



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

**FEB 21 2008**



## Memorandum

To: Assistant Directors for Administration  
Director, National Business Center

From: Debra E. Sonderman, Director *Debra E. Sonderman*  
Office of Acquisition and Property Management

Subject: **Revised Implementation Requirements of the Delegation of Lease Acquisition Authority, GSA Federal Management Regulation Bulletin 2008-B1**

In the November 19, 2007, Federal Register, GSA issued GSA Federal Management Regulation Bulletin 2008-B1, Delegations of Lease Acquisition Authority-Notification, Usage, and Reporting Requirements for General Purpose, Categorical, and Special Purpose Space Delegations (copy attached). This Bulletin revises the limits of the delegated authority and certain procedures associated with the use of the delegation of general purpose leasing authority provided by GSA in 1996 and the delegation for Agency-specific special purpose space.

GSA delegated lease acquisition authority to the Secretary who subsequently delegated this authority to specific Bureaus and Offices. As a result of the FMR revision, all Departmental space leasing delegations of authority will be changed. Although only some Bureaus and Offices will be granted the authority to lease space directly, all Bureau and Office space managers should be aware of the revised requirements. For your information below is a summary of the significant changes contained in FMR Bulletin 2008-B1:

1. Delegated Agencies may only lease general purpose space up to 19,999 rentable square feet. Authority to lease any general purpose space of 20,000 square feet or more is no longer delegated to the Secretary, and thus is not delegated to any Departmental Bureau or Office. Supplemental Lease Agreements to expand the amount of space currently under lease if the SLA will result in leasing more than 19,999 rentable square feet of space at the leased premises, are not authorized. Current direct general purpose leases of 20,000 square feet or more will be transferred to GSA management after the term of the lease is completed.
2. Prior to initiating any general purpose space leasing action or special purpose space requirement of 2,500 to 19,999 rentable square feet, agencies must request GSA authorization to proceed. Certain, specific criteria must be met before GSA will grant an agency authority to exercise its leasing delegation. Details of the pre-authorization

request and the factors on which GSA will base its decision for approval are contained in the attached Bulletin.

3. Under no circumstances will GSA grant authority to lease space to expedite the leasing process. Every space leasing action must adhere to all established procedures and requirements.
4. No delegations provide authorization for agencies to conduct procurements of space on behalf of, or to collect rent from, other Federal Agencies.
5. Based on the average annual rental (greater or less than \$100K) of the executed lease, additional pre- and post-award documentation must be submitted to GSA. Details are contained in the attached Bulletin.

The semi-annual report of direct space leases is no longer required. Bureaus/Offices that have delegated space leasing authority must report annually all space leases obtained under the delegation in the Federal Real Property Profile. Failure to report complete data may result in GSA revoking an Agency's delegation of authority. Additionally, the Office of Acquisition and Property Management, Space Coordination Office will exercise policy oversight and periodically collect leasing information related to this revised delegation.

The PAM, SCO, is the Department's direct liaison with GSA's National Office for space management issues other than Bureaus or Offices requesting authorization from, or submitting lease documentation to, GSA. If there is difficulty resolving space matters with GSA, the Bureau and Office space manager may bring the issue to the attention of PAM, SCO, for discussion and resolution with GSA National Office.

If you have any questions, please call me on 202-208-6352. Questions your staff may have concerning the Bulletin or implementation of these requirements should be directed to Michael Wright on 202-208-5399 or Lavera Hamidi on 202-208-3668. Thank you for your compliance with this revised space leasing authority.

