be granted with the prior approval of the Director, DHFP. All requests should contain sufficient information concerning the circumstances involved and the proposed effective date of interim use required in order that necessary action for approval may be taken and notice given thereof.
- D. Upon receipt of the request for a grant of easement, and prior to delivery of the original easement document to the grantee, the grantee and the RPUM shall inspect the land and then submit a formal report of the inspection, signed by both parties. This is essential for the future settlement of disputes.

#### 2-3-40 MANAGEMENT OF EASEMENT

- A. The RPUM administering the grant shall periodically inspect the property to ensure that the terms and conditions of the easement are being complied with, and will initiate, if necessary, measures to modify or terminate the easement.
- B. The RPUM must ensure that the payment of monetary consideration is made when the instrument granting the easement provides for such payment to the Government. Such collections shall be deposited into the Miscellaneous Receipts Account of the Treasury. If the circumstances warrant, a performance or damage deposit may be required to protect the Government's interest. Such deposit payments are to be transmitted immediately by memorandum to the appropriate financial management officer for deposit in suspense account 75X6875. Refunds or forfeitures of such deposits shall be drawn only on the authority of the official who required the deposit.

## 2-3-50 TERMINATION OF EASEMENTS

- A. Requests to terminate an easement should be forwarded in writing, through channels, to the Director, DHFP. The request should specify the basis for the termination, and should include an estimate of any anticipated cost of restoration.
- B. Upon termination of an easement, the RPUM will inspect the land and accompanying improvements. He/she will then prepare a formal report which will be compared with the initial inspection report to determine the nature and extent of restoration which the grantee will be required to perform.

## 2-3-60 REVOCABLE LICENSES

- A. Revocable licenses may be granted to permit the use of real property under the jurisdiction and control of HHS provided the license does not interfere with the primary use of the property and is not otherwise adverse to the interests of the United States.
- B. The use of Government land for farming will ordinarily involve the transfer of an interest in the land. It should be treated as a lease of excess property, which requires the prior authorization of GSA.
- C. Terms and Conditions:
  1. Licenses may be executed only by HHS officials who have authority based on a specific delegation from the Assistant Secretary for Management and Budget. This authority has been redelegated, through channels, to the Director, DHFP.
  2. The license must be revocable at the will of the Government, and must be of benefit to the Government. The nature of the benefit shall be stated in the license.
  3. The license must be without consideration, as consideration implies an interest in the property.
  4. Terms and conditions contained in X2-3-B must be included in the license, with any additional terms necessary to fit the particular circumstances. Care should be taken to assure that any modifications or additional conditions will not convey an interest in the land or be detrimental to the operation of the installation involved or to the Government.
  5. Where the granting official determines that the best interests of the Government will be served by requiring a performance or damage deposit, the procedures set forth in 2-3-40B with respect to easements will be followed.
- D. Procedures:
  1. The license document should be prepared by the RPUM and forwarded for review and recommendation to the HHS agency headquarters for subsequent transmittal to DHFP for approval. The license should be numbered in accordance with HHS agency internal instructions.
  2. After approval, the license will be forwarded, through channels, to the RPUM who will assure acceptance by the licensee, in the manner set forth in "3" below, and a fully executed copy returned to DHFP.
  3. The licensee will be designated by full name or corporate title and acceptance will be as follows:
    - a. When executed by an attorney, agent, trustee, or guardian on behalf of the licensee, authenticated copies of power of attorney or other acceptable evidence of authority to act on behalf of the licensee, will accompany the license.

- b. Where the licensee is a partnership, the license will be drawn in the name of the partnership and so executed.
  - c. Where the licensee is a corporation, the license will be granted in the corporate name. A designated official will provide his/her attested signature, the corporate acknowledgement will be executed, and the seal will be affixed.
  - d. Execution by States or political subdivisions thereof will be accompanied by evidence of the authority of the official making acceptance, e.g., statute, municipal ordinance, etc.
4. A joint inspection will be made of the property by the licensee, or his/her duly authorized representative, and the RPUM responsible for administering the license. An inspection report, showing the condition of the property and listing any improvements thereon at the time of entry, shall be prepared and signed by both parties, and attached to and made a part of the license.
  5. Licenses may be terminated at any time in accordance with its terms by sending the licensee a formal notice of termination, signed by the approving authority, as in the granting thereof. The notice shall cite the license number and the reason for its termination. A terminal inspection will be made in the same manner as prescribed for the initial inspection, and a report signed by both parties will be attached to the notice. The RPUM will take necessary measures to ensure that any restoration required is accomplished by the licensee. A termination request should be made in the same manner as the request for the initial license.

#### 2-3-70 USE PERMITS TO OTHER FEDERAL AGENCIES

- A. The Use Permit, form HHS-588, shown in X2-3-C, should be utilized by HHS agencies when permitting use of real property under its control. The conditions included in the form are minimum requirements; additional provisions peculiar to the specific permit should also be included. The HHS-588 forms may be obtained from the HHS Forms and Publications Distribution Center, telephone 443-2467.
- B. Permits shall not be granted for the use of HHS land, buildings, or space within buildings, in order to circumvent or delay disposal of unneeded real property.
- C. Property held for foreseeable future use may be made available for temporary use by others in accordance with this Section.
- D. Ordinarily no money consideration will be required for permits to other Federal agencies. However, the permittee will reimburse HHS for utilities and services furnished. If property leased by HHS is temporarily unneeded and a permit to use it is granted to another agency, the permittee will reimburse HHS for its proportionate share of the rental and other operating costs.
- E. All proposed permits will be submitted by the RPUM to the HHS agency headquarters for review, recommendation, and subsequent transmittal to DHFP for approval. After approval, the permit will be returned, through channels, to the RPUM who should obtain acceptance by permittee and return a fully executed copy to agency headquarters and DHFP.

## 2-3-80 HHS USE OF OTHER FEDERAL SPACE

- A. Prior to obtaining the use of real property by permit, the benefits accruing from any needed alterations must be considered carefully and weighed against the anticipated term of tenure. Alterations should not be planned for space occupied on a minimum term arrangement.
- B. Permits will be executed by the Director, DHFP. The permit shall be submitted for approval, through agency headquarters, and contain sufficient justification for the proposed action. After approval, the original will be returned to the requesting office which should ensure that the agency financial accounting office receives a copy when reimbursements are involved.

## SECTION 2-4: PARKING MANAGEMENT

2-4-00	Purpose and Scope
10	Policy
20	Definitions
30	Responsibilities
40	Assignment of Parking Spaces
50	Operation of Parking Areas
60	Implementation
70	Exceptions

## 2-4-00 PURPOSE AND SCOPE

- A. The purpose of this Section is to set forth Department of Health and Human Service (HHS) policies and assign responsibilities for the management of vehicle parking on all property used by HHS. It applies to all parking spaces controlled directly by HHS.
- B. This Section implements the parking management policies contained in Federal Property Management Regulations (FPMR) Temporary Regulation D-69 (Federal Employee Parking). Its provisions conform with and supplement that regulation.

## 2-4-10 POLICY

- A. HHS policy does not require that parking be provided for its employees; however, HHS may do so as a convenience and to reduce the impact on public and private parking facilities and streets. The number of spaces provided at any HHS facility should correspond to the availability of private and public parking, public transportation, and the extent to which carpools/vanpools may be feasible. Generally, no more than one parking space for every two full-time permanent employees should be provided without specific justification. This justification must be included in a Program of Requirements (POR) whenever a POR is required in accordance with Chapter 2, Volume I of the HHS Facilities Program Manual.
- B. It is HHS policy to minimize the need for construction of parking lots and structures, and to encourage vanpool/carpool arrangements or alternative transportation means in order to promote fuel conservation, reduce traffic congestion, reduce the need for Federal funds for parking facility construction projects, and lessen air pollution.
- C. It is also HHS policy to manage existing parking spaces so as to provide for official parking needs and the parking needs of the largest possible number of employees.
  - 1. For headquarters activities outside of the Southwest DC area responsibility is assigned to senior officials in charge of the facilities, or their designees.
  - 2. For field facilities, responsibility is assigned to senior administrative official or his/her designee.

#### 2-4-40 ASSIGNMENT OF PARKING SPACES

- A. Prior to the assignment of parking spaces to employees, a specific number of spaces shall be reserved for official parking. The number of spaces is to be determined by the responsible offices as provided for in Subsection 2-4-30.
- B. Employees shall then receive consideration for assignment of parking spaces in the following order of priority:
  1. Severely handicapped employees, including non-handicapped drivers who provide transportation for handicapped employees. Parking spaces assigned to the handicapped should be sized according to the Uniform Federal Accessibility Standards.
  2. Key personnel and persons who work unusual hours.
  3. Vanpools.
  4. Carpools, based on number of members. For the purpose of assignment of parking spaces to carpools, full credit shall be given each regular member regardless of where he/she is employed, on the condition that at least one member of the carpool is a full-time employee of HHS. Carpools with the highest number of regular members shall receive priority consideration; i.e., a parking space will be assigned to a carpool with six regular members before a carpool with five regular members. When determining the number of regular members in a carpool, a person who does not travel on a daily basis or who travels only one way shall be counted on a prorated basis. As an example, an individual who travels to and from work three days a week shall be counted as 3/5 of a regular member and one who travels one way each day of the week shall be counted as 1/2 of a regular member. Where there are carpools with equal numbers of regular members which exceed the number of parking spaces available for the assignment, ties can be broken in any reasonable manner, including assignments based on length of Federal service of all members, total commuting distance of each carpool, or the availability of alternate public transportation.
  5. Privately owned vehicles of employees which are used regularly for Government business at least 12 days per month and which qualify

#### 2-4-60 IMPLEMENTATION

Officials responsible for the assignment of parking spaces shall develop and implement employee vanpooling/carpooling programs through promotional campaigns. Implementation of the provision of this section may require consultation with recognized labor organizations. Each responsible office shall maintain written plans and procedures for assigning parking spaces, addressing each of the following considerations:

- A. Specific methods and procedures to be followed in the assignment of employee parking spaces.
- B. Assistance to employees in establishing or joining vanpools/carpools and the procedures to be followed when applying for parking spaces.
- C. Provisions for a periodic review and reassignment of all parking spaces.
- D. Procedures for interim reassignment and replacement caused by membership turnover.

- E. A definition of employee responsibility in the use of parking spaces and provision for provision for prompt reporting of changes in the number of composition of vanpool/carpool members.
- F. A statement of penalties for misrepresentation of parking applications, misuse of permits, and disregard of parking practices and requirements.
- G. A system for maintaining parking records and files.

2-4-70        EXCEPTIONS

Officials-in-charge may further implement or supplement the guidance in this section to meet particular local conditions, provided the intent of this section is not violated. Deviations from the policy stated herein must be referred to DHFP for approval.

## SECTION 2-5: UTILIZATION OF REAL PROPERTY

2-5-00	Purpose
10	Applicability
20	Policy
30	Utilization Responsibilities
40	Annual Review of Real Property Holdings
50	Preparation of Annual Reports
60	Work Space Management Reform
X2-5-A	HHS-507, Property Review Record and Certification Statement
X2-5-B	HHS-88, Real Property Voucher

## 2-5-00 PURPOSE AND AUTHORITY

This section cites specific policies, responsibilities, and criteria concerning the efficient management and utilization of real property held by the HHS agencies. It also provides instructions for conducting the annual review of real property holdings as prescribed in 41 CFR 101-47.8 and Executive Order 12512.

## 2-5-10 APPLICABILITY

- A. The provisions of this section apply to HHS-controlled real property, both Government-owned and direct-leased, including:
1. Land, buildings, structures, and facilities (including Government-owned buildings, structures, and facilities located on other than government-land) acquired by purchase, condemnation, transfer, donation, and construction.
  2. Public domain land withdrawn and assigned to the Department for such purposes as research facilities.
- B. The coverage excludes:
1. unreserved public domain land.
  2. rights of way or easements granted to the Government.
  3. Indian lands held in trust.
  4. GSA-assigned space or property.

## 2-5-20 POLICY

- A. Property held by HHS must be utilized efficiently and adequately maintained. Unneeded or uneconomically utilized properties must be identified through a systematic and recurring review, and such properties promptly disposed of. Energy use implications will be considered in all aspects of real property management; the practical and economical use of energy resources is a departmental goal.
- B. Real property may be retained when one or more of the following factors exists:
1. There is a firm current or foreseeable authorized requirement for the property.



2. The value and characteristics of the property represent the most effective, economical, and timely method of meeting program requirements.
3. The property is needed to protect the Government's investment in an activity by providing for definite and foreseeable expansion requirements.

#### 2-5-30 UTILIZATION RESPONSIBILITIES

- A. All levels of management within HHS are responsible for the effective and economical use of real property (including related energy conservation measures) within their respective areas of jurisdiction and for taking prompt action to release real property which becomes unrequired. When property becomes under utilized, agencies must take steps to fully utilize or release the property. Agencies will provide necessary instructions to ensure a common understanding of this requirement among the offices and installations under its direction. Primary responsibility, however, must rest with the Real Property Unit Manager (RPUM) whose personal attention to this important phase of management will determine the degree of economy and efficiency which could result from the effective utilization of the real property under their charge.
- B. Inspections should be made by the Agency's field and headquarters offices responsible for real property management to: (1) review field real property operations, (2) follow through on prescribed policies and procedures; and (3) otherwise assist field installations in connection with operating problems and work programs. Such inspections should cover detailed operations under the individual phases of the real property management program, namely: (1) assignment and utilization; (2) leasing; (3) scheduling unused property for reassignment or disposal; (4) other related programs, such as quarters management; and (5) energy conservation measures.
- C. Each RPUM shall ensure that current utilization data is available for all buildings within each installation within the manager's area of responsibility. Prior to the acquisition of new or additional space, a RPUM may be required to provide current utilization data on certain buildings in the area of consideration.
- D. RPUMs shall take steps to assure they are informed of changes in program plans and objectives, and the impact on the assignment and use of real property holdings. They should work with program and other management personnel to improve property utilization and initiate actions to reassign or otherwise dispose of unrequired real property.

#### 2-5-40 ANNUAL REVIEW OF REAL PROPERTY HOLDINGS

Each Agency shall conduct an annual review of the real property holdings under its jurisdiction and control. This review shall be accomplished as of the end of each fiscal year in order to report the results of such reviews and actions taken or proposed. The use of the HHS-507, Property Review Record and Certification Statement, is required. Agencies shall use the following standards for identifying unneeded Federal property:

##### A. Definitions

Not Utilized. "Not utilized means an entire property or portion thereof, with or without improvements, not occupied for current program purposes of the accountable agency, or occupied in caretaker status only.

Under-utilized. “Under-utilized” means an entire property or portion thereof, with or without improvements which is used at irregular periods or intermittently by the agency for current program purposes; or which is used for current program purposes that can be satisfied with only a portion of the property.

Not Being Put to Optimum Use. “Not being put to optimum use” means an entire property or portion thereof, with or without improvements, which; (a) even though utilized for current program purposes of the agency is of such nature or value, or is in such a location, that it could be utilized for a different significantly higher and better purpose; or (b) the costs of occupying are substantially higher than would be applicable for other suitable properties that could be made available to the accountable executive agency through transfer, purchase, or lease with total net saving to the Government after consideration of property values as well as costs of moving, occupancy, efficiency of operations, environmental effects, regional planning, and employee morale.

- B. The following general guidelines shall be considered by each Agency in its annual review. (Some items may not apply to direct-leased properties):
1. Is the property being put to its highest and best use? Consider (a) such aspects as surrounding neighborhood, zoning, and other environmental factors; (b) is present use is compatible with State, regional, or local development plans and programs; (c) whether Federal use of the property would be justified if an equivalent commercial rental for its use were added to the program costs for the function it is serving.
  2. Are operating and maintenance costs excessive?
  3. Will contemplated program changes alter property requirements?
  4. Is all of the property absolutely essential for program requirements?
  5. Will local zoning provide sufficient protection for necessary buffer zones if a portion of the property is leased?
  6. Are buffer zones kept to an absolute minimum?
  7. Is the present property inadequate to serve contemplated future programs?
  8. Can net savings be realized through relocation considering property values or rentals, cost of moving, occupancy, and increased efficiency of operations?
  9. Have developments on adjoining non-federally owned land or public access or road rights-of-ways granted across the Government-owned land rendered the property or any portion thereof unsuitable or unnecessary for program requirements?
  10. If Federal employees are housed in Government owned residential property, is the local market willing to acquire Government-owned housing or can it provide the necessary housing and other related services, thereby enabling the Government-owned housing area to be released?
  11. Can the land be disposed of and program requirements satisfied through reserving rights and interests to the Government in the property if it is released?
  12. Is a portion of any property being retained primarily because the present boundaries are marked by the existence of fences, hedges, roads, and utility systems?
  13. Is any land being retained merely because it is considered undesirable property due to topographical features or encumbrances for rights of ways?
  14. Is land being retained merely because it is land locked?

15. Is there land or space in Government-owned buildings which can be made available for utilization by others within or outside Government on a temporary basis?

#### 2-5-50 PREPARATION OF ANNUAL REPORTS

- A. Upon the completion of the annual review and identification of any unrequired real property, prompt action shall be taken by the RPUM to prepare an HHS-507, Property Review Record and Certification Statement (Exhibit 2-5-A), for each installation under the manager's jurisdictional responsibility.
- B. Each HHS agency shall continue to retain accountability and to report any excess and surplus real property pending its transfer to another Federal agency or disposal by GSA.
- C. As required by FPMR 101-3.204(a)(3), each HHS agency shall report, using a form HHS-88, Real Property Voucher, increases or decreases in capital assets of \$1,000 or more affecting any line item or the total for each installation.
- D. A narrative report must accompany the HHS-507s and HHS-88s listing real property activities during the fiscal year for:
1. Each newly acquired installation or previously omitted installation.
  2. Each installation received by transfer from another Federal agency which is not merged with an existing installation.
  3. Each installation declared excess or surplus, in whole or in part.
  4. Each disposal of a complete installation.
  5. Each installation for which a revision of an entry on a previous report is necessary to reflect change in the name of an installation, date or method of acquisition or property, acreage, number, and/or floor area of buildings, or predominant usage category or land, buildings, or other structures and facilities.
- E. The property review records will be routed through agency headquarters channels to the Division of Health Facilities Planning, ORM/OM. The reports shall be submitted by no later than November 1 to allow for HHS review and consolidation.

#### 2-5-60 WORK SPACE MANAGEMENT REFORM

FPMR Temporary Regulation D-73, "Quality Workplace Environment Program" is applicable to all agency owned and leased real property as well as to GSA-assigned space.