Attachment

cc: Space Management Partnership

Trans No.	Acquiring	Acquired	Entities
20080096 .....	The Resolute Fund II, L.P .....	David B. Garcia .....	CEDRA Corporation, Cedra Holding, Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—10/30/2007</b>			
20080011 .....	SRAM Corporation .....	Andrew J. Ording .....	Compositect, Inc.
20080021 .....	ValueAct Capital Master Fund, L.P ...	Sara Lee Corporation .....	Sara Lee Corporation.
20080025 .....	ValueAct Capital Master Fund III, L.P	Sara Lee Corporation .....	Sara Lee Corporation.
20080040 .....	Sims Group Limited .....	Metal Management, Inc. ....	Metal Management, Inc.
20080080 .....	AMB Industries Incorporated .....	Lord Ashcroft .....	OneSource Services, Inc.
20080105 .....	Gores Capital Partners II, LP .....	Charterhouse Equity Partners III, L.P	United Road Services, Inc.
20080119 .....	MX International S.a.r.l. ....	Gryphon Partners III, L.P .....	Consolidated Fire Protection Holdings, Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—10/31/2007</b>			
20080116 .....	Getco Holding Company, LLC .....	BATS Trading, Inc .....	BATS Trading, Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—11/01/2007</b>			
20072091 .....	Reuters Group PLC .....	StarMine Corporation .....	StarMine Corporation.
20080027 .....	Coinstar, Inc .....	Jose Francisco Leon .....	GroupEx Financial Corporation, JRJ Express Inc.
20080060 .....	Thomas F. Marsico .....	Bank of America Corporation .....	Marsico Capital Management, LLC, Marsico Fund Advisors, LLC.
20080122 .....	Honeywell International Inc .....	Hand Held Products, Inc .....	Hand Held Products, Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—11/02/2007</b>			
20071867 .....	Helix Energy Solutions Group, Inc ....	Horizon Offshore, Inc .....	Horizon Offshore, Inc.
20080019 .....	Petroliam Nasional Berhad .....	KKR European Fund II, Limited Partnership.	Sole Italia S.p.A.
20080084 .....	Svoboda, Collins Fund II, L.P .....	John C. Tlapek .....	Cape Electrical Supply, Inc.
20080130 .....	Renaissance Health Service Corporation.	Delta Dental Plan of Michigan, Inc ...	Delta Dental Plan of Michigan, Inc.
20080134 .....	Electronic Arts Inc .....	Elevation Partners, L.P. ....	VG Holding Corp.
20080137 .....	ADC Telecommunications, Inc .....	LGC Wireless, Inc .....	LGC Wireless, Inc.
20080147 .....	Spectrum Equity Investors V, L.P ....	The Generations Network, Inc .....	The Generations Network, Inc.
20080153 .....	Inverness Medical Innovations, Inc ...	TA X L.P .....	Alere Medical Incorporated.

**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay, Contact Representative  
OR Renee Hallman, Contract  
Representative. Federal Trade  
Commission, Premerger Notification  
Office, Bureau of Competition, Room H-  
303, Washington, DC 20580, (202) 326-  
3100.

By Direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

[FR Doc. 07-5727 Filed 11-06-07; 8:45 am]

**BILLING CODE 6750-01-M**

## GENERAL SERVICES ADMINISTRATION

[FMR Bulletin 2008-B1]

### Delegations of Lease Acquisition Authority—Notification, Usage, and Reporting Requirements for General Purpose, Categorical, and Special Purpose Space Delegations

**AGENCY:** General Services  
Administration.

**ACTION:** Notice of bulletin.

**SUMMARY:** The Government  
Accountability Office and the General  
Services Administration Office of  
Inspector General have reported that  
some Federal agencies using the  
delegated leasing authority issued to  
Federal agencies on September 25, 1996,  
are not following properly the  
instructions specified as a condition for  
use of the leasing delegation. The  
attached bulletin re-emphasizes and  
updates the conditions, restrictions and  
reporting requirements specified in the  
delegation of authority and its  
supporting information. This bulletin is  
in keeping with the spirit of Executive  
Order 13327, "Federal Real Property  
Asset Management," to maximize the  
increased governmentwide emphasis on  
real property inventory management.  
The Federal Management Regulation  
and any associated documents may be  
accessed at GSA's Web site at [http://  
www.gsa.gov/fmr](http://www.gsa.gov/fmr). Click on FMR  
Bulletins.

**SUPPLEMENTARY INFORMATION:** FPMR D-  
239, published in the **Federal Register**  
on October 16, 1996, announced a new  
GSA leasing program called "Can't Beat

GSA Leasing" and the delegation of  
lease acquisition authority issued by the  
Administrator of General Services to the  
heads of all Federal agencies in his  
letter of September 25, 1996. GSA  
Bulletin FPMR D-239, Supplement 1,  
published in the **Federal Register** on  
December 18, 1996, issued supporting  
information for the delegation. GSA  
Bulletin FMR 2005-B1, published in the  
**Federal Register** on May 25, 2005,  
revised and re-emphasized certain  
procedures associated with the  
delegation of General Purpose leasing  
authority.

There have been several instances  
reported of agencies failing to meet the  
conditions required for use of the lease  
delegation:

1. Several agencies have failed to  
notify GSA prior to conducting a  
specific leasing action;
2. Semi-annual performance reports  
on use of the lease delegation are not  
being submitted to GSA on a regular  
basis;
3. Some agencies have exceeded the  
authority of the delegation, which is

restricted to below prospectus level actions; and

4. Some agencies have used untrained and non-warranted and, therefore, unauthorized contracting personnel to execute contracts on behalf of the Government.

The following bulletin re-emphasizes and updates the conditions, restrictions, and reporting requirements applicable to GSA leasing delegations.

**DATES:** *Effective Date:* November 19, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Stanley C. Langfeld, Director, Regulations Management Division, Office of Governmentwide Policy, 202-501-1737, or [Stanley.langfeld@gsa.gov](mailto:Stanley.langfeld@gsa.gov).

Dated: October 5, 2007.

**Kevin Messner,**

*Acting Associate Administrator, Office of Governmentwide Policy.*

**Real Property**

*To:* Heads of Federal Agencies.

*Subject:* Revised Implementation Requirements for Delegations of Lease Acquisition Authority.

1. *Purpose.* This bulletin re-emphasizes and modifies certain procedures associated with the use of the delegation of General Purpose leasing authority provided by GSA in 1996 as part of the leasing program called "Can't Beat GSA Leasing," and two other longstanding delegations for Categorical and agency-specific Special Purpose space as currently provided in 41 CFR part 102-73.

2. *Expiration.* This bulletin cancels and replaces Federal Management Regulation (FMR) Bulletin 2005-B1, Delegations of Lease Acquisition Authority—Notification, Usage, and Reporting Requirements for General Purpose, Categorical, and Special Purpose Space Delegations, which was published in the **Federal Register** on May 25, 2005. It contains information of a continuing nature and will remain in effect until canceled.

3. *Background.*

(a) GSA has the statutory authority for acquiring and providing Federal agencies with space. The General Purpose leasing delegation was an outgrowth of GSA's commitment to streamline its leasing operations. Under this program, GSA provided each Federal agency a simple choice: Either engage GSA to acquire the space, or use the delegated leasing authority to perform the space acquisition on its own. This bulletin establishes new requirements for agencies requesting authorization to use the General Purpose and Special Purpose delegation authority and establishes revised

reporting requirements, including the submission of documents to GSA at various points in the lease acquisition process, and requires agencies to have in place an organizational structure to address customer issues, correct property deficiencies and enforce all provisions of the lease. This bulletin also addresses requirements for another longstanding delegation for Categorical space, as currently provided in 41 CFR part 102-73.

(b) Executive Order No. 13327, "Federal Real Property Asset Management" (69 FR 5897), dated February 4, 2004, promotes the efficient and economical use of Federal real property resources. Among other things, the Executive Order requires Federal agencies to establish performance measures addressing the cost, value, and efficiency of all acquisitions, within the scope of an overall agency asset management plan. Agencies using any of the three GSA lease delegations ((1) General Purpose, (2) Categorical [41 CFR 102-73.140] and (3) Special Purpose [41 CFR 102-73.155]) are expected to apply these measures to their acquisitions.

(c) By letter of September 25, 1996, the Administrator delegated authority to the heads of all Federal agencies to perform all functions related to the leasing of General Purpose space for a term of up to 20 years regardless of geographic location. Lease procurements using this delegation must be compatible with the GSA community housing plans for new Federal construction or any suitable space that will become available in GSA-controlled Federally-owned or -leased space. GSA will advise the agency about any limiting factors (e.g., length of term), so that the lease will be consistent with any community housing plans. The 1996 delegation of authority does not alter the space delegation authorities in Part 102-73 of the FMR, which pertain to "Categorical Space Delegations" and "Special Purpose Space Delegations." None of the GSA delegations provide authorization for agencies to conduct procurements on behalf of or to collect rent from other agencies.

4. *General Conditions for the Use of All Leasing Delegations.*

(a) Relocation of Government employees from GSA-controlled Federally-owned or -leased space may not take place unless prior written confirmation has been received from GSA that suitable Government-controlled owned or vacant leased space cannot be provided for them. See 41 CFR 102-73.10.