- A. Each agency shall ensure that its programs are housed in the most economical and efficient manner possible given their mission needs and the nature of the space they occupy. By the end of fiscal year 1990, each agency bureau shall achieve an average adjusted office utilization rate (i.e. excluding GSA-approved supplemental space) of 135 square feet or less in both agency-controlled and GSA-controlled space.
- B. HHS agencies classify their agency-controlled space by each building's predominant use. When preparing the GSA-3530 form as part of the Work Space Management Plan, agencies are required to

report their total occupiable space, which is converted from gross or net square footage estimates according to FPMR 101-17.003(d) as follows:

Conversion is a technique for agencies to convert space under their control from “gross square footage” or “net square footage” to “occupiable square footage.” Agency-controlled work space measured in terms of gross square footage will be converted to occupiable square footage by subtracting a factor of up to 25 percent. Agency-controlled work space measured in terms of net square footage will be converted to occupiable square footage by subtracting a factor of up to 10 percent.

Agencies should report the conversion factors used as an attachment to their plans.

## [SECTION 2-6 MISSING FROM HARD COPY]

## Section 2-7: DISPOSAL

2-7-00	Purpose
10	Policy
20	Definitions
30	Identifying and Reporting Excess Real Property
40	Boards of Survey/Determining Economic Value
50	Transfers of Excess Real Property
60	Transfers from IHS to the Department of Interior
70	Custody/Accountability for Excess Real Property
X2-7-A	Form SF-118, Report of Excess
X2-7-B	Form SF 118a, Buildings, Structures, Utilities and Miscellaneous Facilities
X2-7-C	Form SF-118b, Land
X2-7-D	Form SF-118c, Related Personal Property
X2-7-E	Holding Agency's Report on Title
X2-7-F	Checklist – Properties requiring GSA concurrence for Disposal
X2-7-G	Form PHS-2292, Real Property Survey Report
X2-7-H	GSA Form 1334, Request for Transfer of Excess Real and Related Personal Property

## 2-7-00 PURPOSE

This section prescribes the policies and methods governing the identification, handling (protection and maintenance), and ultimate disposal of unrequired real property.

## 2-7-10 POLICY

Property or interests therein are usually disposed of by or through the General Services Administration (GSA) after being declared to be excess to the needs of DHHS (having custody and accountability for the property). It is the policy of the Administrator, GSA to provide for the transfer of excess real property among Federal agencies to eliminate the need to acquire new real properties. Improvements of no commercial value, after requisite approvals, may be abandoned, donated to public bodies, or destroyed. Also, property for Indian health purposes may be transferred to the Department of the Interior under specific legislation.

- A. Real property may be retained only when one or more of the following factors exists:
1. There is a firm current or foreseeable authorized requirement for the property;
  2. The value and characteristics of the property represent the most effective, economical, and timely method of meeting program requirements;
  3. The property is needed to protect the Government's investment in an activity by providing for definite and foreseeable expansion requirements.
- B. The Federal Property Management Regulations, Title 41, Subpart 47 provides additional guidance for disposal actions.

## 2-7-20 DEFINITIONS

Disposal Agency is defined as the executive agency designated by the Administrator of General Services to dispose of excess or surplus property.

Excess Real Property means any property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

No Commercial Value means real property, including related personal property, which has no reasonable prospect of being disposed of at a consideration.

Public Body means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any political subdivision, agency, or instrumentality of the foregoing. Indian tribes are not considered “public bodies” for the purposes of real property donations.

Related Personal Property means any personal property which is an integral part of real property or is related to, designed for, or especially adapted to the functional or productive capacity of the real property and removal of this personal property would significantly diminish the economic value of the real property.

Surplus Real Property is defined as any real property and related personal property reported excess which has been screened for the needs of Federal agencies or waived from such screening by GSA and has not been designated by GSA for utilization by another federal agency.

## 2-7-30 IDENTIFYING AND REPORTING EXCESS REAL PROPERTY

- A. Real Property Unit Managers (RPUM), after appropriate internal clearances/approvals are received, shall report excess real property to DHFP/HHS for screening as to other possible Departmental needs. Reports shall be submitted at least 120 calendar days in advance of the date such property will become available for transfer or disposal.
- B. HHS is designated as the disposal agency for leases, permits, licenses, easements, and similar real estate interests held by the HHS agencies in non-Government owned property. This includes Government-owned improvements located on the premises except when it is determined by either HHS or GSA that the Government’s best interests would be served for such disposal to be handled by GSA.
- C. When buildings or other improvements are excessed without the underlying land, an original only of SF 118 and SF 118A, Report of Excess Real Property, prepared in accordance with GSA instructions in FPMR 101-47.4902, will be submitted to DHFP. The report will include a request, inserted in Block 18, that GSA act as the disposal agency for the property and a statement that “This property has been screened against the known needs of the Department.”
- D. The report will be reviewed by DHFP and screened for other departmental need or for the requirements delineated in approved long-range facility plans. If a requirement exists, the Director, Office of Management (OM), will authorize transfer between the HHS Agencies. When no departmental need is determined by the DHFP screening procedure, the Report of Excess will be directed to the appropriate GSA regional office in the required number of copies (an original plus 4 copies). The holding agency will be notified of this action by copy of the report.

- E. Reports of excess property for lands which are under the custody and responsibility of the Department and which have been withdrawn or reserved from the public domain will follow the same procedures outlined in paragraph B. above, insofar as HHS and the agencies are concerned. DHFP will file with the Department of the Interior the required notice of intention to relinquish the property, and will forward a copy of the notice to the appropriate GSA regional office. The SF 118 will not be completed and processed unless the Secretary of the Interior, with the concurrence of the Administrator of General Services, determines that the land is not suitable for return to the public domain. See FPMR 101-47.202-6.
- F. The following excess real property under the custody and responsibility of the Department is not required to be reported to GSA:
  1. Buildings or structures to be dismantled or removed to make way for new construction on the same site, provided the removal is incorporated in the new construction contract.
  2. Buildings or other structures for relocation to a new site where the land underlying the dismantled property is not excess.
- G. Reports of excess property that is subject to donation under special provisions as described in 2-7-40 will include the information in paragraph B. above, if appropriate, and will also, in the "Remarks" column of the SF 118, cite the law or delegation under which the property is being excessed.
- H. Where Government-owned land is involved, the RPUM will submit to DHFP an original of SF118 and schedules A, B, and C, as necessary, including legible copies of documents relating to the Government's title to the land, base on the agency records. Also required is a report which will contain all the information required in FPMR 107-47.202-2, including the legislative jurisdiction, if any, of the United States over the land, together with a citation of the basis of such jurisdiction. The report must also certify that the facilities are in compliance with 40 CFR 761, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions." This rule severely restricts the use, handling, storage, and disposal of PCBs.

#### 2-7-40      BOARDS OF SURVEY/DETERMINING ECONOMIC VALUE

- A. Government-owned improvements located on land for which DHHS has control and accountability may be destroyed after it has been determined that the improvement has no commercial value, or that the estimated cost for continued care, protection, and maintenance would exceed the estimated proceeds of its sale. Improvements owned by the Government may also be abandoned on privately-owned property.
- B. No property shall be abandoned or destroyed until the above facts have been determined by a Board of Survey designated by the head of the office or installation having management responsibility for the property. Any official who is directly accountable or responsible for the property shall not serve in any surveying capacity. The survey should determine the original cost of the property (estimated if not known), the estimated cost to the Government for its protection and maintenance, and whether it is dangerous to public health or safety.
- C. The criteria of health, safety, and security shall be interpreted literally. Buildings and structures which either have structural defects or are contaminated to the extent that it is impracticable to make them safe or sterile for further use are examples of buildings not meeting these criteria. The criteria are also applicable to related materials and equipment which have either been contaminated through use in connection with the treatment or research of infectious and contagious disease, or have been

subjected to radiation, to the extent that it is not practicable to sterilize or neutralize them. The dictates of security policy or regulations require that such property be destroyed when it is no longer of any value or use for the purpose of which it was originally intended.

- D. A Real Property Survey Report in the format shown in Exhibit 2-7-G must be completed in each instance, initiated by the RPUM, signed by the survey board members, and submitted to the Director, DHFP for a decision as to whether the property is dangerous to the extent of requiring special safeguards. Based upon the recommendations of the survey board, the Director, DHFP will then decide whether the property should be retained, destroyed, or abandoned. A copy of the approved Report of Survey will be furnished to the HHS agency.
- E. The completed Survey Report must be forwarded to GSA for concurrence when the property either (1) had an original cost of more than \$50,000, (2) is of permanent type construction, or (3) would enhance the value of the underlying land, if retained.
- F. When abandonment or donation has been authorized, the RPUM shall give public notice in accordance with the instructions in FPMR 101-47.503.

#### 2-7-50 TRANSFERS OF EXCESS PROPERTY

Transfers of excess property from one agency to another are generally handled with reimbursement equal to the appraise fair market value of the property (deposited into the Treasury as miscellaneous receipts). Upon determination by GSA that a transfer of the property requested is in the best interest of the Government and that the requesting agency is the appropriate agency to hold the property, the transfer may be made among Federal agencies.

Approval of the Office of Management and Budget (OMB) is required if a transfer without reimbursement is proposed or when the transferor agency has requested the net proceeds of the transfer. Transfers without reimbursement are generally processed when the Administrator of General Services, with the approval of the Director, has approved a request for an exception from the 100% reimbursement requirement, or Congress has specifically authorized the transfer without reimbursement. See FPMR 101-47.203-7 for specifics on transfers without reimbursement and requests for net proceeds from a transfer.

HHS agencies requesting transfers of excess properties should prepare a GSA Form 1334, Request for Transfer of Excess Real and Related Property, (see Appendix 2-7-H) and forward the completed form to DHFP. Section 2-1 contains additional procedures for acquiring real property.

#### 2-7-60 TRANSFERS FROM IHS TO DEPARTMENT OF THE INTERIOR

- A. Background. The basic authority of the Indian Health Service (IHS) stems from the so-called Indian Health Transfer Act, Public Law 83-568 of August 5, 1954, which transferred Indian health functions from the Department of the Interior, Bureau of Indian Affairs (BIA) to HHS. Under section 4 of that Act, the properties of BIA relating primarily to health matters were authorized to be transferred to HHS subject to the approval of the then Director of the Bureau of the Budget. If trust properties are involved, the transferee agency assumes the trust obligation with respect to the Indian tribes, as well as other authorities and responsibilities. In recognition of the fact that adjustments would from time to time be called for in the respective real property holdings for the benefit of Indian tribes, and in order to simplify transfer procedures, a Memorandum of Understanding (MOU) was entered into in 1961 by the Secretary of the Interior, the Secretary of the Interior, the Secretary of Health, Education,



and Welfare, and the Administrator of General Services to cover such transfers as well as retransfers of property between the two Departments involved. Delegation of Authority No. 396 of May 3, 1961 (26 FR 4029) implemented the MOU by authorizing the two Secretaries “to transfer and to retransfer to each other, upon request, any of the property of either agency which is being used and will continue to be used in the administration of any function relating to Indians.” Transfers under that Delegation of Authority, which appears in FPMR 41 CFR 101-47.604, do not require any screening of other agencies.

This disposal authority can be used by the IHS when it has unrequired real property for which the BIA has expressed “an administrative need.” Such transfers are limited to property which must: (1) comprise a functional unit and be within the United States, (2) have had acquisition cost of \$100,000 or less, and (3) not be located in an area recognized as an urban area or place for the purpose of the most recent decennial census. The BIA must request and accept custody for property transferred under this authority.

- B. The MOU is in effect except to the extent that it has been superseded by section 202(a)(2) of the Federal Property and Administrative Services Act of 1949, which was added by P.L. 93-599, approved January 2, 1975.

The new section of the Act provides for the transfer, without compensation, of certain excess real property to the Secretary of the Interior to be held in trust status under BIA in favor of the Indian tribes within whose boundaries such excess property is located or, in Oklahoma, within a former Indian reservation or contiguous to real property now held in trust for an Indian tribe but only if the property itself was once held in trust by the United States for an Indian tribe.

It applies only to real property that is not held in trust for an Indian tribe. Transfers there under are made to the Secretary of Interior for the benefit of Indian tribes. The property so transferred may be used by Indian tribes themselves or by BIA for administrative purposes for the benefit of Indian tribes. BIA always assumes a trust obligation in favor of Indian tribes for property so transferred. Section 202(a)(2) does not call for any reimbursement of the transferring agency.

Property already held by IHS in trust for an Indian tribe is not subject to section 202(a)(2), but may be transferred to BIA pursuant to Delegation of Authority No. 396, or, if outside the Delegation, under excess property procedures. In the absence of GSA regulations specifically applicable to transfers under section 202(a)(2), a Form SF 118, Report of Excess, should be used and the applicability of what section demonstrated by indicating:

1. The name of the Indian reservation within which the property is located and the fact that the Indian tribe occupying the reservation is recognized by the BIA; or
  2. If the property is within Oklahoma, the fact that it is within the boundaries of a former reservation and was held in trust for an Indian tribe at the time of its acquisition by the United States, or is contiguous to property now held in trust for an Oklahoma Indian tribe and was itself at one time held in trust by the United States for an Indian tribe.
- C. Excess IHS real property should first be tested to see whether the property is in a status such as to make P.L. 93-599 applicable. If not, the provisions of FPMR 101-47.604 may, if appropriate, must be followed. Real property proposed for transfer to the BIA, also require the preparation of a Form SF-118. Supporting information should identify the property and demonstrate how it meets the above conditions. The SF-118 and justifications are then forwarded through IHS headquarters and HRSA to DHFP for approval.

## 2-7-70 CUSTODY/ACCOUNTABILITY FOR EXCESS REAL PROPERTY

- A. Once the Report of Excess is reviewed and accepted by the GSA, it will provide an acceptance date and a GSA Control number.
- B. The HHS agency will be responsible for the expense of physical care, handling, protection, maintenance, and repair of excess and surplus real property, pending its transfer or disposal, for not more than 12 months plus the period to the first day of the succeeding quarter of the fiscal year after the date the property is accepted by GSA for disposition. In the event the property is not transferred to a Federal agency or disposed of during that period, the expense of physical care, handling, protection, maintenance, and repair of such property thereafter will be assumed by GSA. Guidelines for protection and maintenance contained in FPMR 101-47.4913 should be followed. This responsibility will include the minimum services necessary to preserve the Government's interest, and will continue to be exercised until the actual transfer or disposal of the property.
- C. Excess real property which has been reported to and accepted by the GSA must remain in the HHS agency's Real Property Inventory system until such time as final disposition has been acknowledged by the GSA.

## SECTION 2-8: NAMING OF INSTALLATIONS AND BUILDINGS

2-8-00	Authorities
10	Requirements
20	Memorialization
30	Procedures
40	Dedication Ceremonies
X2-8-A	Planning Guide for Dedication Ceremonies

## 2-8-00 AUTHORITIES

- A. Under Section 410 of the Public Buildings Act of 1949 (40 U.S.C. 298d), the Administrator of General Services has the authority to name, rename, or otherwise designate any building under the authority to name, rename, or otherwise designate any building under the control of GSA regardless of whether it was previously named by the stature. Likewise, the Secretary of Health and Human Services assumes the authority, under 5 U.S.C. 301, to name or rename its own buildings in the absence of specific expression by Congress. The primary purpose in designating an official name for an installation or building is to identify the occupying activity for the public and official visitors.
- B. Following usual practices, it is Department policy not to name an installation or building for living persons or, other than in exceptional cases, for deceased persons.
- C. It is also Department policy to recognize the completion of a new installation, building, or major extension to an existing building by planning and conducting appropriate dedication ceremonies. Unless circumstances dictate otherwise, ground-breaking or cornerstone-laying ceremonies are against Department policy.

## 2-8-10 REQUIREMENTS

- A. All identifying signs, plaques, doors, etc., shall be lettered as follows:

1. U.S. Department of  
Health and Human Services  
Operating Division  
Bureau  
Division, Office, or Program

The size of lettering should be in proportion to the size of the sign. The Department legend shall be the largest size letters.

2. Grounds and entrance signs or plaques should be of a size to be easily readable from a passing vehicle and should be placed at the main entrance to installations.
3. Where entrances to installations are properly identified, individual buildings may be identified according to their primary use.
4. GSA has adopted the following inscription for all cornerstones for federally-constructed buildings:

United States of America  
President  
(Name of President at time cornerstone is set)  
19—  
(Year construction started)

Additional names, if any, will be determined on a case-by-case basis.

5. No plaques or tablets which pertain to the construction of the building or to those responsible for the construction will be placed on the interior of a building.

#### 2-8-20 MEMORIALIZATION

- A. Deceased persons may be memorialized, subject to the approval of the Secretary, as follows: (1) those who have distinguished themselves by making an outstanding contribution toward the establishment and accomplishment of major programs of national or international interest and importance; (2) those who have firmly established an eminent position in the Government; and (3) those who have held positions of high and extensive responsibility. Requests will not be approved where the naming of the building for the deceased person would prevent the identification of the organizational activity to the public.
- B. A memorial or plaque on or in buildings or on land shall be subject to revocable agreement issued by the person responsible for the installation. No part of the cost of installation, maintenance, or removal shall be borne by the Government.
  1. Design. The design should be of such material, proportion, and detail as will harmonize with its surroundings in a dignified and appropriate manner.
  2. Inscription on Plaques. The inscription should be held to the minimum require to accomplish the purpose of the plaque.

#### 2-8-30 PROCEDURES

- A. The request to the Secretary to name or rename an installation or building should be prepared for the signature of the Assistant Secretary for Health, contain sufficient information to justify the recommendation, and be submitted to the Director, Office of Management (OM)/HHS. After the review and concurrence, it will be forwarded to the Deputy Assistant Secretary for Administrative and Management Services for action in the Office of the Secretary.
- B. To process a request for memorialization honor, the following information and attachments shall be submitted to the Director, OM/HHS for review and referral:
  1. A biography of the individual to be honored;
  2. copies of pertinent official files concerning the individual;
  3. photographs of the installation, building, room, etc., to be named in honor of the individual;
  4. if new construction is involved, completion dates, description of the facility, etc;
  5. recommendations as to action to be taken on the memorialization request and planning of a dedication ceremony;
  6. designation of an official to coordinate required actions; and
  7. if the request proposes a memorial or plaque for an individual or group, the following additional information should be furnished:
    - a. complete justification for the memorial or plaque, including the proposed inscription; and

- b. sketches showing the design and location on the site or building and photographs of the building or site.

#### 2-8-40 DEDICATION CEREMONIES

The HHS agency is responsible for the planning and execution of dedication ceremonies. A dedication committee may be appointed to assist in the ceremonial program and should determine, on a case-by case basis, if there is a need for HHS or Department participation. Plans for publicizing the naming and/or dedication of installations and buildings, including the erection of memorials and plaques, shall be reviewed by the Office of the Assistant Secretary for Public Affairs. This requirement shall include public information clearance of news releases for press, radio, and television; printed programs and commemorative booklets; and any other printed speeches to be delivered by HHS staff. Requests for assistance concerning dedication ceremonies may also be directed to the Director, Congressional Liaison Office; or DHFP, as appropriate. A detailed planning guide for dedication ceremonies is included as Exhibit 2-8-A.

## PLANNING GUIDE FOR DEDICATION CEREMONIES

Developing a dedication ceremony involves all of the following factors or planning steps and may require others in local situations:

- Fixing the Date
- Establishing Local Liaison
- Establishing Congressional Liaison
- Memorialization Honors
- Program Development
- Program
- Other Planning Factors to be Considered
- Invitations
- Publicity
- Luncheon
- Physical Arrangements

The essential elements in each of the above planning steps are:

### FIXING THE DATE

Dedication ceremonies should not take place until an installation or building is completed and occupied but should be held not later than 30 days after complete building occupancy. Work toward establishing the date for the ceremonies should begin as soon as occupancy dates are fairly firm. In almost all cases, planning should begin from 60 to 90 days in advance of the actual ceremony.

In selecting the actual day, several factors are to be considered, such as: the possibility of the coincidence of a national holiday or a day having particular local significance and history. Many communities close business establishments for a half-day during the week; to others, Saturday is a particularly festive day. In any event, judgment should be exercised in making the ceremony as accessible and convenient to the public as possible. Weekend ceremonies are difficult because of the Washington tie-in, but should not be discounted in making plans.

Another factor is fixing the hour. Conveniently, dedication ceremonies are held in early afternoon, usually around 2 o'clock. This hour accommodates the desires of many local communities whose civic groups desire to hold a luncheon for visiting dignitaries in advance of the ceremony. The hour is sometimes keyed to plane schedules, so that departing dignitaries do not have undue delays.

### ESTABLISHING LOCAL LIAISON

This is the most important element in ceremonies planning. Without proper local assistance and liaison, ceremonies can be difficult and sometimes harmful. The dedication committee should exercise great care in requesting local representatives to work with it, and should be positive that all civic interests that wish to participate are given an opportunity to do so.

A successful procedure, tested in the past, is as follows: The dedication committee contacts the most appropriate local leading public official (i.e., the Mayor, City Manager, or Indian Tribal Official) and invites him/her to serve on the committee. In addition, it will be desirable to appoint to the committee the following: (a) Chief of Police (for traffic purposes); (b) Presidents of the leading civic groups, such as Chamber of Commerce, Board of Trade, etc. (Appointment of a representative of such organizations as Lions, Kiwanis, Rotary, etc., should be avoided because of possible misrepresentation by those not

named); (c) the local leading representative of news media (Newspaper publisher, editor, owner of TV facility, etc.); and (d) local head of the professional or other group having an interest in the work to be carried on in the installation or building.

### ESTABLISHING CONGRESSIONAL LIAISON

The participation of political figures in dedication ceremonies had considerable precedent. These most definitely will include appropriate members of the Senate and House Committees interested in the program for which the installation or building was constructed. The Congressional Representative from the District, Senatorial figures, and State officials should also be considered. Notwithstanding the political party of the local official, the committee must make certain that full and complete liaison is established with members of Congress. In addition, the committee may wish to invite the Governor and other State officials.

### MEMORIALIZATION HONORS

HHS Facilities Program Manual Section 2-8 establishes policy and provides criteria and clearance procedures concerning the naming of installations and buildings in honor of deceased persons. The following planning criteria should be considered when such honors have been approved by the Secretary:

#### Selection of the Guest of Honor

The dedication committee will select the guest of honor for the dedication ceremony of an installation or building in the following order of precedence:

The surviving spouse, if not remarried;  
 Eldest son or daughter;  
 Father or mother, in this order, or both;  
 Eldest brother or sister, in this sequence; or  
 Beneficiary, if no close relatives are available.

#### Notification to the Next of Kin

When a request for memorialization honors has been approved, a letter signed by the Secretary, HHS, will transmit the initial notification of the action planned on to the next of kin of the individual whose memory is being honored. When possible, the letter should be personally delivered to the next of kin by a member of the dedication committee. This official should personally consult with the guest of honor and, consistent with existing policies and regulations, strive to satisfy his/her wishes in regard to the ceremony.

### PROGRAM DEVELOPMENT

Development of a program may proceed as follows:

1. The local official is asked to serve as Master of Ceremonies.
2. Two local clergymen are invited to deliver the invocation and the benediction.
3. If music is desired, the local committee is assigned responsibility for obtaining necessary band(s) (usually high school or university).
4. The U.S. Representative is scheduled to make a short speech.

5. The Secretary, or OPDIV representative is invited to deliver the dedicatory address.
6. The building contractor is invited to present a United States flag to fly over the building.
7. A staff member of the installation usually is scheduled to receive the flag.
8. A firm decision should be made as to inclusion of other speaker(s) on the program. Members of Congress who have shown particular interest in the project could be considered. Other prominent persons, such as the President of the Architectural an Engineering firm, may be invited to the ceremony and may be seated on the speaker's platform even though they may not be called upon to speak.

## PROGRAM

A complete program may follow this format:

Invocation (2 minutes)  
 Master of Ceremonies welcoming remarks (3 minutes)  
 Introduction of honor guest (3 minutes)  
 Congressional Representative (10 minutes)  
 Additional speaker (5 minutes)  
 The Dedicatory Address (15 minutes)  
 Master of Ceremonies closing remarks (3 minutes)  
 Benediction (2 minutes)

This outline provides a program of 45 minutes duration. It can be expanded to allow one or two additional speakers, but in no event should the proceedings exceed 1 hour. If the scheduled program can be held to a maximum of 30 minutes, 5 minutes less might be given to the introduction of distinguished occupants of the speaker's platform, without their coming forward to speak. The program should be developed carefully, with the objective of providing a balance of interests in a space of time which will not cause the audience to become restless and inattentive.

## OTHER PLANNING FACTORS TO BE CONSIDERED

Subject to the availability of funds for such purposes, the following are various components of a typical memorialization dedication ceremony and related activities for the naming of an installation or building that should be added to the program listing in 8. above.

1. Transportation. An appropriate escort will meet the guest of honor and his/her party upon their arrival in the area (airport, station, etc.) and conduct them to the site of the ceremony.
2. Greetings. Prior to starting the ceremonies, the Master of Ceremonies will receive the guest of honor at the reviewing platform and introduce the speakers and dignitaries while the band plays soft music.
3. Mementos. When appropriate, flowers or corsages should be provided for the guest of honor and/or next of kin. A bound album (not larger than 10" x 16" of appropriate photographs and narration relating to the ceremony should be prepared and presented to



the guest of honor and/or family of the deceased wishes to present a plaque or portrait, it may be accepted.

4. Reception. It is sometimes suitable to follow a ceremony with a reception for the guest of honor and/or parents of the deceased and special guests. These receptions need not be large or elaborate, and maximum use should be made of available Government facilities.

### INVITATIONS

Invitations are treated as a separate factor because they are connected with protocol and publicity. The following steps should be taken in connection with invitations:

1. As host, all formal invitations to the dedication come from the dedication committee. These take two forms: (a) personal letters to dignitaries who are invited as speakers should clearly convey what the invitee will be asked to do, i.e., deliver brief remarks of approximately X minutes duration, where the speaker should come, etc.; (b) printed invitations, listing the program for mailing to all other invitees. If reserved seating (see "Physical Arrangements") is to be available, the invitation can be used numerically to control seating.
2. Normally, a combination program-invitation should be used. The invitation is headed: "The Department of Health and human Services Cordially Invites You \_\_\_\_\_."
3. Invitations should be mailed approximately 30 days prior to the ceremony, if possible. At that time, the Congressional Liaison Officer should be informed of the overall plans for the dedication ceremony and furnished with a list of dignitaries invited to participate.

### PUBLICITY

Publicity in connection with the dedication ceremony is the responsibility of the new media member of the local dedication committee. He/she should assure adequate coverage of the event by announcements of date, time, place, etc. As speakers are selected, the dedication committee should arrange for biographical information and photographs to be forwarded for publication. It should arrange for advance copies of texts of speeches, and should provide the news media with fact sheets and other material pertinent to the building. Every effort should be made to assure good news coverage. His/her responsibility includes not only advance coverage, but the determination of what type of coverage will be obtained during the ceremony; i.e., live radio or TV, motion pictures, etc. He/she will be responsible for advising the dedication committee well in advance as to what press requirements will be needed for space, tables, platforms, power outlets, vantage points for photographers, etc.

### PHYSICAL ARRANGEMENTS

The physical arrangements provided for a dedication ceremony should be dignified and simple, adequate for the occasion, and conducive to the execution of all established plans. Physical arrangements fall into the following categories:

1. Transportation. Suitable transportation should be arranged for visiting dignitaries throughout their stay.

2. Accommodations. The dedication committee should make necessary reservations for incoming dignitaries.
  
3. Installation or Building Preparations. Ceremonies should be held at the most convenient location within the installation or immediately outside a new building; however, alternate plans should be made in the event of inclement weather.

The Construction Superintendent will be of considerable help in making the following arrangements:

a. Speaker's Platform or Area. If a platform is necessary, the building contractor will usually cooperate in providing it. The platform floor (if constructed of lumber) should be solid so as not to provide a hazard. The platform should have an access from the rear; i.e., it should provide for mounting by speakers leaving the building and coming out onto the platform, facing the audience. The platform or area where the speakers will be seated may be decorated with bunting or other material to focus attention on it. In addition, it should be equipped with a suitable public address system, lectern, and necessary number of comfortable chairs (preferably, other than simple folding chairs). A supply of disposable drinking cups or glasses and a water container, paperweight, etc., should be provided on the lectern.

b. Seating Arrangements.

Speaker's Platform or Area. A seating diagram should be drawn in advance and the chairs plainly marked with the names of each individual. The seating should be arranged so that the main speakers are seated in the front row(s) and sufficient aisle room is provided for access to the lectern. To avoid confusion, the speakers should be asked to congregate in a specified room within the building immediately in advance of the ceremony and move in a single file, in accordance with a prearranged seating order, onto the platform.

Chairs for Audience. The local GSA office, BIA superintendent, other Government agencies, or local organizations may provide chairs for the audience. The chairs should be set up well before the ceremony with row markings or other necessary identification, if a reservation system is used.

Press Table. Space should be provided for the press immediately facing the speaker's platform or at other vantage points. This may include a table and chairs, a platform for mounting cameras, etc. Care should be taken that the location selected gives a clear view but does not obstruct the view of spectators.

c. Protection of Building and Grounds. Suitable precautions should be taken to: protect newly planted shrubs and grass; assure nonentry into classified area; remove traffic and pedestrian hazards; and any other steps normally taken when an extraordinary amount of pedestrian traffic is expected.

4. Parking. Local police authorities should be requested to issue special traffic passes, assign police officers to handle traffic, and provide for the temporary suspension of conventional parking rules.

The official in charge of the installation or building may do the same in connection with in-building parking on or in areas under his/her control.

5. Tour of Installation or Building. At the conclusion of the ceremonies, it is customary to invite the public to tour the new installation or building. If this is on a workday, the individual offices should assign staff to answer questions and the buildings manager should provide adequate elevator service, guides, and assure that passageways are not obstructed. If the ceremony is on a non-workday, the occupant offices should provide volunteer staffs to answer questions concerning their particular activities.

## SECTION 2-9: QUARTERS

2-9-00	Purpose
10	Authorities
20	Policy
30	Management
40	Reporting
X2-9-A	Quarters Deficiency Checklist, PHS Form 6068
X2-9-B	Rental Rate Record, PHS Form 6069
X2-9-C	Quarters Assignment and Acceptance Agreement, PHS Form 6070A
X2-9-D	Quarters Termination, PHS Form 6070B

## 2-9-00 PURPOSE

The purpose of this section is to establish those considerations under which HHS may provide quarters for its employees, and to establish requirements for quarters management and reporting.

## 2-9-10 AUTHORITIES

By delegation dated October 12, 1977 from the Assistant Secretary for Management and Budget (ASMB), authority was redelegated to the Assistant Secretary for Health (ASH), with authority to further redelegate, to manage, consistent with Departmental policy and procedures, HHS controlled quarters, including:

- A. Determination that quarters are adequate.
- B. Designation of quarters.
- C. Determination of the reasonable rental value of quarters.
- D. Determination of those officers or employees who shall be required to occupy quarters.

## 2-9-20 POLICY

It is the policy of HHS that quarters utilization and maintenance be managed efficiently and diligently

Government quarters may be provided for employees in positions that require 24-hour presence at the installation for the provision of essential services or to protect Government property which cannot otherwise be protected. The need for these positions should be minimized, where possible, by the use of a "call room" shift personnel, or a night watchman. Where it is deemed that the 24 hour presence of any position is necessary and Government quarters are provided for that position, mandatory occupancy of those quarters shall be clearly stated in the position description or billet and made a condition of employment. Government quarters may also be provided for other positions of the type that are not normally filled by "local hires," if it is determined that suitable private housing is not available within a one-way commuting time of 1 hour. Housing is not normally provided for local hires.

## 2-9-30 MANAGEMENT

The HHS Quarters Management Handbook, June 1985 edition, provides detailed guidelines governing administration, management, and rental rate establishment activities related to Government-furnished quarters. Additionally, as prescribed by OMB Circular A-45, each agency's headquarters staff must maintain a central records system for survey and appraisal results and the subsequent application of rental rates and Consumer Price Index (CPI) adjustments.

Agencies should maintain written plans and procedures covering the quarters under its control following the guidance contained in the Quarters Management Handbook. At a minimum, the following information must be maintained for each location with a need for Government housing:

1. A list of positions, for which Government quarters must be provided, in order to provide essential services or to protect Government property.
2. A number of quarters required for staff, other than those listed in #1 above, and local hires, due to the unavailability of suitable private housing (both rental and purchase) within a one-way commuting time of at least 1 hour.
3. Quarters classification, description, identification, assignment, and inventory.
4. Assessment of total quarters needs, based on number 1, 2, and 3 versus current availability and assignment of existing quarters.
5. Current data concerning rental rates, CPI implementation, maintenance schedule and costs, utility costs, and occupancy history.
6. Rules and regulations concerning quarters occupancy.
7. Establishment of housing committees and appeal committees.
8. Maintaining of necessary quarters records and preparation of required reports: **PHS 6068, PHS 6069, PHS 6070A, and PHS 6070B.**

## 2-9-40 REPORTING

Certain functions of quarters management require clearances and/or additional reporting to agency headquarters and to the Division of Health Facilities Planning (DHFP).

- A. Quarters Assignments/Quarters Termination. **PHS Forms 6070A and 6070B** are to be completed each time an employee, commissioned officer, or other occupant is assigned to quarters or terminates quarters occupancy. The forms are multiple copy, and copy #3 is to be forwarded to DHFP upon completion. Alternately, the copies may be batched and forwarded to DHFP on a bi-monthly basis.
- B. Reporting of Rental Rate Changes. The results of surveys and appraisals, including appropriate supporting documentation, must be submitted to and reviewed by the Director, DHFP, prior to implementing new rental rates.
- C. Consumer Price Index (CPI) Adjustments. Each agency is required to prepare a memorandum notifying the Director, DHFP, of the effective date for the annual CPI adjustments to rental rates. Because OMB Circular A-45 specifies that new rates must take effect on the first full pay period after February 1 of each year, the agency's certification is required no later than February 28 of each year.

- D. Management of Substandard Quarters. When quarters have been designated as substandard as described in Section ???, **PHS Quarters Management Handbook**, the agency may not assign the unit for occupancy. In addition, the agency has only one year in which to take effective remedial action or sacrifice the structure.

Upgrading shall be reported on form HEW-88, Real Property Voucher. If an agency decides to raze or abandon the structure, a Real Property Survey Report (**Form PHS-2992**) must be approved by DHFP. In either case, proper documentation must be submitted to the Director, DHFP, no later than the end of the fiscal year. (See Volume Two, HHS Facilities Program Manual, Section 2-7, Disposal Procedures.)

## CHAPTER 3 GSA-ASSIGNED SPACE MANAGEMENT

### SECTION 3-1: GENERAL OVERVIEW AND AUTHORITIES

3-1-00	Purpose
10	Authorities
20	Planning
30	Acquisition
40	Budgeting
50	Management

#### 3-1-00 PURPOSE

Chapter 3 of the HHS Facilities Program Manual, Volume II contains material dealing with the space assigned by the General Services Administration (GSA) for HHS use. It provides information on the policies and procedures for acquiring and managing this space.

Section 3-1 serves as a reference to other manual chapters which cover specific information on the subjects discussed.

#### 3-1-10 AUTHORITIES

Other than the authorities stated in Volume II, Section 1-2, or under a specific delegation from GSA, the leasing of space for HHS is usually done by GSA. By a memorandum dated September 13, 1984, from the Director, Office of Management, HHS, authority was delegated to HHS Agency Heads to execute space requests with GSA for HHS field units located outside headquarters (Washington Metropolitan area) and the regional offices.

#### 3-1-20 PLANNING

After program decisions are made which require the acquisition of space, the pre-acquisition considerations outlined in Volume II, Section 3-2, paragraph 40 should be followed prior to any action being initiated to acquire GSA-assigned space.

#### 3-1-30 ACQUISITION

If it is decided that GSA-assigned space will be required, the manner of acquisition or assignment will be determined by GSA. The specific procedures covering the acquisition and termination process, as well as reporting requirements, are contained in Volume II, chapters 3-2 and 3-3.

#### 3-1-40 BUDGETING

The HHS Facilities Program Manual, Volume II, Section 3-4 provides specific information concerning budgeting for GSA-assigned space and related reimbursable services.

## 3-1-50       MANAGEMENT

GSA-assigned space must be utilized in accordance with the applicable provisions in the Federal Property Management Regulations which govern the amount of space allowed. Detailed procedures covering the implementation of Work Space Management Reform, the development of work space management plans, etc. are contained in Volume II, Section 3-5. Specific procedures covering parking management will be found in Volume II, Section 3-6.



## SECTION 3-2: ACQUISITION

3-2-00	Purpose
10	Policy
20	Authority to Execute Space Requests
30	Responsibilities
40	Pre-Acquisition Considerations
50	Definitions and Documentation
60	Acquisition Process
70	Cancellations and Terminations
X3-2-A	SF-81, Request for Space
X3-2-B	SF-81A, Space Requirements Worksheet
X3-2-C	Acquisition of GSA-Assigned Space Status Report

## 3-2-00 PURPOSE

This section contains the policies, responsibilities, and procedures relating to the acquisition of General Services Administration (GSA) assigned space for HHS use in Government-owned and leased buildings.

## 3-2-10 POLICY

It is the policy of HHS to provide suitable general and special purpose space through GSA or its real property holdings in a timely and efficient manner to satisfy the requirements of authorized programs.

When GSA is requested to furnish space, the manner of acquisition or assignment will be determined by GSA. No contact will be made by HHS personnel with owners of property in connection with the acquisition.