(b) The average net annual rent (gross annual rent excluding services and

utilities) of any lease action executed under these delegations must be below the threshold applicable to GSA's submission of a lease prospectus to its Congressional oversight committees under 40 U.S.C. 3307. The prospectus threshold may be adjusted annually in accordance with 40 U.S.C. 3307(g). The current threshold for each fiscal year can be accessed by entering GSA's Web site at <http://www.gsa.gov/annualprospectusthreshold>.

(c) The authority to lease granted by the delegations may only be exercised by a warranted realty contracting officer fully meeting the experience and training requirements of the Contracting Officer Warrant Program as specified in section 501.603-1 of the General Services Administration Acquisition Manual (GSAM).

(d) Agencies using the GSA leasing delegations are responsible for compliance with all laws, Executive orders, regulations, and Office of Management and Budget (OMB) Circulars governing warranted GSA realty contracting officers. GSA retains the right to assess, at any time, both the integrity of each individual lease action as well as the capability of an agency to perform all aspects of the delegated leasing activities, and, if necessary, to revoke an agency's delegation in whole or in part. Improper use of any delegation may result in revocation of the delegation and denial of future delegation requests.

(e) Federal agencies must acquire and use the space in accordance with all applicable laws, Executive Orders, regulations, and OMB Circulars that apply to Federal space acquisition activities. Attachment 1 is a non-exhaustive list of laws, regulations, Executive Orders, and OMB Circulars governing the space acquisition process. This list may be added to or amended from time to time. As discussed in greater detail in OMB Circular A-11, all leases must be scored prior to execution and must be budgeted in accordance with OMB's scorekeeping rules.

(f) Agencies are responsible for maintaining the capacity to support all delegated leasing activities, including the use of a warranted realty contracting officer, legal review and oversight, construction and inspection management, cost estimation, lease management and administration, and program oversight. Prior to each leasing action, the agency must conduct an assessment of its needs to establish technical requirements and the amount of space necessary to meet mission requirements. Additionally, agencies are expected to acquire space at charges consistent with prevailing market rates



for comparable facilities in the community. Accountability for all leasing activities shall be coordinated through the agency's Senior Real Property Officer.

(g) As a condition for the use of GSA leasing delegation authorizations, agencies are required to make their lease files available for audit by GSA Office of Inspector General personnel or other GSA personnel or authorized agents as determined by the GSA Director, Real Estate Acquisition Division, or his or her successor.

(h) Agencies using the General Purpose delegation are required to provide GSA no less than 18 months advance notice of lease expiration, if there is a continuing need for the space and the agency wishes to use the delegation again to satisfy the requirement.

(i) Effective immediately upon issuance of this bulletin, agencies are no longer authorized to use the General Purpose delegation to enter into leases in excess of 19,999 rentable square feet of space. In addition, agencies are prohibited from using the General Purpose leasing delegation to enter into a Supplemental Lease Agreement to expand the amount of space currently under lease, if such an expansion will cause the agency to lease a total of more than 19,999 rentable square feet of General Purpose space at the leased premises.

#### 5. Additional Delegation Requirements.

(a) Pre-authorization submittal requirements from requesting agency for all general purpose lease delegations and for special purpose lease delegations involving 2,500 or more square feet of such special purpose space.

Prior to instituting any new, succeeding, extension or superseding lease action under the General Purpose delegation or the Special Purpose delegation involving 2,500 or more square feet of such Special Purpose space, the head of a Federal agency or its designee shall submit a request for authorization to use this General or Special Purpose lease delegation authority, in writing, to the GSA Director for Real Estate Acquisition Division, Public Buildings Service, 1800 F Street, NW., Washington, DC 20405, or his or her successor, to satisfy the agency's need for General or Special Purpose space. The request also may be submitted electronically to [delegationrequest@gsa.gov](mailto:delegationrequest@gsa.gov). The requesting agency must submit:

1. A detailed narrative, including cost estimates, explaining why the granting of the request is in the best interests of

the Government and how the agency's use of the delegated authority is cost-effective for the Government;

2. The name of the warranted realty contracting officer conducting the procurement; such individual must fully meet the experience and training requirements of the contracting officer warrant program as specified in section 501.603-1 of the GSAM;

3. An acquisition plan for the procurement in accordance with the requirements specified by Subpart 507.1—Acquisition Plans of the GSAM. A sample limited acquisition plan is available online at <http://www.gsa.gov/leasingform>;

4. Justification for the delineated area in accordance with applicable laws and Executive Orders, including the Rural Development Act of 1972, as amended (7 U.S.C. 2204b-1), Executive Order 12072 and Executive Order 13006;

5. A floodplain check in accordance with Executive Order 11988, "Floodplain Management;"

6. An organizational structure and staffing plan to support the delegation, identifying trained and experienced warranted contracting staff, post-occupancy lease administration staff, real estate legal support, and technical staff to ensure compliance with all applicable laws, regulations and GSA directives governing lease acquisitions and administration of lease contracts;

7. A plan for meeting or exceeding GSA's performance measures (lease cost); GSA's performance measures can be found on OMB's Web site at <http://www.whitehouse.gov/omb/expectmore/detail/10001157.2005.html>; and

8. The total amount of space required, any special requirements, and any associated parking requirements.

GSA will decide whether the requesting agency's exercise of the delegation is in the Government's best interest. Prior to granting the agency's request for a leasing delegation, GSA will consider the following factors: Compatibility with the GSA community housing plan and GSA activities in the specific market, adequacy of the organizational structure and staffing proposed for the delegation, demonstrated ability of the requesting agency to meet or exceed GSA's Public Buildings Service published performance measures for cost of leased space, whether the requesting agency has complied with all applicable laws, Executive Orders, regulations, OMB Circulars, and reporting requirements under previously authorized delegations, and whether the granting of the delegation authorization is cost-effective for the Government. Failure to demonstrate compliance with any of the

enumerated factors shall be a basis for denying the agency's request. No delegation will be granted solely for the purpose of accelerated delivery, and no delegation will be granted for space acquisitions totaling more than 19,999 rentable square feet of General Purpose space.

The requesting agency may exercise the authority contained in this delegation only after the GSA Director for the Real Estate Acquisition Division, Public Buildings Service, or his or her successor, notifies the requesting agency, in writing, that suitable GSA-controlled Federally-owned or -leased space is not available to meet its space need and GSA authorizes the agency to conduct the lease procurement. If the agency subsequently decides not to exercise the requested authority, it must provide written notice of such to the GSA Director for the Real Estate Acquisition Division, Public Buildings Service, or his or her successor.

(b) Additional post-award submittal requirements from requesting agency.

If the awarded lease is for an average annual rental in excess of \$100,000, including option periods and excluding the cost of operational services, within thirty days after the lease award, the agency must submit to the GSA Director for the Real Estate Acquisition Division, Public Buildings Service, or his or her successor, the following documents or evidence of compliance:

1. The fully-executed lease document and all attachments;

2. The solicitation for offers (SFO) (and any amendments issued during the procurement);

3. The pre-solicitation ad posted on FEDBIZOPPS or in a local publication;

4. If a sole source contract, a Justification for Other Than Full and Open Competition in accordance with section 6.303 of the Federal Acquisition Regulation (FAR) and sections 502.101 and 504.803 of the GSAM;

5. The market survey data identifying properties considered in connection with the space need, including historic buildings considered in accordance with Executive Order 13006;

6. Documentation of compliance with the National Environmental Policy Act of 1969, as amended, in accordance with 40 CFR § 1508.9 and GSA guidance;

7. Documentation that vending facilities will be provided in accordance with the Randolph-Sheppard Act;

8. The final scoring evaluation in accordance with OMB Circular A-11 (2002), Criteria and Scoring Ramifications for Operating and Capital Leases;



9. The Price Negotiation Memorandum, prepared in accordance with section 570.307 of the GSAM and section 15.406-3 of the FAR;

10. Documentation that the building meets all applicable fire and life safety requirements;

11. The seismic Compliance Certification from Successful Offeror consistent with Executive Order 12699 for new buildings (new lease construction) and Executive Order 12941 for existing buildings;

12. Copy of the Post-Award Synopsis posted in FEDBIZOPPS;

13. The small business subcontracting plan, if required, in accordance with section 19.702 of the FAR;

14. Documentation that the Excluded Parties List (also known as the Debarred Bidders List) was checked;

15. The pre-occupancy final inspection report verifying measurement of the demised space as shown on a CAD floorplan, correction of deficiencies, and punch-list items;

16. A Funds Availability Statement signed prior to lease award by a budget official with the requesting agency; and

17. Documentation that the negotiated rental rate is within the prevailing market rental rate for the class of building leased in the delegated action; the documentation may include information from organizations such as SIOR, Black's Guide, Torto-Wheaton, or Co-Star; if the negotiated rental rate exceeds the market range, provide information as to why the market rate was exceeded.