## 3-2-20 AUTHORITY TO EXECUTE SPACE REQUESTS

- A. HHS Agency Heads have approval authority, which may be redelegated, to execute space requests with GSA for HHS field units located outside headquarters (Washington metropolitan area) and the regional offices. This authority is to be exercised within their respective organizations and consistent with Federal Property Management Regulations (FPMR) and HHS and HHS policies and procedures. Copies of all subsequent delegations should be furnished to the Division of Health Facilities Planning (DHFP).
- B. The Directors, Regional Administrative Support Centers (RASC), have authority to execute space requests with GSA for the regional offices.
- C. The Director, Office of Buildings Management and Telecommunications (OBMT), Office of the Secretary has the authority to execute space requests with GSA for the Washington metropolitan area.

## 3-2-30 RESPONSIBILITIES

- A. The HHS Agency Heads are responsible for carrying out the provisions of this section. It is each agency's responsibility to establish the procedures for its component organizations outlining

approval/clearance levels, routing requirements, reporting, etc. These procedures shall be shared with DHFO.

- B. Within the Health Resources and Services Administration (HRSA), the Offices of Engineering Services (OES) in New York, Dallas, and Seattle are responsible for assisting in the planning preparation and processing of HRSA field activity requests with the exception of HRSA Regional Office space requests which are processed in accordance with Section 3-2-20 (B) above. The OES is the sole point of interface with GSA regional offices on the acquisition of GSA assigned space for HRSA field activities.
- C. Any approvals and/or clearances required by the Congress, ASJ, or by a HHS agency must be obtained prior to submission of space requests to GSA for action.
- D. The Administrative Services Center (ASC), OM, is the single point of contact for HHS space requests in the Washington metropolitan area and is responsible for carrying out the provisions of this section.
- E. HHS Agency Heads and ASC are responsible for reviewing space requests to ensure that they are consistent with their work space management plans and Part 101-17 of the Federal Property Management Regulations.
- F. GSA is responsible for providing satisfactory space within a time frame of 180 to 240 days and for furnishing standard levels of services for cleaning, mechanical operation, and maintenance of space under its control, except in those buildings where operations management authority has been delegated. Offices with delegated authority should refer to the delegation document concerning specific responsibilities and requirements. The HHS Facilities Program Manual, Volume II, Section 3-4, contains the responsibilities and procedures for the development of a budget for space and related reimbursables.

### 3-2-40 PRE-ACQUISITION CONSIDERATIONS

HHS personnel shall investigate the following alternatives in the order given prior to initiating formal action to acquire real property to satisfy a program requirement.

#### A. Utilization Survey

A comprehensive survey shall be made of the real property holdings in the required location to assure that currently assigned space is being utilized to the maximum extent practical and that there exists a valid space need.

#### B. Possible Utilization of Available Real Property Within HHS or in Other Federal Agencies

The possibility of obtaining real property on a permit basis from other activities within HHS or from other Federal agencies shall be thoroughly explored. There may be instances where other Federal activities have space or a building within the confines of an installation which is temporarily not required and could be made available on a use permit basis and subject to short termination notice.

This method of obtaining space should be utilized whenever possible by programs which are temporary in nature or have a short term duration. Procedures concerning the acquisition of property by permit or license are prescribed in Volume II, Section 2-4.

### C. Obtaining Space on a No-Cost of Nominal Rental Basis

A thorough investigation shall be made to determine whether suitable space is available on a free or nominal rent basis through contacts with State or local governments or other local sources. This may be practical and desirable where health programs are being conducted in close cooperation with State or local programs.

## 3-2-50 DEFINITIONS AND DOCUMENTATION

### A. GSA defines the three types of space requests on the SF-81, as follows:

1. Initial – a request for space in a location where an agency does not presently occupy and space or where space is required for new agencies or new missions of existing agencies.
2. Supplemental – a request for space in a location where an agency already occupies space but needs additional space to provide for expanding program responsibilities.
3. Replacement – a request for space to replace that occupied by an agency as a result of a relocation or a consolidation of agency activities.

### B. Required Documentation

In accordance with GSA regulations, the SF-81, “Request for Space,” (HHS Exhibit X3-2-A) and SF-81A, “Space Requirements Worksheet,” (HHS Exhibit X3-2-B) are required for:

1. An initial tenancy.
2. Additional space, or
3. Acquisition of parking spaces.

GSA may also require an SF-81 and SF-81A (space request package) when relocation is necessary, when GSA’s efforts are required to accomplish a reduction in the amount of space assigned, or when GSA proposes to renew a lease or enter into a succeeding lease for the same space.

To the extent possible, each non-GSA block of the SF-81 should be completed, as incomplete information will delay processing. All SF-81s must contain a certification that the impact of the Balanced Budget and Emergency Deficit Control act of 1985 has been considered and that funds are available.

If any storage or special categories of space are requested, detailed specifications outlining minimum requirements for each category must be provided. Any requirements which exceed normal standards, such as increased floor loads and special electronic requirements, must also be furnished.

Refer to Volume II, Section 3-4, “Utilization and Reporting (Work Space Management Reform, D-71),” for guidance on specific space allowances.

## 3-2-60 ACQUISITION PROCESS

- A. It is the responsibility of the requestor to obtain any required funding commitments or approvals prior to submission of the Request for Space for processing.

- B. Each agency is responsible for monitoring the status of all its outstanding space actions. Such responsibility does not eliminate the necessity for copied of all Request for Space forms (including documented evidence of approvals/clearances and related correspondence) to be provided to DHFP concurrent with the submission of the originals to the appropriate GSA region for processing.
- C. A report on the status of all outstanding space acquisition actions should be submitted to DHFP on a quarterly basis approximately 15 working days after the end of the previous quarter. See HHS Exhibit X3-2-C “Acquisition of GSA-Assigned Space Status Report.”
- D. The requesting office representative should inspect space recommended by GSA to determine its acceptability with respect to program requirements. It is the responsibility of GSA to ensure that the facilities meet all applicable fire/safety and handicapped accessibility standards.

### 3-2-70 CANCELLATIONS AND TERMINATIONS

- A. With regard to GSA-assigned space, each agency must notify GSA, in writing, at least 120 days in advance of an anticipated reduction or termination of a space assignment. GSA requires payment of Rent for 120 days after receipt of such notification.
- B. When only a portion of an assignment is cancelled, it must be consolidated and accessible for reassignment to GSA. The cost of any alteration required to make such space accessible must be borne by the losing agency before the space is assumed.
- C. Each agency shall be responsible for space changes until the date of release specified in the notification, or until the date on which the space is actually vacated, whichever occurs later. If an agency does not provide timely notification to GSA, that agency shall be responsible for space changes for a period of 120 calendar days following the date of notification or until the space has been reassigned, whichever occurs first.

## SECTION 3-3: BUDGETING FOR SPACE AND RELATED SERVICES

3-3-00	Purpose
10	Background
20	Policy
30	Definitions
40	Responsibilities
50	Procedures

### 3-3-00 PURPOSE

The purpose of this section is to provide general guidance on the policies, responsibilities, and procedures, including a timetable of events, for the development of the annual HHS budget covering the costs of General Services Administration (GSA)-assigned and agency rented space and related reimbursable services.

#### 3-3-10 BACKGROUND

The Public Buildings Act of 1949, as amended, was further amended by Public Law (P.L.) 92-313 which created the Federal Buildings Fund (FBF). The FBF is a depository for money collected from Federal agencies for space and services. The money is used to pay leases negotiated with landlords, real property operation, management, and construction of Federal buildings. Beginning in fiscal year 1987, a new "rent" system replaced the Standard Level User Charge (SLUC) system of determining rental rates. The law authorizes GSA to charge for space and services; the charge (RENT) is developed as follows:

1. Commercial Based Rent (CBR) rate, determined by appraisal every five years;
2. Adjustment of this rate, annually, by a portion of the percentage change in the local consumer price index (CPI); and
3. Operating cost increase/decrease applied to services included in the rent.

Under the CBR system, appraisals are performed for five types of space: office, warehouse/storage, inside and outside parking, and quarters/residence. Rates for the six special types of space (i.e., laboratory & clinic; food service; structurally changed; ADP; conference & training; and light industrial) are developed by multiplying space factors for each type of special space by the office rate. Each CBR appraisal rate is adjusted, by applying a portion of the local CPI to the net rent and by applying the operating cost pass-through to the value of services. In following years, the adjustments would be applied to the prior year's adjusted rent and adjusted value of service. A sample of the rent calculation process is attached, as Exhibit 3-3-A.

The Office of Management and Budget (OMB) in its instructions to agencies for providing budget estimates (OMB Circular A-11) requested estimated costs for agency rented space and related services when the sum of its GSA-assigned and agency rented space and related reimbursables exceed \$1 million.

#### 3-3-20 POLICY

Budget estimates for rental payments to GSA and to others (e.g. other Federal agencies or private lessors) for space and related services will be developed in an accurate and timely manner.

The Division of Health Facilities Planning (DHFP), the Office of Facilities and Management Services, the HHS agencies/activities, and the Office of Buildings Management and Telecommunications will cooperate toward this objective by performing their respective responsibilities as provided in 3-3-40.

Space and related reimbursable estimates will be based on the best information available at the time of formulation, including consideration of future needs and compliance with the Workspace Management Reform Program. Formulation of estimates will normally take place twice a year (see Exhibit 3-3-B).

### 3-3-10 DEFINITIONS

The following terms are used in association with budgeting for GSA-assigned and agency rented space and related reimbursable services:

Past year (PY) – the fiscal year immediately preceding the current year; the last completed fiscal year.

Current Year (CY) – the fiscal year immediately preceding the budget year.

Budget Year (BY) – the next fiscal year for which estimates are submitted.

Joint-use Space – GSA-controlled space providing service areas used by many activities in a building.

The amount of space included as joint-use is determined by the ratio of office and/or special space occupied by an activity to the total space in a building. Joint-use space includes cafeterias, conference rooms, credit unions, and snack bars. Mechanical, custodial, or circulation areas are not included.

Simplified Intragovernmental Billing and Collection System (SIBAC) – A billing and collection procedure whereby payments between agencies are made by a direct transaction of funds at the Department of the Treasury.

Space-Related Reimbursable Services – Special services that are not included in the standard level of services but are provided by GSA on a reimbursable basis upon request. Examples of these services are provided in FPMR 101-20.105. There are two types of reimbursable services:

1. Recurring – A service that is needed periodically, regardless of frequency.
2. Nonrecurring or one-time – A service that is needed only once in the foreseeable future.

Standard Levels of Service – Services provided as part of the rent which approximate those currently furnished in commercial practice in equivalent buildings. These include the effort required to service a five-day week, one-shift operation (including start-up and shutdown), as well as incidental use of space and building services such as automatic elevator systems, lights, and small office and business machines for 24 hours a day, 7 days a week (see FPMR 101-20.1)

Types of Space – There are four categories of space (i.e., office, storage, special, and outside parking).

Office space contains such subcategories as conference and training rooms, libraries, dry laboratories, supply rooms/closets, credit unions, lounges, reception areas, hearing rooms, telephone switchboard rooms, mailrooms, and health rooms. Storage space is an area not finished to office standards and includes basement storage, attic storage, closets, supply rooms, file rooms, inside parking, and warehouse areas. Special space consists of areas with special built-in equipment and utilities, or architectural features beyond normal office or storage areas (such as

sloped floors, high ceilings, increased floor loading), or with special features (such as humidity and temperature control, special wiring, supplemental HVAC, special power, or equal or less light than offices). Examples are wet laboratories, clean laboratories, photographic laboratories, clinics, health units, private toilets, cafeterias, snack bars, mechanical vending areas, private kitchens, auditoriums, gymnasiums, libraries, security vaults, courtrooms, adp areas, tape vaults, conference and training areas, exhibit areas, hearing rooms, small courtrooms, records storage, storage space, printing plants, product classifying laboratories, motor pool service areas, shops, covered canopy areas, locker or workrooms, telephone frame rooms and unattended switchboard, and quarters and residential housing areas. See FPMR 101-17.003 and the GSA “Compendium of Federal Buildings Fund Real Property Related Services: for detailed definitions.

Workstation – An area needed by one worker, including furniture and equipment.

### 3-3-40 RESPONSIBILITIES

- A. DHFP will develop policy and procedures for budget formulation covering GSA-assigned and agency rented space and related reimbursable services.

It will act as the coordinator between HHS agencies/activities and the OS.

It will coordinate the development of regional office personnel and space projections with HHS agencies/activities.

- B. Each HHS agency/activity will participate in the budget process by developing housing plans including square feet, projected space changes, rental rates, and costs for reimbursable services.

Assure that the information is consistent with workspace management plans.

Establish working agreements with financial management counterparts to ensure that space budget submissions reflect the most accurate estimates possible.

- C. The Office of Facilities and Management Services provides policy and procedures for space and related services budget formulation in accordance with directives received from the Office of the Assistant Secretary for Management and Budget, GSA, and OMB.

Acts as coordinator between the regional offices and HHS in budget formulation for space HHS occupies in the regions.

Provides HHS with GSA Rent estimates for space and reimbursable services for the D.C. metropolitan area, headquarters, and field offices.

- D. The Office of Buildings Management and Telecommunications cooperates with DHFP by providing budget information mutually required by each office.

### 3-3-50 PROCEDURES

Instructions for the development of budgets covering the costs of GSA-assigned and other space and related services are issued at the time requests for budget year space and personnel projections are

required. A calendar indicating the approximate schedule of activity in the space budget cycle is shown in Exhibit 3-3-B.

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The following example shows rent calculation as provided in a GSA Briefing:

“Assume that a building in Chicago, Illinois has a Fiscal Year 1987 rent of \$13.00 per square foot (psf) as established by a professional appraisal. The value of services in this rent, as reflected in the professional appraisal, is \$3.00 psf. To establish the Fiscal Year 1988 rent, the Chicago area operating cost increase/decrease psf would be added to the rent. The operating cost psf in Chicago, for this example, for the most recent full year at the time the budget is prepared, has increased 5 percent over the preceding year. The operating cost pass-through would be \$3.00 (value of services) times 5 percent, or \$0.15.

The first step in computing the Fiscal Year 1988 rent would therefore be:

\$13.00 First year rent psf  
 + 0.15 Operating cost increase psf  
 \$13.15 Second year rent (without CPI adjustment)

If the CPI change for the Chicago metropolitan area for the most recent full year at the time the budget estimate is prepared was 4 percent, the “net” rent equals rent (\$13.00) minus the value of services (\$3.00) or \$10.00 psf

\$ 10.00 First year “net” rent  
 x (.25 x .04) Portion of CPI increase  
 \$0.10 CPI Adjustment

The CPI adjustment would be added to the operating cost pass-through. Thus, the Fiscal Year 1988 rent would be:

\$13.00 Fiscal Year 1987 rent psf  
 + 0.15 Operating cost increase  
 + 0.10 CPI adjustment  
 \$13.25 Fiscal Year 1988 rent psf

Adjustments in succeeding years will be compounded in that they will be applied to the prior year’s adjusted rent psf, e.g., \$3.15 would be the base for the operating cost pass-through for the third year and \$10.10 would be the base for the CPI adjustment for the third year.

## ANNUAL SCHEDULE OF ACTIVITIES IN THE SPACE BUDGET CYCLE

## Preliminary Estimate

- December DHFP requests regional office personnel projections and other-than-regional office (OTRO) space and reimbursable projections.
- February DHFP provides personnel projections to Regional Health Administrators (RHAs) for preparation of GSA Form 3530.
- February DHFP receives OTRO projections.
- March Agencies/activities develop space data for GSA Form 3530.
- April DHFP provides regional office estimates (GSA Form 3530), Parklawn Complex current space and computer printout to agencies/activities.
- April DHFP provides the GSA BY Rent Estimate Packages to space and budget components.
- May Agencies/activities provide space and reimbursable estimates on the GSA Form 3530 to budget services with copy to DHFP.

## Revised Estimates

- July DHFP requests revised regional office personnel estimates and provides data to RHAs for formulation of revised GSA Form 3530.
- August DHFP provides revised regional GSA Forms 3530 to space components.
- August DHFP requests revised GSA forms 3530 be prepared and provided to budget services with copies to DHFP.

## SECTION 3-4: UTILIZATION AND REPORTING WORK SPACE MANAGEMENT REFORMS

3-4-00	Purpose
10	Applicability
20	Utilization Responsibilities
30	Reporting
40	Work Space Management Reforms, Temporary Regulation D-73
X3-4-A	Work Space Management Plan and Budget Justification

## 3-4-00 PURPOSE

This section cites policies, responsibilities, and criteria concerning the efficient and economical utilization of GSA-assigned space. It also provides instructions on the preparation of the Annual Work Space Management Plan and Budget Justification, as prescribed in the Federal Property Management Regulations, Temporary Regulation D-73, issued by the General Services Administration.

## 3-4-10 APPLICABILITY

The provisions of this section apply to all space occupied by HHS whether it be agency- or GSA-controlled.

## 3-4-20 UTILIZATION RESPONSIBILITIES

All levels of management within HHS are responsible for the efficient and economical use of space within their respective areas of jurisdiction. Each manager shall take prompt action to relinquish space which is underutilized or unrequired. Agency heads will provide necessary instructions to ensure a common understanding of those requirements among offices under their direction.

The Real Property Unit Manager (RPUM) must be personally attentive in order to determine the degree of economy and efficiency which could result from the effective utilization of space in his/her charge. RPUMs have the responsibility of being informed of changes in program plans and objectives and their impact on the assignment and use of space within his/her agency's and their impact on the assignment and use of space within his/her agency's inventory; working with program and management personnel to improve space utilization; and initiating actions to relinquish underutilized or unrequired space.

The Government-wide objective is to achieve an average utilization rate of 135 square feet or less per workstation for both agency- and GSA-controlled office spaces by the end of Fiscal Year 1990. Each agency shall keep space at an absolute minimum required to effectively carry out its mission, space assignments, which are expected to average less than 135 square feet per workstation are as follows:

1. Assignments in newly acquired or constructed Government-owned space.
2. Assignments in existing space altered to provide efficient utilization.
3. Assignments in newly acquired leased space.
4. Assignments in space with furniture systems.
5. Assignments in space which has been redesigned using professional space planning/programming techniques.

An effective means of maximizing utilization of space is the furniture systems approach. The application of furniture systems not only result in a substantial reduction in space, but creates a quality work environment which tends to enhance productivity and job satisfaction. GSA is available for space programming and planning services.

#### 3-4-30 REPORTING

Annual work space management plans should be prepared by each agency and forwarded to the Division of Health Facilities Planning for consolidation into the overall HHS plan. The agency plans should establish square footage targets and report progress and plans for achieving the Government's work space management goals. Also, each agency plan should be organized to support the agency's budget justification.

All plans will be submitted on GSA-Form 3530, Work Space Management Plan and Budget Justification and completed according to the instructions which accompany that form. (See Exhibit 3-4-A at the end of this section.) Further guidance and detailed information on this section may be obtained from FPMR Temporary Regulation D-73.

#### 3-4-40 WORKSPACE MANAGEMENT REFORM, TEMPORARY REGULATION D-73

Executive Order 12411, Government Work Space Management Reforms, establishes Government-wide policies for the management of work space and related furnishings and vests the responsibility and accountability for ensuring that these policies are implemented in a timely and effective manner with agency heads. It also directs GSA to conduct surveys and establish procedures, guidelines, and regulations to be followed by the agencies in developing work space planning, information and reporting systems.

FPMR Temporary Regulation D-73 reflects the policies of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1083), the President's deficit reduction and budget priorities, and implements the Quality Workspace Environment Program.

## SECTION 3-5: PARKING MANAGEMENT

3-5-00	Purpose
10	Policy
20	Definitions
30	Responsibilities
40	Assignment of Parking Spaces
50	Operation of Parking Areas
60	Implementation
70	Exceptions

## 3-5-00 PURPOSE

- A. The purpose of this section is to set forth Department of Health and Human Service (HHS) vehicle parking policies and assign responsibilities for the management of vehicle parking on all property used by HHS. This section applies to parking spaces assigned to HHS by GSA.
- B. This section implements the parking policies contained in Federal Property Management Regulations (FPMR) Temporary Regulation D-69 (Federal Employee Parking). Its provisions conform with and supplement that regulation.

## 3-5-10 POLICY

- A. The HHS parking policy is to manage existing parking spaces so as to provide for official parking needs and the parking needs of the largest possible number of employees.
- B. It is also HHS policy to encourage vanpool/carpool arrangements or alternative transportation means in order to promote fuel conservation, reduce traffic congestion, reduce the demand for parking spaces, lessen air pollution, and decrease the need for acquiring additional parking facilities.

## 3-5-20 DEFINITIONS

Carpool - A group of two or more employees using a motor vehicle regularly for transportation to and from work.

Employee Parking – The parking spaces assigned for the use of employee-owned vehicles other than those assigned for use as “official parking.”

Handicapped Employee – An employee who has a severe physical or mental impairment which, for all practical purposes, precludes the use of public transportation. It also means a severely handicapped employee able to operate a specially equipped vehicle or an employee who is unable to operate a vehicle as a result of a temporary or permanent impairment who is driven to work by another. Qualification for priority consideration may require certification(s) by a personal physician, supervisor, agency medical unit, or other Federal health entity (such as the Veteran’s Administration or HHS).

Key Personnel – Essential employees who, in the judgment of the employing agency head or his/her designee, require parking privileges to perform their duties effectively.

Official Parking – Parking reserved for Government-owned or leased vehicles, service vehicles, privately-owned vehicles of Judges and Members of Congress, or for patrons and visitors to Federal facilities.

Regular Member – An employee who normally travels to and from work in a vanpool/carpool on a daily basis.

Unusual Hours – Work hours that are frequently varies and do not coincide with any regular work schedule. This category includes individuals who normally work significantly more than 8 hours per day. It is not intended to include shift workers, those on alternate work schedules, or those granted exceptions to the normal work schedule for their own convenience (e.g., flex-time).

Vanpool – A group of at least eight persons using a passenger van or a commuter bus designed to carry 10 or more passengers to and from work.

### 3-5-30 RESPONSIBILITIES

- A. The Division of Health Facilities Planning (DHFP) is responsible for establishing policies, assigning responsibility for HHS parking management and representing HHS on all parking policy matters.
- B. Responsibility for the allocation and management of parking spaces in accordance with the provisions of this section is assigned as follows:
  1. For headquarters activities outside of the Southwest D.C. area, responsibility is assigned to senior officials in charge of the facility, or their designee.
  2. For field facilities, responsibility is assigned to the senior administrative official or his/her designee.

### 3-5-40 ASSIGNMENT OF PARKING SPACES

- A. Prior to the assignment of parking spaces to employees, a specific number of spaces shall be reserved for official parking. The number of spaces is to be determined by the responsible office as provided for in Section 3-5-40, Volume Two.
- B. Employees shall then receive consideration for assignment of parking spaces in the following order of priority:
  1. Severely handicapped employees, including non-handicapped drivers who provide transportation for handicapped employees. Parking spaces assigned to the handicapped should be sized according to the Uniform Federal Accessibility Standards.
  2. Key personnel and persons who work unusual hours.
  3. Vanpools
  4. Carpools, based on the number of members. For the purpose of assignment of parking spaces to carpools, full credit shall be given each regular member regardless of where he/she is employed, on the condition that at least one member of the carpool is a full-time employee of HHS. Carpools with the highest number of regular members shall receive priority consideration; i.e., a parking space will be assigned to a carpool with six regular members before a carpool with five

regular members. When determining the number of regular members in a carpool, a person who does not travel on a daily basis or who travels only one way shall be counted on a prorated basis. As example, an individual who travels to and from work three days each shall be counted as 3/5 of a regular member and one who travels one way each day of the week shall be counted as 1/2 of a regular member. Where there are carpools with equal numbers of regular members which exceed the number of parking spaces available for assignment, ties can be broken in any reasonable manner, including assignments based on length of Federal service of all members, total commuting distance of each carpool, or the availability of alternate public transportation.

5. Privately owned vehicles of employees which are used regularly for Government business at least 12 days per month and which qualify for reimbursement of mileage and travel expenses under Government travel regulations. Certification of need at this level of frequency may be required on a periodic basis.
  6. Other privately-owned vehicles of employees, on a space-available basis.
- C. Subject to the availability of satisfactory and secure space and facilities, areas should be reserved for parking of bicycles and other two-wheeled vehicles.
- D. Managers and supervisors shall make every effort to maintain regular arrival and departure times for all employees to facilitate carpooling and use of public transportation.
- E. Employees who desire parking privileges must make written application to the office responsible for assignment permits at the employee's work site. The specific format of the application is left to the judgment of the responsible office, but should conform to the provisions of this section as well as meeting local needs. As a minimum, applications should include complete identifying information for each permit user, the basis upon which an application is made, a statement of the conditions of assignment, and an indication of the willingness of each applicant to abide by all such conditions.
- F. Renewal applications shall be submitted no less than once a year, as called for by the official-in-charge. At that time, the current qualification status of each applicant will be reviewed and considered. New permits shall be issued in accordance with the policies of this section and/or any supplementary issuances. Whenever there is a change in vanpool/carpool composition or arrangement, it is the responsibility of the principle permit holder to contact the office handling parking applications and update the application. This must be done within 10 working days of the change. Members of vanpools/carpools who fail to update their application within the 10-day period are subject to revocation of their parking permits and loss of future parking privileges.

### 3-5-50 OPERATION OF PARKING AREAS

Officials-in-charge shall utilize parking facilities as efficiently as possible, and are encouraged to employ commercial parking management practices, where appropriate, to achieve this goal.

### 3-5-60 IMPLEMENTATION

Officials responsible for the assignment of parking spaces shall develop and implement employee vanpooling/carpooling programs through promotional campaigns. Implementation of the provisions of this section may require consultation with recognized labor organizations. Each responsible office shall maintain written plans and procedures for assigning parking spaces, addressing each of the following considerations:

- A. Specific methods and procedures to be followed in the assignment of employee parking spaces.
- B. Assistance to employees in establishing or joining vanpools/carpools and the procedures to be followed when applying for parking spaces.
- C. Provisions for a periodic review and reassignment of all parking spaces.
- D. Procedures for interim reassignment and replacement caused by membership turnover.
- E. A definition of employee responsibility in the use of parking spaces and provision for prompt reporting of changes in the number or composition of vanpool/carpool members.
- F. A statement of penalties for misrepresentation on parking applications, misuse of permits, and disregard of parking practices and requirements.
- G. A system for maintaining parking records and files.

#### 3-5-70      EXCEPTIONS

Officials-in-charge may further implement or supplement the guidance in this section to meet particular local conditions, provided the intent of this section is not violated. Deviations from the policy state herein must be referred to DHFP for approval.



## CHAPTER 4 FACILITIES OPERATIONS AND MAINTENANCE

### SECTION 4-1: GENERAL OVERVIEW

4-1-00	Purpose and Scope
10	Background, Authority, and Responsibility
20	O&M Policy
30	O&M Management Areas
40	Management Systems

#### 4-1-00 PURPOSE AND SCOPE

Chapter 4 of the HHS Facilities Program Manual, Volume Two, document material applicable to the operation and maintenance of HHS facilities and equipment. This includes: (1) facilities owned, leased, and/or operated by the HHS; and (2) facilities utilized by the HHS which are owned and/or operated by other agencies including space assigned by the General Services Administration (GSA).

Chapter 4 of Volume Two defines, interprets, and implements policies, requirements, and procedures to be followed in the O&M of HHS facilities and equipment.

#### 4-1-10 BACKGROUND, AUTHORITY, AND RESPONSIBILITY

O&M management functions at HHS facilities prior to 1970 were the responsibility of the agencies within the HHS with construction programs. In 1970, the Facilities Engineering and Construction Agency (subsequently renamed the Office of Facilities Engineering – OFE) was established in the Office of the Secretary to provide uniform department-wide policies, procedures, leadership, and oversight management (called functional management) of all department facilities engineering activities, including the O&M of facilities. From 1970 to 1984, the Office of Engineering and Plan Operations, OFE, provided O&M functional management of department-owned facilities through a centralized headquarters engineering staff and a multi-disciplinary Regional Operations for Facilities Engineering and Construction (ROFEC) staff.

In 1984, as a result of the Grace Commission Study, the OFE/ROFEC organizational elements were disbanded and the workload was transferred to the operating divisions (OPDIVs) in the department. The functional management responsibility for the O&M of HHS facilities was returned to the HHS in September 1984.

The current organization functional statements of the HHS, Office of the Assistant Secretary of Health (OASH), Office of Management (OM) specify:

- A. “The Office of Resource Management serves as principle resource within the Department of Health and Human Service on all phases of facility management.” (38 FR 33785, 12/7/73)
- B. “The Director of the Division of Health Facilities Planning serves as the principal advisor for and establishes policies related to, facilities planning, acquisition, operation, maintenance, and disposal; assures development of long-range plans and the annual review of facilities plans for the construction, maintenance, repair, improvement, and disposal of real property...provides technical assistance in the management and disposal of HHS owned or leased real property...administers an integrated facilities engineering management system nationwide, and...” (49 FR 35251, 9/6/84)

The Office of Resource Management (ORM) has functional management responsibility for the O&M of HHS real property facilities and associated equipment, fixtures, and related personal property which are owned, leased, and/or operated by the HHS for occupancy and use. However, this functional management responsibility does not dispel the authority and responsibility each official in charge of a HHS facility assumes for the operation, maintenance, repair, alteration, and custodial care of the HHS facility under his/her jurisdiction. The effort and resources applied to these functions should be at a level which will achieve a condition with the HHS facility management policies and objectives stated in Volume Two, Chapters 1-2-20 and 4-1-20.

Each HHS Agency operating component with direct or indirect responsibility for facilities O&M shall assure that every installation and operating component under its jurisdiction is currently listed with correct address on the HHS mailing distribution code \_\_\_\_\_ to receive the HHS Facilities Program Manual, Volume Two, in sufficient copies for convenient access and use by all employees with assigned facilities O&MM duties.

Persons in charge of O&M of HHS real property facilities and associated equipment, fixtures, and related personal property owned, leased, and/or operated by the HHS are responsible for adherence to the provisions set forth in Chapter 4 of the HHS Facilities Program Manual, Volume Two.

#### 4-1-20 O&M POLICY

Chapter 4 of the HHS Facilities Program Manual, Volume Two, provides guidance for implementing the facilities management policies stated in Section 1-2-20 as they apply to the O&M of HHS facilities. In addition:

- A. It is the purpose of Chapter 4, Volume Two, to implement the policies in Section 1-2-20 by establishing minimum O&M standards for the O&M of real property and real property installed equipment.
- B. The management systems detailed in Volume Two, Chapters 4-2 thru 4-5 are designed for use by the many O&M organizational units within the HHS, particularly the engineering and management officials with O&M responsibility. Because of the wide variation in size, use, and complexity of HHS facilities, the O&M work force at an installation can range from one part-time worker at a remote Indian Health Station to several highly skilled workers at the larger installations. Of necessity, Chapter 4 of Volume Two and subsequent technical procedures, guidelines, handbooks, and training aids developed for Section 4-4, Volume Two, must be written to meet the needs of all installations, especially the smaller facilities and, in specific instances, may not fully meet the more sophisticated requirements of the larger facilities. The larger facilities generally have the engineering and managerial talent to supplement these basic requirements and procedures for their specific needs, and are encouraged to do so.
- C. Operations, maintenance, and repair functions at HHS facilities shall be supported with a combination of funding, space, equipment, and staffing which is sufficient to operate, maintain, and repair the facilities in accordance with applicable Federal standards and recognized industry standards relevant to the use of buildings or other facilities of similar types, age, and physical condition.

## 4-1-30 O&amp;M MANAGEMENT AREAS

The O&M management of HHS facilities includes the following areas of responsibility:

## A. Real Property

1. Buildings: The maintenance, repair, and inspection of buildings, towers, and other structures.
2. Pavements and Other Surfaced Areas: The maintenance, repair, and inspection of roads, streets, walks, parking areas, and other similar facilities. Operation, maintenance, repair, and inspection of external lighting and security systems.
3. Grounds: The maintenance, repair, and inspection of lawns, trees, shrubs, fencing, and ornamental improvements. Operation, maintenance, repair, and inspection of lawn watering systems, and other installed grounds equipment.
4. Equipment: The operation, maintenance, repair, and inspection of real property installed equipment.

## B. Personal Property

The maintenance and repair of personal property equipment, furnishings, and vehicles if: (1) local assignment of such responsibility is made to O&M personnel; (2) a work plan is developed and approved; and, (3) funding is provided over and above that provided for maintenance and repair of real property.

## C. Other

The installation, maintenance, repair, and removal of all signs, charts, boards, displays, etc., whether or not affixed to real property, except for signs relating to real property and its functions (building names, numbers, door numbers, department names, directional information such as fire alarms, fire exits, etc.). Program funds must be provided for this effort as normal O&M funds generally do not cover this work.

## D. Utilities

1. Communications: The maintenance, repair, and inspection of fixed Government-owned telephone and other communications equipment under HHS control.
2. Electricity: The furnishing, metering, and distribution of electricity including the operation, maintenance, repair, and inspection of electrical generating plants, transmission, and distribution systems, building wiring, and stand-by equipment. Does not include provision of electrical energy to Government-furnished quarters where electricity is not included in the rental charge.
3. Gases: The distribution of piped gases for laboratory or medical use, including oxygen, nitrous oxide, carbon dioxide, carbon dioxide, nitrogen, air propane, butane, natural, or other gases; and the maintenance, repair, and inspection of the storage, transmission, and distribution systems for these gases.
4. Heating Fuels: The furnishing, metering, and distribution of fuels used for heating including coal; synthetic, natural, or liquefied petroleum gas; and oil fuel. The operation, maintenance, inspection, and repair of storage, transmission, and distribution systems. Does not include the provision of fuels to Government-furnished quarters where heat is not included in the rental charge.

5. Heating: The operation, maintenance, repair, and inspection of heating plants, space heaters, heating systems, and related equipment.
6. Refrigeration, Air-Conditioning, and Ventilation: The operation, maintenance, repair, and inspection of ice manufacturing equipment, refrigeration equipment, air-conditioning and ventilation equipment, cooling towers, chilled water systems, and related piping and controls. (See 4-1-30B above regarding responsibility and funding if classified as personal property equipment).
7. Sewerage: The operation, maintenance, repair, and inspection of sanitary sewers, storm sewers, and pumping, treatment, and disposal systems. Includes provision of chemicals and supplies required for sewage treatment.
8. Steam: The supply, metering, and distribution of steam including the operation, maintenance, repair, and inspection of steam-generating plants, transmission systems, distribution and return systems, and related installed equipment.
9. Waste Disposal: The bulk collection, separation, incineration, hauling, burying, or otherwise disposing of waste material, including operation, maintenance, repair, and inspection of incinerators, sanitary land fills, or other disposal facilities, and the maintenance, repair, and inspection of equipment used for this purpose. Includes resource recovery activities.
10. Water: The furnishing, metering, and distribution of water, including the operation, maintenance, repair, and inspection of water supply, treatment, storage, pumping, distribution systems, and stand-by equipment. Includes quality assurance activities.

#### E. Services

1. Fire Safety: The development of fire protection procedures and application of standards, the operation, maintenance, repair, and inspection of portable and installed fire protection equipment, and alarm systems; and, the promotion and supervision of fire prevention programs related to facilities operation, maintenance, and repair activities.
2. Pest Control: The execution of such maintenance, repair, inspection, and treatment work as may be required for extermination and control of insects, rodents, and other pests and organisms.
3. Housekeeping Services:
  - a. Buildings: Window washing, cleaning, and relamping of light fixtures; cleaning of walls, doors, and ceilings; cleaning of floors and floor covering; stripping, sealing, waxing, buffing of floors; dusting of office furniture; emptying and cleaning of ash trays, waste baskets, and other waste receptacles, and removal of waste to a central collection area; dusting and cleaning and sanitizing of toilet rooms, baths, showers, locker rooms, janitors' closets, including servicing with paper, soap, and other necessary supplies. Inspection to assure quality of services.
  - b. Grounds: Collection and removal of waste material, sweeping of walks and other surfaced areas, removal of snow and ice from pedestrian walkways, vehicular roads and parking areas, and service areas (docks, ramps) as necessary at pedestrian entrance and exit walks. Inspection to assure quality of services.

#### F. Maintenance Surveillance

1. Maintenance surveillance is applicable to real property facilities utilized by the HHS but owned or leased by GSA, or operated by GSA or others; and to real property facilities which are leased by or assigned to the HHS, but operated by others.

2. This activity includes inspection and review of the items listed above, insofar as they are directly related to and affect the HHS occupancy use of a facility. For example, faulty ventilation and air-conditioning, inadequate lighting levels, unsafe conditions, unsatisfactory maintenance and cleaning of the facility, recurring electrical outages, etc., are all problems which are within the scope of maintenance surveillance.

#### G. Energy Conservation (Refer to Chapter 5, Volume Two)

In accordance with prudent operation practice, current directives, statutes, and regulations: the establishment, operation, and monitoring of a comprehensive energy conservation program for each installation owned or leased by the HHS. The program shall include the following elements:

1. Energy consumption data recording, collection, analysis, evaluation, and reporting. Provision and installation of adequate metering capability for prudent energy management.
2. Inventory of buildings consuming energy to include size, type, use, configuration, age, and condition. (Trailers and temporary buildings consuming energy to be included in this inventory.)
3. Identification of principal energy conserving opportunities, and planning and budgeting for improvements based on rate of return of investment.
4. Accomplishment of funded energy conserving retrofit projects.
5. Maintenance of buildings and equipment within optimum efficiency range to minimize energy consumption, and in strict compliance with applicable statutes, regulations, and directives.

#### H. Environmental Management (Refer to Chapter 6, Volume Two)

1. Pollution Source Limitation: Maintenance and operation of HHS-owned facilities within established Federal and State pollution source limitation criteria for emissions/effluents to air, land, or waters; wastes; noise; radiation; and pesticides.
  - a. Identification and correction of any problems associated with the above pollution sources.
  - b. Inclusion of, and budgeting for, major current or future repair or replacement projects in multi-year pollution control plan per OMB Circular A-106.
2. Environmental Impact: Consideration of the immediate and surrounding environment whenever construction projects cause changes to sites, roads, streams, etc.
3. Pesticide Control: Consideration of the immediate and adjacent environment whenever pesticides, insecticides, herbicides, etc. are applied. Development and implementation of plans for application of pesticides in accordance with the HHS Facilities Program Manual, Volume Two, Chapter 6.
4. Drinking Water: Systematic monitoring of drinking water supplies, where is produced on-site, in accordance with Federal/State requirements. Development and implementation of a plan for compliance with the HHS Facilities Program Manual, Volume Two, Chapter 6, requirements.
5. Records, Reports, and Permits: Recordkeeping, reporting, and obtaining required permits and permissions in connection with pesticide and pollution control operations and monitoring of drinking water supply systems.

#### I. Facilities Accessibility by the Physically Handicapped

1. HHS-owned and leased buildings shall be accessible to, and usable by, the physically handicapped in accordance with the standards contained in applicable legislation and Federal Property Management Regulations.

2. Alterations (including repair) of existing buildings which involve work on stairs, doors, elevators, toilets, entrances, drinking fountains, floors, telephone locations, curbs, parking areas, or any other facilities shall include provisions for making the affected areas accessible to the physically handicapped in accordance with applicable standards.

J. Preventative Maintenance (Refer to Section 4-5, Volume Two)

The establishment, operation, and monitoring of an ongoing preventative maintenance program for each HHS-owned facility, whether operated by the HHS or by others. The program shall include the following elements:

1. Inventory of buildings, other structures, and equipment.
2. Selection of structural features and equipment requiring inspection, routine maintenance, cleaning, testing, and adjusting on a periodic basis.
3. Development of preventative maintenance guides for selected items.
4. Using engineered performance standards or equivalent technique; establishment and application of standard time and skills requirement to each preventative maintenance task.
5. Evaluation of preventative maintenance manning requirement and scheduling of task accomplishment either by in-house staff or by contract.
6. Establishment and application of quality assurance review and correction procedures.
7. Provision of resources required to accomplish the preventative maintenance program.

#### 4-1-40 MANAGEMENT SYSTEMS

To support ORM/OM, OASH, in the functional management of the O&M of HHS facilities, a phased, system approved, strategy has been established. Four management systems will be developed and documented in Chapter 4, Volume Two, as follows:

- A. O&M Data Base Management System – A data base system using existing computer facilities and commercial software to enable a profile to be developed of HHS facilities, their use, construction, condition, improvement needs, priority, and cost for improvement. The emphasis will be on facilities maintenance costs to reconcile annual HHS agency maintenance and repair budget requests. (This system is under development and will be documented in Section 4-2, Volume Two.)
- B. O&M Program Review and Evaluation System – A field survey system to periodically review and evaluate the adequacy of HHS agency O&M programs and identify, repair, replacement, and over-stressed equipment needs. (Development and testing of this system will follow the establishment of the Data Base Management System and will be documented in Section 4-3, Volume Two).
- C. O&M Technical Assistance/Training System – A system for preparing and distributing technical procedures, guidelines, and handbooks to HHS agency personnel on O&M practices. Training aids would be developed and possibly on-site training courses. (This system will be developed after the O&M Program Review and Evaluation System is operational and specific technical assistance and training needs have been identified. The O&M Technical Assistance/Training System will be documented in Section 4-4, Volume Two.)

- D. Preventative Maintenance Management System – A HHS-wide facilities preventative maintenance (PM) program to maximize the life expectancies of facilities and equipment, minimize failures and costly repairs, and maximize operating effectiveness at the least total cost. Existing PM programs used in industry would be adapted for use at HHS facilities. (Implementation of the program would be integrated with the O&M Technical Assistance/Training System and would be documented in Section 4-5, Volume Two.)

## CHAPTER 5 ENERGY CONSERVATION

### SECTION 5-1: BUILDING ENERGY MANAGEMENT

5-1-00	Purpose and Scope
10	Background
20	Authority
30	Definitions
40	General Information
50	Measurement of Energy
60	Goals
70	Shared Energy Savings
80	Energy Conservation Considerations
90	Reporting Requirements

#### 5-1-00 PURPOSE AND SCOPE

Chapter 5, Section 1 of the HHS Facilities Program Manual, Volume Two, provides specific policies and procedures for the conservation of energy on property owned or leased by the Department of Health and Human Service (HHS). The purpose of this section is to establish an efficient building energy management program and provide guidance for HHS agencies in the formulation and execution of building energy management activities in accordance with the requirements of public laws and executive orders.

#### 5-1-10 BACKGROUND

When Mid-East oil producing countries restricted the export of critical fuel supplies, shortages occurred that caused disruptions in the operation of many facilities. On April 18, 1973, the President issued Executive Order No. 11712 announcing the Government's determination to develop a comprehensive energy policy to meet the emerging energy challenge. Consistent with this policy, HHS established an energy conservation program in all of the buildings which it owns and leases. Since that time, the energy outlook and strategies to cope with it have changed many times. The lead in the Government's efforts to control energy use has changed from the Federal Energy Administration, to the Energy Research and Development Administration, to the present Department of Energy (DOE). These lead agencies, along with the General Services Administration (GSA), have issued energy regulations and set reduction goals. HHS will continue to enforce all of these regulations and ensure that necessary actions are taken to meet the reduction goals.

#### 5-1-20 AUTHORITY

The Energy Policy and Conservation Act (EPCA), as amended, requires the President to develop and, to the extent of his authority under other laws, implement a 10-year plan for energy conservation in buildings owned or leased by the HHS agencies. The plan is required to include mandatory thermal and lighting efficiency standards, insulation requirements, restrictions on hours of operation, thermostat controls and other conditions of operation, and plans for replacing or retrofitting buildings to meet such standards.



Under Executive Order 11912, as amended by Executive Order 12003, July 20, 1977, and by operation of Section 301 of the Department of Energy Organization Act (Pub. Law 95-91), the Secretary of DOE is responsible for developing the plan. The plan must be developed with the concurrence of the Director of the Office of Management and Budget (OMB) and in consultation with the Secretary of Defense (DOD), the Secretary of Housing and Urban Development (HUD), the Administrator of the Veterans Administration (VA), the Administrator of GSA, and the heads of such other Executive agencies as the Secretary of DOE deems appropriate.

HHS agencies shall follow all requirements of the National Energy Conservation Policy Act (NECPA) (Public Law 95-619). The plan takes into account certain other authorities regarding energy conservation in Federal buildings. Title V, Part 3 of the Act directs DOE to prescribe certain energy requirements for Federal buildings. Specifically, DOE is directed to:

- A. Establish practical and effective methods for estimating and comparing life-cycle costs, including marginal costs, for Federal buildings, and develop prescribed procedures for applying and implementing these methods.
- B. Establish and publish energy performance targets for Federal buildings and performance standards for new buildings.
- C. Report to Congress on all preliminary energy audits of Federal buildings which are to be conducted by each Federal agency.
- D. Provide annual reports to the President and Congress.

Executive Order 12003 (E.O. 12003) requires that DOE establish requirements and procedures to ensure that each agency achieves certain goals. E.O. 12003 also calls for DOE to issue guidelines for use by Federal agencies to audit buildings, as they prepare a life-cycle cost analyses for retrofit measures, and prepare individual 10-year buildings plan. These guidelines for Preliminary Energy Audits and for Building Plans were published November 14, 1979.

## 5-1-30 DEFINITIONS

The following definitions apply to the terms and concepts presented in this plan:

“Alternative building energy system” – an energy conservation measure or energy-saving building system, including a renewable energy system, for an existing Federal building or for consideration as a part of the design of a new Federal building.

“Alternative fuel” – electricity (not generated by a fossil fuel) or any fuel other than natural gas or petroleum. The term includes:

Coal;

Solar/wind energy;

Petroleum coke, shale oil, uranium, biomass; municipal, industrial or agricultural wastes; wood, and renewable and geothermal energy sources;

Liquid, solid, or gaseous waste by-products of refinery or industrial operations which are commercially unmarketable, either by reason of quality or quantity;

Any fuel derived from an alternative fuel; and

Waste gases from industrial operations.

“Building energy use” – any energy use in a Federal building but principally for heating, ventilation, cooling, domestic hot water, and lighting.

“Building performance” - the annual amount of building energy used in BTUs per gross square foot.

“Building system” – any part of the structure of a Federal building significantly affecting building energy use, or any energy using system contributing to building energy use.

“Category” – a grouping of Federal buildings by the predominant use of the building, such as office buildings, hospitals, schools, prisons, multi-family dwellings, storage facilities, research and development, institutional, industrial and service buildings.

“Construction” – the erection of a new structure, or the alteration, renovation or enlargement of an existing structure, which substantially increases the gross square feet of floor space available, significantly changes its use from that existing immediately prior to the structural changes, or substantially prolongs its useful life.

“DOE” – the Department of Energy.

“Energy conservation measure” – an installation of device/system or the implementation of a procedure in a building which is primarily intended to reduce energy consumption or allow the use of a renewable energy source.

“Energy savings” – a reduction in the cost of energy, from a base cost established through a methodology set forth in the contract, utilized in an existing federally owned building or buildings or other federally owned facilities as a result of—

the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services; or

the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities.

“Energy-saving actions” – a change in operation and maintenance practices, retrofit of an alternative building system to an existing Federal building, or selection of an energy-saving alternative building design for a new Federal building.

“Energy source” – nonrenewable resources such as fuel oil, natural gas, liquefied petroleum gas, and coal, and purchased steam or electricity generated from such nonrenewable resources.

“Existing Federal building” – a Federal building constructed by November 9, 1978.

“Facility” – any group of closely located buildings none of which is individually metered for all energy sources and for which the actual rate of use for all energy sources can be determined.

“Federal building” – any building structure, or facility which is constructed, renovated or leased or purchased in whole or in significant part for use by the United States, and which includes a heating system, a cooling system, or both.

“Gross square feet” – the sum of all heated or cooled floor areas enclosed in a building calculated from the outside dimensions, or from the centerline of common walls.

“Life-cycle cost” – the total cost of owning, operating, and maintaining a building over its useful life, including its fuel and energy costs, determined on the basis of a systematic evaluation and comparison of alternative building systems; except that in the case of leased buildings, the life-cycle cost shall be calculated over the effective remaining term of the lease.

“Major energy-using system” – any set of devices which, relative to all energy consuming devices in a Federal building, consumes a significant portion of energy used in the Federal building.

“Maintenance” – activities undertaken in a Federal building to assure that equipment and energy-using systems operate effectively and efficiently.

“Meter” – to measure actual energy use over a given period of time.

“New Federal building” – any Federal building for which construction was not completed prior to November 9, 1978.

“Operation” – the operation of equipment and energy-using systems in a building to achieve or maintain specified levels of environmental conditions or service.

“Passive solar energy system” – a solar energy system characterized by reliance on natural convection, conduction, and radiation, and by heat collection and storage devices that are structurally integrated with the occupied space, such as storage walls, storage roof, greenhouse, atrium or sunspace, thermosyphon hot water system, reflector assemblies, shading devices or reflective surfaces or glazings.

“Photovoltaic solar electric system” – a system consisting of a photovoltaic array and all other components, including energy storage devices where appropriate and necessary to provide electricity.

“Renewable energy sources” – sunlight, wind, geothermal, biomass, solid wastes, or other renewable sources of energy.

“Renewable energy system” – a building system which is specifically designed to use renewable energy sources to meet all or part of building energy use.

“Retrofit” – to install an alternative building energy system in an existing Federal building.

#### 5-1-40 GENERAL INFORMATION

(The following section has been excerpted and paraphrased from Chapter 101-20.116, Federal Property Management Regulations)

#### A. Agency Action

HHS agencies shall be responsible for assigning a top management official as the agency Energy Conservation Coordinator to oversee and supervise the Government-wide effort as it pertains to the facilities under the agency's control. It is further the responsibility of HHS agencies occupying space in Government-owned or leased quarters to require their employees to observe the energy conservation practices cited herein. Also, it should be noted that implementation of the provisions of this regulation may require consultation or negotiations, as appropriate, with recognized labor organizations.

## B. Lighting Conservation Policies and Procedures

1. Uniform lighting standards shall be applied to existing lighting systems by removing excess lamps and fixtures.
  - a. During working hours, overhead lighting shall be reduced to 50 foot-candles at work stations, 30 foot-candles in work areas, and 10 foot-candles in nonworking areas (in laboratories and specialty hospital areas, see 5-1-40-4 "Exceptions"). Illumination levels are to be measured at the place or places where visual measurements shall be made so as not to allow natural light to influence the foot-candle reading. Work station lighting measurements shall be taken at the desk surface, typewriter surface, working surface, etc. Work area lighting measurements shall be read on the walking surface.
  - b. Except where special problems may exist, an illumination level of 1 foot-candle achieved on the walking surface at the center of the corridor midway between two lighting fixtures is satisfactory and need not be achieved at the corners of corridors, against corridor walls, etc.
  - c. In stairwells where lamps or bulbs are provided in tandem to guard against darkening a stairway upon failure of one lamp or bulb, the tandem system shall be continued. In other words, the target lighting levels shall not be achieved by removing one of the two lamps or bulbs provided in the tandem system.
  - d. Where elevator hoistway lights, and emergency lights, such as those to be illuminated by activation of an emergency generator are provided and required, the necessary lamps or bulbs shall be maintained. At least 5 foot-candles of illumination shall be provided at the landing sills of passenger and freight elevators when the elevator is in service.
  - e. Off-hour and exterior lighting except that essential for safety and security purposes; e.g., exit signs, shall be eliminated.
  - f. These standards shall be maintained in all space except where "heat of light" technology is utilized. Where "heat of light" technology is used, the energy savings to be achieved by decreasing the lighting and cooling energy shall be compared to the increased use of heating energy before a determination regarding delamping is made.
2. To the extent that projected energy savings will offset higher acquisition and maintenance costs, preference shall be given to the installation of more efficient lighting systems when constructing or remodeling space.

## C. Cooling and Heating Energy Conservation Policies and Procedures for Office Buildings

1. During the seasonably hot months, air cooling systems shall maintain space temperatures between 70 and 80 degrees F during working hours. Necessary adjustments shall be made to cooling system controls so that the temperature in the space shall be maintained at 78 to 80 degrees F with no rehear, except in multizone systems where reheat is an essential element for zone control. Where this is the case, the cooling temperature shall be maintained as high as feasible to

minimize the need for reheat. Furthermore, lower temperatures are permissible when obtained without cooling energy, such as with an economizer cycle. Reheat is prohibited.

2. During the seasonably cold months, heating temperature control devices shall be set to maintain temperatures between 65 and 68 degrees F during working hours and shall be set to maintain temperatures of not more than 55 degrees F during nonworking hours. Temperatures in warehouse and similar space shall be adjusted lower than the 65 to 68 degree F range depending on the type of occupancy and the activity in the space. Higher temperatures than those specified for heating are permissible when obtained with normal building operational heat gains, such as solar energy, etc. The use of cooling energy to achieve the temperatures specified for heating is prohibited.
  - a. Interior space in office buildings tends to have a heat build-up generated by lights, people, and equipment and, therefore, does not usually require an added heat source during the heating season. Systems serving this type of space usually utilize recirculated air mixed with some outside air shall not be increased nor refrigeration introduced for the sole purpose of lowering the temperature which might otherwise exceed 68 degrees F.
  - b. Window draperies and blinds shall be used to cut down heat losses by setting them to the closed position during nighttime and on cold, cloudy days, setting them to the open position during periods of sunshine.
3. Humidity control shall not be provided for general office space during the cooling season. Requirements for humidity controls in special type space or certain geographic locations will be handled on an individual basis by the official responsible for operation and maintenance of the facility with the concurrence of the agency Energy Conservation Coordinator. Humidity controls may be provided during the heating season for general office space.
4. The operation of threshold heaters, portable space heaters, and portable space heaters, and portable electric fans in Government-owned or -leased space is prohibited. (This does not apply to employee quarters.) Electric fans are allowed in non-air-conditioned spaces.
5. Outside air intake during heating and cooling seasons shall be reduced to the greatest extent feasible. Under most conditions, a 10 percent outside air intake will be adequate for general office space. Under certain outside air temperature and humidity conditions, the use of up to 100 percent outside air will be the most economical method of operation. Special purpose space, such as laboratories, shall have the outside air intake reduced to the maximum extent possible consistent with the requirements of the mission. In laboratories and other facilities dealing with toxic materials, the level of air intake and other system features shall be maintained as necessary to protect persons from harmful dust, fumes, vapors, etc.

#### D. Exception

Exceptions to the policies prescribed in the foregoing subsections B and C may be necessary for the protection and operation of certain specialized equipment; e.g., computers, for maintaining the health and efficiency of employees and for certain installations of high specialization; e.g., greenhouses, hospitals, guard stations, and laboratories. Such exceptions may be granted only after consultation with appropriate technical personnel of the unit requesting the exception, and the presentation of necessary supporting evidence. Exceptions will be granted by the office responsible for the operation and maintenance of the facility, and must be concurred in by the official's energy conservation coordinator.

## E. Conservation of Energy in Leased Space

Contracting officers shall ensure that all new lease contracts include the conservation policies described in subsections B and C. Existing lease contracts shall include the conservation policies prescribed in subsections B and C to the extent feasible within the existing contract provisions or by amendment thereto.

### 5-1-50 MEASUREMENT OF ENERGY

Energy use or energy savings shall be calculated using the following BTU conversion table, except that a Federal agency may use the conversion factors of a standard engineering reference manual or other reliable reference to energy sources which are not listed. For electricity and purchased steam, figures for energy use required by these guidelines shall reflect both of the given values in the conversion table; however in calculating energy costs for life cycle costing purposes, only the conversion values of 3,412 BTU's per kilowatt hour of electricity and 1,000 BTU's per pound of steam shall be used.

#### Energy Source BTU Conversion Table

Electricity: 11,600 BTU per kilowatt hour.

Fuel oil (distillate): 138,700 BTU per gallon.

Natural gas: 1,030 BTU per cubic feet.

Liquefied petroleum gas (including propane and butane): 95,500 BTU per gallon.

Coal: 24,500,000 BTU per short ton.

Purchased steam: 1,390 BTU per pound.

### 5-1-60 GOALS

- A. The major goal is to operate the HHS facilities as efficiently as possible, and satisfying the various environmental needs dictated by the mission, while keeping energy consumption and cost to a minimum.
- B. The goal for FY 1987 and beyond is the initiation and completion of all life-cycle cost effective energy retrofit measures. It is anticipated that these energy projects will be accomplished by energy service companies (ESCO's) using shared saving contracts. On April 7, 1986, the President signed into law the Consolidated Omnibus Budget Reconciliation Act of 1985, and part of that bill allows Federal agencies to let multi-year (up to 25 years) shared energy savings contracts. Commencing in FY 1989, HHS agencies will no longer request funding for energy retrofit projects from OMB but will utilize annual operations and maintenance funds to initiate such contracts. The private ESCO will bear the expense of implementing the energy saving measures and will share in the resulting cost savings.

### 5-1-70 SHARED ENERGY SAVINGS

(The following section has been excerpted from NECPA, 42 U.S.C. 8201).

- A. Authority to Enter Into Contracts

“The head of a federal agency may enter into contracts under this title solely for the purpose of achieving energy savings, and benefits ancillary to that purpose. Each such contract may, notwithstanding any other provision of law, be for a period not to exceed 25 years. Such contract shall provide that the contractor shall incur costs of implementing energy savings measures, including at least the costs (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel, in exchange for a share of any energy savings directly resulting from implementation of such measures during the term of the contract.”

#### B. Payment of Costs

“Any amount paid by a Federal agency pursuant to any contract entered into under this title may be paid only from funds appropriated or otherwise made available to the agency for fiscal year 1986 or any fiscal year thereafter for the payment of energy expenses (and related operation and maintenance expenses).”

#### 5-1-80 ENERGY CONSERVATION CONSIDERATIONS

As an initial checklist in the effort to identify potential areas of energy savings, the following is offered:

HVAC

- Reduce Air Handling Run Time
- Reduce Outside Air Intake
- Reduce Air Volume Circulated
- Reduce Room Fan-Coil Energy Use
- Reduce Stairwell Heating
- Shut Off Unneeded Pumps
- Reduce Humidification
- Lower Condenser Water Temperature
- Raise Chilled Water Temperature
- Reduce Pumping Flow
- Reduce Chilled Water Pumping for Light Loads
- Reduce Steam Distribution Losses
- Reduce Reheating of Air
- Duty Cycle Fans and Pumps
- Reduce Demand Charges Through Load Shedding
- Reduce Outside Air Cooling Through Economizer Control
- Reduce Cooling Through Enthalpy Control
- Install Energy Recovery Equipment
- Reset Hot Deck Temperature
- Reset Cold Deck Temperature
- Reset Space Temperature
- Close Off Unoccupied Spaces (Damper Control)
- Reduce Fan Speed for Heating
- Install Correct Size Motors
- Install Individual Radiator Control Valves
- Install Condenser Tube Brushes

Lighting Reduce Lighting “On” Time  
Reduce Lighting Levels

Building Caulk and Weatherstrip Doors and Windows

Envelope Install Double Glazing/Solar Reflecting Film  
 Install Roof Insulation  
 Install Loading Dock Door Seals.

Electrical Reduce Elevator Run Time  
 Equipment Correct Poor Power Factor

Boiler Reduce Steam Distribution Pressure  
 Plant Reduce Steam Distribution Losses to the Laundry  
 Preheat Combustion Air  
 Return Steam Condensate to Boiler  
 Increase Boiler Efficiency

Plumbing Reduce Domestic Hot Water Temperature  
 Insulate Hot Piping  
 Reduce Domestic Hot Water Flow  
 Install Decentralized Hot Water Heating  
 Reduce Film Processor Water Flow

Laundry Reclaim Heat from Clothes Washers  
 Reclaim Heat from Clothes Dryers  
 Reduce Wash and Rinse Water Temperatures

Kitchen Shut Off Unnecessary Range Hood Exhaust Air  
 Recover Heat from Exhaust Air  
 Reduce Make-Up Air from Range Hood

## 5-1-90 REPORTING REQUIREMENTS

### A. Annual Report of Buildings Plan (10 CFR, Chapter II, Part 436.56)

1. Each HHS agency shall submit an annual report of its Buildings Plan, to the Division of Health Facilities Planning by close of business March 1 of year.
2. Distinguishing between owned and leased Federal buildings, between existing and new buildings, and between operation and maintenance and retrofit actions, a report under these guidelines should include quantitative measures and accomplishments for the most recent completed fiscal year and for the first 6 months of the current fiscal year, with respect to:
  - a. Energy used by energy source and its cost;
  - b. Energy-saving actions and the costs of such action;
  - c. Energy saved;
  - d. Costs saved;
  - e. Progress toward goals under § 436.44; and
  - f. Any other benefits
3. For technical surveys, the report should include quantitative measures and accomplishments with respect to the number and gross square feet of buildings surveyed, and the cost of such surveys.



4. With respect to new Federal buildings to be constructed without a renewable energy system, each Federal agency shall provide in writing the demonstration required by § 436.51(c).
5. Credit may be taken for energy savings related to projects authorized under any Federal statute to substitute renewable energy sources for fossil fuels in building energy use in Federal buildings. Any such credit taken shall be separately identified together with the number and gross square footage of the Federal buildings involved.
6. No credit may be taken for reductions of building energy use in Federal buildings excluded from the Buildings Plan pursuant to § 436.42.

#### B. Annual Report to the Administrator (DOE)

In accordance with E.O. 12003 of July 20, 1977, each HHS agency shall submit an annual report to the Division of Health Facilities Planning by close of business March 1 of each year.

Excerpts from E.O. 12003:

“(g)(1) Each Executive agency shall submit to the Administrator an overall plan for conserving fuel and energy in all operations of the agency. This overall plan shall be in addition to and include any ten-year plan for energy conservation in Government buildings submitted in accord with Subsection (e).

“(2) By July 1 of each year, each Executive agency shall submit a report to the Administrator on progress made toward achieving the goals established in the overall plan required by paragraph (1) of this subsection. The annual report shall include quantitative measures and accomplishment with respect to energy saving actions taken, the cost of these actions, the energy saved, the costs saved and other benefits realized.

“(3) The Administrator shall prepare a consolidated annual report on Federal government progress toward achieving the goals, including aggregate quantitative measures of accomplishment as well as suggested revisions to the ten-year plan, and submit the report to the President by August 15 of each year.”

#### C. Quarterly Report (Title 41, Chapter 101, FPMR 101-20.116-6)

Each HHS agency shall be submit a quarterly Energy Conservation Performance Report on standard form HEW-644 (11/77), to the Division of Health Facilities Planning, by close of business, January 25, April 25, July 25, and October 25 of each year. One form shall be submitted for each installation, and one form shall indicate the summary consumption for the entire agency.

## SECTION 5-2: VEHICLE ENERGY MANAGEMENT

5-2-00	Purpose and Scope
10	Background
20	Authority
30	Definitions
40	General Information
50	RESERVED
60	Goals
70	Energy Conservation Considerations
80	Reporting Requirements

### 5-2-00 PURPOSE AND SCOPE

Chapter 5, Section 2 of the HHS Facilities Program Manual, Volume Two, provides the specific policies and procedures for the conservation of energy consumed by vehicles used throughout the Department of Health and Human Service (HHS). The purpose of this section is to establish an efficient vehicle energy management program and provide guidance for HHS agencies in the formulation and execution of vehicle energy management activities in accordance with the requirements of public laws and executive orders.

### 5-2-10 BACKGROUND

During the first few months of 1974, the acute shortages of gasoline due to the Arab oil embargo hit the American public with full force. There were long lines at gas stations, \$3 or 10-gallon limits, odd/even sales days, and Sunday closings. Motorists were urged to join carpools, observe the 55 mile-per-hour speed limit, use mass transit, and in many other ways minimize their use of gasoline. The United States was far too dependent on oil producing nations that belong to the cartel known as the Organization of Petroleum Exporting Countries (OPEC) for its supply. Actions have taken place since that time to limit dependence on OPEC for our oil source, to increase oil reserves, and to minimize oil consumption. While there is presently no acute shortage of gasoline, and the long lines at gas stations are gone, it is still in the best interest of the nation to maximize our energy independence through the most efficient use of this valuable resource.

### 5-2-20 AUTHORITY

- 41 CFR Chapter 101-20.117, Carpool Parking.
- Executive Order 12375, dated August 4, 1982.
- Executive Order 12191, dated February 1, 1980.
- Executive Order 11912, dated April 13, 1976.
- OMB Circular A-118.
- 41 CFR 101-38.13, Energy Conservation in Motor Vehicle Management.
- 41 CFR Chapter 101-6.3, Ridesharing.
- 10 CFR Chapter II, Part 436, Subpart 7, Guidelines for General Operations Plans.

## 5-2-30 DEFINITIONS

- A. “Agency-wide employee transportation coordinator” means an individual appointed by the agency, who is responsible for planning, organizing, and directing an agency-wide ridesharing program, and serves a point of contact for the agency’s Federal facility ETC’s and also as the ridesharing liaison between the agency and the General Services Administration (GSA).
- B. “Automotive gasoline” means all grades of gasoline for use in internal combustion engines except aviation gasoline. Does not include diesel fuel.
- C. “Btu” means British thermal unit; the quantity of heat required to raise the temperature of one pint of water at one degree Fahrenheit.
- D. “Carpool” means a group of two or more people using a motor vehicle for transportation to and from work.
- E. Diesel and petroleum distillate fuels” means the lighter fuel oils distilled-off during the refining process. Included are heating oils, fuels, and fuel oil. The major uses of distillate fuel oils include heating, fuel for on- and off-highway diesel engines, marine diesel engines and railroad diesel fuel.
- F. “DOE” means the Department of Energy.
- G. “Emergency conservation plan” means a set of instructions designed to specify actions to be taken in response to a serious interruption of energy supply.
- H. “Energy use avoidance” means the amount of energy resources, e.g., gasoline, not used because of initiatives related to conservation. It is the difference between the baseline without a plan and actual consumption.
- I. “Federal agency” means any Executive agency under 5 U.S.C. 5721(1)(B) through (H) and, except that for purposes of this subpart, the Department of Defense shall be separated into four reporting organizations: the Departments of the Army, Navy, and Air Force, and the collective DOD agencies, with each responsible for complying with the requirements of this subpart.
- J. “Federal facility employee transportation coordinator” means an individual appointed by the agency who provides commuter ridesharing services to all employees at the facility and who serves as a point of contact for local and State ridesharing agencies, where they exist.
- K. “Fuel types” means purchased electricity, fuel oil, natural gas, liquefied petroleum gas, coal, purchased steam, automotive gasoline, diesel and petroleum distillate fuels, aviation gasoline, jet fuel, Navy special, and other identified fuels.
- L. “General operations” means worldwide Federal agency operations, and includes services; production and industrial activities; operation of aircraft, ships, and land vehicles; and operation of Government-owned, contractor-operated plants.
- M. “General transportation” means the use of vehicles for over-the-road driving as opposed to vehicles designed for off-road conditions, and the use of aircraft and vessels. This category does not include special purpose vehicles such as combat aircraft, construction equipment, or mail delivery vehicles.

- N. “Goal” means a specific statement of an intended energy conservation result which will occur within a prescribed time period. The intended result must be time-phased and must reflect expected energy use assuming planned conservation programs are implemented.
- O. “Guidelines” means a set of instructions designed to prescribe, direct, and regulate a course of action.
- P. “Life cycle cost” means the total cost of acquiring, operating, and maintaining equipment over its economic life, including its fuel costs, determined on the basis of a systematic evaluation and comparison of alternative investments in programs.
- Q. “Liquefied petroleum gas” means propane, propylene-butanenes, butylenes, propane-butane mixtures, and isobutene that are produced in a refinery, a natural gas processing plant, or a field activity.
- R. “Maintenance” means activities undertaken to assure that equipment and energy-using systems operate effectively and efficiently.
- S. “Measures” means actions, procedures, devices or other means for affecting energy efficient changes in general operations which can be applied by Federal agencies.
- T. “Measure of performance” means a scale against which the fulfillment of a requirement can be measured.
- U. “Non-renewable energy source” means fuel oil, natural gas, liquefied petroleum gas, synthetic fuels, and purchased steam or electricity, or other such energy sources.
- V. “Overall plan” means the comprehensive agency plan for conserving fuel and energy in all operations, to include both the Buildings Plan and the General Operations Plan.
- W. “Plan” means those actions which an agency envisions it must undertake to assure attainment of energy consumption and efficiency goals without an unacceptably adverse impact on primary missions.
- X. “Program” means the organized set of activities and allocation of resources directed toward a common purpose, objective, or goal undertaken or proposed by an agency in order to carry out the responsibilities assigned to it.
- Y. “Renewable energy sources” means sunlight, wind, geothermal, biomass, solid wastes, or other such sources of energy.
- Z. “Ridesharing” means sharing of the commute to and from work by two or more people on a continuing basis, regardless of their relationship to each other, in any mode of transportation, including but not limited to: carpools, vanpools, buspools, and mass transit.
- AA. “Ridematching” means any manual or automated system that gathers commuter information from interested individuals and processes this information to identify potential ridesharing arrangements among these individuals.
- BB. “Services” means the provision of administrative assistance or something of benefit to the public.

CC. “Standard” means an energy conservation measure determined by DOE to be applicable to a particular agency or agencies. Once established as a standard, any variance or decision not to adopt the measure requires a waiver.

DD. “Third party operator” means a ridesharing agency or other organization, whether public or private, that leases vans or buses to employers or individual employees.

EE. “Variance” means the difference between actual consumption and goal.

## 5-2-40 GENERAL INFORMATION

(The following section has been excerpted and paraphrased from Chapter 101-6.3, Federal Property Management Regulations.)

### A. Federal Facility Ridesharing

This section sets forth policy and procedures governing promotion by HHS agencies of ridesharing at federally owned or operated facilities and provides for the establishment and administration of a nationwide system of Federal facility employee transportation coordinators (ETCs). The authority for this subpart is Executive Order 12191, dated February 1, 1980, which established the Federal Facility Ridesharing Program and delegated the primary responsibility for program development, implementation, and administration to the Administrator of General Services in consultation with the Secretary of Transportation.

1. HHS agencies shall actively promote the use of ridesharing at all Federal facilities. This promotion shall include cooperation with State and local ridesharing agencies, the Government shall not favor or endorse one commercial firm or nonprofit organization to the exclusion of other commercial firms or nonprofit organizations.
2. Each HHS agency shall issue instructions as may be necessary to implement Federal facility ridesharing programs and to obtain annual ridesharing program reports at those facilities where the agency is responsible for providing the ETC. The information provided by each ETC should include methods used to promote ridesharing at his/her facility and any achievements or significant barriers encountered. Each HHS agency shall maintain a current record of the names, title, addresses, and telephone numbers of its facility ETCs, nationwide.
3. Agencies are required to submit a Federal Facility Ridesharing Report to the Division of Health Facilities Planning by March 1 of each year. The report shall contain a summary of the information provided by the facility ETCs and any other pertinent information applicable to the agency’s ridesharing program.
4. Whenever possible, agencies shall use and promote existing ridematching services. Where ridematching services do not exist, they shall be established, preferably in conjunction with nearby facilities. Ridematching systems may be manual, i.e., bulletin board or locator board, or computerized. All systems must comply with the provisions of the Privacy Act of 1974.
5. Wherever possible, agencies shall implement parking incentives which promote ridesharing and the efficient use of federally controlled parking areas. Agencies are also encouraged to work with private parking management concerns in or near Federal facilities to encourage the use of carpools and vanpools.
6. Whenever feasible, agencies should consider providing for flexibility in employee working hours to facilitate ridesharing arrangements.

## B. Employee Transportation Coordinators

1. Federal facility employee transportation coordinator. Agencies shall designate an ETC at each Federal facility with 100 or more full-time employees on one shift. Agencies are encouraged to appoint coordinators at facilities with less than 100 full-time employees where such a coordinator can provide significant benefits to the ridesharing program. At a facility occupied by more than one Federal agency, the executive agency having the largest number of employees shall have the lead responsibility for program coordination and implementation for all the Federal agencies at the facility and shall provide the ETC, the lead agency may transfer this responsibility for program coordination and implementation for all the Federal agencies at the facility and shall provide the ETC, the lead agency may transfer this responsibility to the smaller agency. The Federal facility ETC shall:
  - a. Promote ridesharing at the facility by:
    - (1) Publicizing the name, location, and telephone number of the ETC by using bulletin boards, memoranda, newsletters, etc.
    - (2) Assisting employees in joining or forming carpools or vanpools.
    - (3) Aiding employee participation in ridematching programs. (Where ridematching programs do not exist, action should be taken to establish them.)
    - (4) Working closely with the parking management offices to promote ridesharing through preferential parking incentives.
    - (5) Establishing ridesharing orientation for new and transferring employees at the facility.
    - (6) Utilizing ridesharing resources provided by State and local ridesharing agencies and participating in special ridesharing events.
    - (7) Publicizing the availability of public transportation.
    - (8) Communicating employee transportation needs to local public transportation authorities and other organizations (such as private bus companies) furnishing multi-passenger modes of transportation.
    - (9) Establishing ridesharing goals and objectives for the facility.
  - b. Prepare a facility report for annual submission to the agency wide coordinator.
2. HHS employee transportation coordinator. Agencies shall appoint an individual to serve as a HHS wide ETC. The HHS ETC shall:
  - a. Serve as a point of contact for the agency's facility ETCs.
  - b. Serve as a liaison among other agency wide ETCs, State, and local ridesharing agencies, and the GSA Central Office.
  - c. Assist in the development and implementation of an agency wide ridesharing program.
  - d. Submit promptly any change in the name, address, title, or telephone number of the HHS-wide ETC to HHS.

## C. Exemptions

Facilities with less than 100 full-time employees or less than 100 full-time employees on the largest shift are not required to submit an annual report. Agencies shall not subdivide buildings, or worksites for the purpose of meeting the exemption standards.

#### D. Assistance to Agencies.

1. Due to the large number of Federal, State, local, and private sector groups involved in the promotion of ridesharing programs, there are various resources available to HHS agencies interested in technical assistance and promotional materials for use in their ridesharing programs. To aid agencies in identifying these resources, GSA has designated the ridesharing coordinators at each of its regional offices. A list of these coordinators and information concerning the national program can be obtained by contacting the office listed in § 101-6.303(b).
2. Ridesharing management assistance is often available from local ridesharing agencies found in most cities throughout the country. These agencies may be sponsored by State or local governments, public transportation authorities, universities, Chambers of Commerce, Councils of Government, etc. In addition to providing commuter matching services, these agencies have experience in local ridesharing promotion activities, vanpool, and buspool programs, and are familiar with management of commuter disruptions such as transit strikes, bridge closings, as well as air pollution alerts. ETCs are encouraged to use the services of the local ridesharing agencies to the greatest extent possible.

5-2-50        RESERVED

5-2-60        GOALS

Refer to Appendix B of Part 436 of 10 CFR Chapter II – Goal Setting Methodology.

5-2-70        ENERGY CONSERVATION CONSIDERATIONS

As an initial checklist in the effort to identify potential areas of vehicle energy savings, the following is offered:

- Motor vehicle operators should make efforts to obtain petroleum products at GSA, Government-controlled dispensing facilities or from authorized contractors. Gasohol when available must be used. (The Government Vehicle Operators Guide, DFSC 4280.1 provides a listing of authorized contractors.) Self-service pumps at commercial facilities must be used to the maximum extent possible.
- Do not sit with the engine idling – one minute for warm-ups is sufficient for most vehicles. Pumping the accelerator pedal during idling periods should be avoided.
- Use fuel with the minimum octane rating recommended for the vehicle.
- Ensure that vehicle maintenance is performed on schedule. Tune-ups, wheel alignment, and proper tire inflation are especially important factors.
- Refueling should take place early in the day, taking care to allow for fuel expansion during the heat of the day.
- Trucks should be emptied of all unnecessary weight.
- Use the telephone whenever possible. Eliminate unnecessary meetings.
- Select the smallest vehicle practical for the job and trip.

- Use and suggest the use of public transportation to locations closely adjacent to transportation routes.
- Avoid one-person trips. Consolidate trips to the same general location. Join a carpool.
- Plan all trips and routes to minimize the fuel waste at traffic signals, stop signs, hills, and rush hour traffic.
- Always accelerate to cruising speed briskly, but avoid “jackrabbit” acceleration.
- Observe the national speed limit of 55 miles per hour. Cars are 24 percent less fuel efficient at speeds above 55 miles per hour.

## 5-2-80 REPORTING REQUIREMENTS

### A. Annual Ridesharing Report

1. The annual ridesharing report required by 41 CFR Chapter 101-6.303 shall be submitted each year to the Division of Health Facilities Planning by close of business, March 1.
2. The report shall include:
  - a. The name, address, title, and telephone number of the agency wide ETC.
  - b. A narrative on actions taken and barriers encountered in promoting ridesharing within the agency.
  - c. Information on any notable facility achievements.
  - d. A copy of instructions issued to the agency’s facility ETCs for implementation of the Federal Facility Ridesharing Program.

### B. Annual Report on Energy Management

1. The Annual Report on Energy Management required by 10 CFR Chapter 11 – 436.106 shall be submitted by each HHS agency to the Division of Health Facilities Planning by close of business, March 1 of each year.
2. The report shall encompass all energy use not reported in the buildings plan and shall include:
  - a. A summary evaluation of progress toward the achievement of energy consumption, energy efficiency, and fuel switching goals established by the agency in its plans.
  - b. Energy consumption reported by functional categories. Reports must include General Transportation and one or more of the following functional categories: industrial or production, services, operational training and readiness, and other. Agencies may report in subcategories of their own choosing. The following information is to be reported for the usage of each fuel type in physical units for each selected functional category:
    - (1) Total energy consumption goal;
    - (2) Total energy consumed;
    - (3) Total energy use avoidance;
    - (4) Variance between actual consumption and consumption goal;
    - (5) Cost saved;
    - (6) Status of planned investments, and if different from the investment program upon which existing goals are based, the expected impact on meeting goals; and



- (7) Summary of any other benefits realized.
- c. The energy efficiencies for the appropriate functional categories. The following information is to be reported for the energy efficiency for each fuel type by functional category:
  - (1) Energy efficiency goal;
  - (2) Efficiency for the reporting period;
  - (3) Summary of any other benefits realized;
  - (4) A summary of fuel switching progress including:
    - Description and cost of investments in fuel switching;
    - Avoidance in use of oil-based fuels and natural gas;
    - Increased use of solar, wood, gasohol, and other renewable energy sources;
    - Increased use of coal and coal derivatives; and
    - Use of all other alternative fuels.
- d. Each HHS agency's annual report shall be developed in accordance with a format to be provided by DOE and will include agency revisions to 10-year plans.
- e. Agencies whose annual total energy consumption exceeds one hundred billion Btu's, shall, in addition to the annual report, submit quarterly reports of the energy usage.

LIST OF HHS AGENCY TRANSPORTATION COORDINATORS  
(Updating?)

Department of Health and Human Service  
Alcohol, Drug Abuse, and Mental Health Administration  
Centers for Disease Control  
Food and Drug Administration  
National Institute of Health

HEALTH RESOURCES AND SERVICES ADMINISTRATION  
EMPLOYEE TRANSPORTATION COORDINATORS (ETCs)  
(Updating?)

## CHAPTER 6 ENVIRONMENTAL MANAGEMENT

## SECTION 6-1: ENVIRONMENTAL MANAGEMENT

6-1-00	Purpose and Scope
10	Policy
20	Responsibilities
30	Compliance with Executive Order 12088 and Other Environmental Protection Requirements
40	Response to a Non-HHS Organization
50	Technical Assistance
60	Exemptions from Standards
70	Facilities in Jurisdictions Other Than the United States
80	Compliance with Environmental Review Laws
90	HHS Pollution Control Reporting Requirements
X6-1-A	Executive Order 12088, "Federal Compliance with Pollution Control Standards"

## 6-1-00 PURPOSE AND SCOPE

This section describes HHS policy and procedures for compliance with Executive Order (E.O.) 12088, "Federal Compliance with Pollution Control Standards," issued on October 13, 1978 (Exhibit 6-1-A). The Order covers, but is not limited to, toxic substances, water pollution, drinking water, noise control, solid waste disposal, hazardous wastes, radiation, and pesticides. The policy and procedures apply to all facilities owned or occupied by HHS.

## 6-1-10 POLICY

As directed by E.O. 12088, HHS facilities shall be operated in compliance with applicable local, State, and Federal pollution control standards (defined by E.O. 12088 to include substantive, procedural, and other requirements that would apply to the private person). New facilities or major modifications to existing facilities shall be designed and constructed in conformance with applicable pollution control standards.

- A. When a HHS agency or OASH staff office occupies a facility but does not control its operation and maintenance (i.e., a GSA-assigned facility or facility provided by another institution under lease or similar agreement), the agency or staff office shall assist and support pollution control programs of the organization responsible for operation and maintenance of the facility.
- B. HHS agencies shall comply with the requirements of the Office of Management and Budget (OMB) Circular A-106, "Reporting Requirements in Connection with the Prevention, Control, and Abatement of Environmental Pollution at Existing Federal Facilities."
- C. HHS agencies shall comply with the requirements of the Office of Management and Budget (OMB) Circular A-106, "Reporting Requirements in Connection with the Prevention, Control, and Abatement of Environmental Pollution at Existing Federal Facilities."

## 6-1-20 RESPONSIBILITIES

- A. The Director, Office of Management (OM), HHS, has overall responsibility for establishing and implementing HHS environmental management policies and procedures in accordance with pollution control standards as required by E.O. 12088. The Division of Health Facilities Planning (DHFP), Office of Resource Management, OM, is designated as the coordinating point for HHS environmental management activities.
- B. The head of each HHS agency is responsible for assuring that design of new and operation of existing facilities under the jurisdiction of the agency comply with applicable pollution control standards, and that the procedures established by this issuance are followed. Each agency head shall designate an agency environmental management coordinator for implementation of this section.
- C. When responsibility for design of new HHS facilities is outside the jurisdiction of the HHS agency, the agency and the office with design responsibility share the responsibility for pollution control.

## 6-1-30 COMPLIANCE WITH EXECUTIVE ORDER 12088 AND OTHER ENVIRONMENTAL PROTECTION REQUIREMENTS

- A. The purpose of this section is to provide guidance for developing pollution control programs in HHS agencies. This guidance is not meant to be exhaustive, and each agency should design its pollution control program to fit its organization and needs.
  - 1. When existing facilities are served by pollution control equipment, the agency should consider establishing an environmental audit system, which would include the following:
    - a. Develop an operational and maintenance program to keep pollution control equipment and systems in good working order.
    - b. Develop an environmental auditing system to measure the effectiveness and need for environmental pollution control equipment and procedures.
    - c. Monitor pollution control equipment and systems, and maintain environmental systems in accordance with pollution control standard requirements.
    - d. Develop, and keep current, emergency response plans to be implemented in the event pollution control equipment or systems are not operational. Such plans should provide appropriate training provisions, including: exercises which simulate emergency conditions, designations of authority for plan implementation and termination, and written agreements with outside agencies which have a role in assisting the agency during an emergency.
    - e. When non-HHS employees are working in HHS facilities under use agreements or contracts, the terms of these agreements should include requirements for these employees to obey HHS pollution control rules.
  - 2. When projects for new pollution control equipment are necessary, the agency should:
    - a. Insure that pollution control technology required to meet standards is included in the design of new, or modification of existing, HHS facilities.
    - b. Include funds for pollution control projects in the annual agency budget submission. Larger pollution control projects (e.g., \$50,000 or more) should be included in the agency's annual facilities plan submittal; smaller projects should be funded from operations and maintenance budgets.

- c. Prepare a “Federal Agency Pollution Abatement Plan – Project Report” for each project as required by OMB Circular A-106. Copies of this form may be obtained from DHFP. The report is to be submitted to DHFP with the agency’s semiannual (due each June 25 and December 26) updating of the Circular A-106, “Pollution Status Report – Agency Plan.”
  - 3. When a HHS agency occupies a facility leased or owned by others (e.g., leased or GSA-assigned), the agency’s own pollution control program should consist of providing support to the pollution control efforts of the lessor.
 

When considering a facility purchase or lease agreement, the agency should be assured that applicable pollution control technology is incorporated in the facility, and responsibility of the lessor for pollution control is designated.
  - 4. HHS agency program staff with pollution control responsibilities should initiate and maintain liaison with local, State, and Federal officials during the development of pollution control compliance plans.
- B. When funds to correct an emergent pollution control problem are required, and correction cannot be delayed until the next annual budget cycle, the agency shall consult with DHFP to develop an alternate funding mechanism.

#### 6-1-40      RESPONSE TO NON-HHS ORGANIZATIONS

- A. In the event that a HHS agency receives a request for review of a proposed new pollution control standard (or revision of an existing one) from a non-HHS organization, the agency shall contact DHFP to determine if a HHS response is being developed. If not, the agency may respond directly to the requesting organization; a copy of the response shall be sent to DHFP. A procedure for developing any HHS responses shall be established by DHFP.
- B. In the event that an agency receives a request for technical assistance or environmental data concerning HHS facilities from a non-HHS organization, the assistance or data may be provided directly to the requesting organization. Copies of pertinent information shall be sent to DHFP.
- C. In the event that the Environmental Protection Agency (EPA), State, or local government inspects an agency’s facility, the agency shall notify DHFP of the inspection, and furnish DHFP with copies of the inspection report and the agency response.
- D. Upon notification by a local, State, or Federal regulatory agency that a facility does not meet pollution control standards, the HHS agency shall notify DHFP and provide it with a copy of pertinent information. The HHS agency shall develop a plan for compliance and negotiate terms with the regulatory organization. The agency shall also complete a “Federal Agency Pollution Abatement Plan – Project Report” (OMB Circular A-106) and forward it to DHFP. DHFP is available to assist the HHS agency during this process.

#### 6-1-50      TECHNICAL ASSISTANCE

Assistance in interpreting pollution control requirements, developing monitoring systems or developing pollution control projects is available from DHFP. Agencies may also obtain assistance from the EPA regional offices.

#### 6-1-60 EXEMPTIONS FROM STANDARDS

Exemptions from pollution control standards established by statutes cited in section 1-102(a) through (f) of the E.O. may be obtained if one of the following conditions exists: (a) it is in the interest of national security, or (b) it is in the paramount interest of the United States. Recommendations for exemption from pollution control standards shall be sent to DHFP. The request shall include a description of the facility and the circumstances that warrant exemption. DHFP shall review the request and, if appropriate, forward it to ASMB/OS.

#### 6-1-70 FACILITIES IN JURISDICTIONS OTHER THAN THE UNITED STATES

HHS facilities located in jurisdictions outside the United States shall be constructed and operated in accordance with the environmental pollution control standards of general applicability in the host jurisdiction. If the host jurisdiction has no pollution control standards, the HHS agency shall use criteria established for similar facilities located in the United States.

#### 6-1-80 COMPLIANCE WITH ENVIRONMENTAL REVIEW LAWS

Projects conducted to correct, replace, or install pollution control equipment shall comply with applicable environmental impact review laws (i.e., National Environmental Policy Act) and related Executive Orders. Part 30 of the General Administration Manual (Environmental Review) establishes departmental policy and procedures for compliance with these laws, Executive Orders, regulations and other directives.

#### 6-1-90 HHS POLLUTION CONTROL REPORTING REQUIREMENTS

This section provides an index of notifications and reports of pollution control activities that are to be made to DHFP. Reports required to comply with a specific pollution control standard shall be sent to the regulatory organization involved.

##### A. Semiannual OMB Circular A-106 Report (Ref: HHS 6-1-30A.2.c, Volume Two)

The OMB "Pollution Status Report – Agency Plan" is updated every June and December when DHFP sends a copy of the previous report to the HHS agencies. After revision, the report is returned to DHFP. A "Federal Agency Pollution Abatement Plan – Project Report" for new projects accompanies the updated report.

##### B. Biannual Inventory of Hazardous Waste Sites (Ref: HHS 6-1-10C, Volume Two)

The biannual inventory of hazardous waste storage, treatment, or disposal sites will be due at the end of January of even numbered years. EPA will provide guidance (through OS, HHS, and PHS) for submitting the report.

##### C. Inspection by a Regulatory Organization (Ref: HHS 6-1-40C, Volume Two)

Determination of a Facility Noncompliance by a Regulatory Organization  
Ref: HHS 6-1-40D, Volume Two

1. Notify DHFP (a telephone call is sufficient) about the inspection or determination. Send information copies of the inspection report or determination to DHFP with copies of agency responses (and other pertinent agency correspondence).
2. In the case of a determination of noncompliance, an OMB Circular A-106, "Federal Agency Pollution Abatement Plan – Project Report" shall be completed and sent to DHFP.

D. Emergency Funding (Ref: HHS 6-1-30B, Volume Two)

Consult with DHFP when emergency pollution control funds are needed.

E. Recommendations for Exemptions from Executive Order 12088 (Ref: HHS 6-1-60, Volume Two)

Provide DHFP with a description of the facility and the circumstances that warrant exemption.

F. Request for Review of a Pollution Control Standard from a Non-HHS Organization (Ref: HHS 6-1-40A, Volume Two)

Notify DHFP (a telephone call is sufficient) that the request is being made.

G. Request for HHS Technical Assistance from a Non-HHS Organization (Ref: HHS 6-1-40B, Volume Two)

Furnish DHFP with information copies of pertinent correspondence.

H. Request for Environmental Data Concerning HHS Facilities from a Non-HHS Organization (Ref: HHS 6-1-40B, Volume Two)

Furnish DHFP with information copies of pertinent correspondence.

## CHAPTER 7 OCCUPATIONAL SAFETY AND HEALTH

### SECTION 7-1: SAFETY MANAGEMENT

7-1-00	Purpose
10	Authority
20	Policy
30	Applicability and Scope
40	Responsibilities
50	Reporting Requirements

#### 7-1-00 PURPOSE

The purpose of this section is to set forth safety and occupational health management authority, policy, scope, and responsibilities within the Department of Health and Human Service (HHS).

#### 7-1-10 AUTHORITY

The safety and occupational health management program within HHS is established in accordance with the HHS Safety Management Manual, Chapter 2-00, and the references cited in Section 2-00-05.

#### 7-1-20 POLICY

It is the policy of HHS to provide a safe and healthful work environment for all its employees and the public served in an effort to prevent personal injuries, illnesses, and death from work-related causes and to minimize loss of material resources from accidental occurrences. The standards to be followed in attaining safe and healthful working conditions are those issued by the Department of Labor under the Occupational Safety and Health Administration (Part 1910, Title 29, CFR) plus any additional standards and/or safety procedures issued by the Department and HHS or standards promulgated by recognized national standards organizations and adopted by HHS to meet particular situations or conditions associated with its facilities.

#### 7-1-30 APPLICABILITY AND SCOPE

The safety and occupational health management program is applicable to all HHS areas of operation and is directed towards the prevention of all types of hazards which may be present in the performance of official duties in offices, laboratories, hospitals, outpatient clinics, motor vehicles, and any other type of facility, unit, or vehicle occupied or used by HHS personnel.

#### 7-1-40 RESPONSIBILITIES

- A. Director, Office of Management (OM) – The Director, OM, HHS, is the designated official for overall direction of the HHS Safety and Occupational Health Management Program. This involves the establishment, consistent with HHS policies, of a system of standards and procedures directed towards the attainment and subsequent maintenance of a hazard-free environment.



- B. HHS Safety Officer – The HHS Safety Officer, who is organizationally located in OM/HHS, serves as the safety officer for the Office of the Assistant Secretary for Health (OASH), provides staff support to the Director, OM/HHS, and is responsible for the implementation of the HHS Safety and Occupational Health Management Program which includes, but is not limited to, the following elements:
1. Assuring that HHS safety and occupational health policies and procedures are implemented within HHS.
  2. Providing liaison between HHS and the Office of Special Programs Coordination, Office of the Assistant Secretary for Management and Budget, OS.
  3. Promoting professional development of safety personnel in HHS by encouraging attendance and participation at appropriate professional meetings.
  4. Periodically analyzing compiled data and statistics to identify areas of unusual hazards and high frequency and severity rates for accidents, injuries, and illnesses in all HHS areas in operation.
  5. Encouraging the interchange of knowledge and reciprocal assistance through the convening of all HHS safety officers. Also encouraging HHS representation on departmental and pertinent national committees and task groups which address safety and occupational health issues.
  6. Requiring from HHS agencies, an Annual Safety Management Report in keeping with criteria received by the Department from the Occupational Safety and Health Administration.
  7. Reviewing efforts made throughout HHS in implementing annual or special safety action plans and providing assistance or guidance as needed to insure positive results in the reduction or elimination of accident, injury, or illness levels.
- C. Directors of HHS Staff Offices – The Directors of HHS Staff Offices will actively support the HHS Safety and Occupational Health Management Program within their areas of responsibility. Further, they shall coordinate actions involving safety and occupational health with the HHS Safety Officer to assure uniformity of compliance with applicable standards, codes, and procedures throughout HHS.
- D. Heads of HHS Agencies – The heads of HHS agencies are responsible, within their organizational areas, for the effective implementation of safety and occupational health management programs within the framework of departmental policy and the requirements of the HHS program which include, but are not limited to:

[HARD COPY ENDED HERE]