To determine whether the delegation was in the Government's best interest, GSA shall evaluate whether a delegation was cost effective for the Government in the acquisition and delivery of the space. In evaluating cost-effectiveness, GSA shall consider the negotiated rental rate in comparison to the prevailing market rental rate for a similar class of building, and may consider factors as GSA deems appropriate, including, but not limited to, overhead costs, personnel costs, support contract costs, travel costs, accounting costs, and reporting costs. The agency must provide, upon request by GSA, detailed acquisition costs.

If the awarded lease is for an average annual rental of \$100,000 or less, including option periods and excluding the cost of operational services, the agency must submit to the GSA Director for the Real Estate Acquisition Division, Public Buildings Service, or his or her successor, the following documents or evidence of compliance:

1. The fully-executed lease document and all attachments;

2. If a sole source contract, a Justification for Other Than Full and Open Competition in accordance with section 6.303 of the Federal Acquisition Regulation (FAR) and sections 502.101 and 504.803 of the GSAM;

3. The market survey data identifying properties considered in connection with the space need, including historic buildings considered in accordance with Executive Order 13006;

4. The final scoring evaluation in accordance with OMB Circular A-11 (2002), Criteria and Scoring Ramifications for Operating and Capital Leases;

5. The Price Negotiation Memorandum, prepared in accordance with section 570.307 of the GSAM and section 15.406-3 of the FAR;

6. Copy of the Post-Award Synopsis posted in FEDBIZOPPS;

7. The small business subcontracting plan, if required, in accordance with section 19.702 of the FAR;

8. Documentation that the Excluded Parties List (also known as the Debarred Bidders List) was checked; and

9. A Funds Availability Statement signed prior to lease award by a budget official with the requesting agency.

6. Federal Real Property Profile Reporting Requirements for General Purpose, Categorical and Special Purpose Leasing Delegations.

(a) The bi-annual reporting of lease performance information for General Purpose, Categorical, and Special Purpose lease delegations to GSA's Office of Governmentwide Policy, as stated in FMR Bulletin 2005-B1 (Delegations of Lease Acquisition Authority—Notification, Usage, and Reporting Requirements for General Purpose, Categorical, and Special Purpose Space Delegations) is no longer required. In its place, and in accordance with Executive Order 13327, Federal agencies are required to submit data for assets in their real property inventory to the Federal Real Property Profile (FRPP). Agencies are required to provide data on all leased assets acquired under a delegation from GSA.

The FRPP data elements that must be submitted for each leased asset include, but are not limited to:

1. Agency/Bureau Name;
2. Size;
3. Location; and
4. Type of Space.

Agencies will also have to indicate whether the leased asset was acquired through a General Purpose, Categorical, or Special Purpose space delegation. A complete list of the FRPP data elements and definitions can be found in the Federal Real Property Council's Guidance for Real Property Inventory

Reporting, a copy of which can be obtained from the agency's Senior Real Property Officer. FRPP data concerning GSA lease delegation actions may be provided to GSA PBS upon prior approval of the Federal Real Property Council.

(b) GSA also reserves the right to request additional information on agencies' delegated lease activities based on the data submitted to the FRPP. Failure of an agency to timely or fully provide this additional information may result in GSA's revocation of the delegation to that agency.

#### Attachment 1

The listing below of laws, regulations, Executive Orders, and OMB Circulars affecting leasing may have applicability thresholds or other factors that impact applicability, and agency contracting officers must determine the individual applicability of each. These laws, Executive Orders, regulations, and OMB Circulars, each as may have been amended from time to time, include, but are not limited to, the following:

1. Anti-Kickback Act of 1986 (41 U.S.C. 51-58);
2. Assignment of Claims Act of 1940 (31 U.S.C. 3727);
3. Balanced Budget Act of 1997 (2 U.S.C. 900, *et seq.*);
4. Competition in Contracting Act of 1984 (41 U.S.C. 251, *et seq.*);
5. Contract Disputes Act of 1978 (41 U.S.C. 601-613);
6. Contract Work Hours and Safety Standards Act of 1962 (40 U.S.C. 3701-3708);
7. Copeland Act of 1934 (18 U.S.C. 874; 40 U.S.C. 3145(a));
8. Covenant Against Contingent Fees (41 U.S.C. 254(a));
9. Davis-Bacon Act of 1931 (40 U.S.C. §§ (40 U.S.C. 3141-3148);
10. Drug-Free Workplace Act of 1988 (41 U.S.C. 701-707);
11. Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701-7706);
12. Energy Policy Act of 1992 (42 U.S.C. 8253);
13. Examination of Records (41 U.S.C. 254d);
14. Leasing Authority (40 U.S.C. 585);
15. Fire Administration Authorization Act of 1992 (15 U.S.C. 2227);
16. Intergovernmental Cooperation Act of 1968 (40 U.S.C. 901-905);
17. National Historic Preservation Act of 1966 (16 U.S.C. 470-470w-6);
18. Occupational Safety and Health Act of 1970 (29 U.S.C. 651-678);
19. Officials Not to Benefit (41 U.S.C. 22);
20. Prohibitions on Use of Appropriated Funds to Influence Federal Contracting (31 U.S.C. 1352);

21. Prompt Payment Act (31 U.S.C. 3901–3907);
22. Prospectus Authority (40 U.S.C. 3307);
23. Randolph-Sheppard Act (20 U.S.C. 107, *et seq.*);
24. Architectural Barriers Act of 1968 (42 U.S.C. 4151–4157);
25. National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*);
26. Small Business Act (15 U.S.C. 631, *et seq.*);
27. Rural Development Act of 1972 (42 U.S.C. 3122);
28. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651–4655);
29. Resource Conservation and Recovery Act of 1976 (42 U.S.C. 690);
30. Executive Order No. 11375, "Equal Employment Opportunity" (Oct. 13, 1967, 32 FR 14303);
31. Executive Order No. 11988, "Floodplain Management" (May 24, 1977, 42 FR 26951);
32. Executive Order No. 11990, "Protection of Wetlands" (May 24, 1977, 42 FR 26961);
33. Executive Order No. 12072, "Federal Space Management" (Aug. 16, 1978, 43 FR 36869);
34. Executive Order No. 12699, "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction" (Jan. 5, 1990, 55 FR 835);
35. Executive Order No. 13006, "Locating Federal Facilities on Historic Properties in Our Nation's Central Cities" (May 1, 1996, 61 FR 26071);
36. Executive Order No. 13423, "Strengthening Federal Environmental, Energy and Transportation Management" (January 26, 2007, 72 FR 3919);
37. Executive Order No. 13327, "Federal Real Property Asset Management" (Feb. 4, 2004, 69 FR 5897);
38. Executive Order No. 12941, "Seismic Safety of Existing Federally Owned or Leased Buildings" (Dec. 5, 1994, 59 FR 62545);
39. Comprehensive Procurement Guideline For Products Containing Recovered Materials (40 CFR Chapter I Part 247);
40. OMB Circular A–11 (Capital Lease Scoring);
41. Federal Management Regulation (FMR) [41 C.F.R. Chapter 102]; and
42. General Services Administration Acquisition Manual (GSAM) (including the General Services Administration Acquisition Regulation (GSAR) [48 CFR Chapter 5]).

[FR Doc. E7–22530 Filed 11–16–07; 8:45 am]

BILLING CODE 6820–RH–P

## GENERAL SERVICES ADMINISTRATION

### Privacy Act of 1974; Notice of Updated System of Records

**AGENCY:** General Services Administration.

**ACTION:** Notice of updated system of records.

**SUMMARY:** The General Services Administration (GSA) is providing notice of an update to the record system, Acquisition Career Management Information System (ACMIS) (GSA/OAP–2). The system collects information to track, verify, update, and manage the careers of Federal employees in acquisition occupations and to manage funds, size, and strength of the Federal acquisition workforce.

**DATES: Effective Dates:** The system of records will become effective without further notice on December 19, 2007 unless comments received on or before that date result in a contrary determination.

**FOR FURTHER INFORMATION CONTACT:** Call or e-mail the GSA Privacy Act Officer: telephone 202–208–1317; e-mail [gsa.privacyact@gsa.gov/](mailto:gsa.privacyact@gsa.gov/).

**ADDRESSES:** Comments may be submitted to the Director, Federal Acquisition Institute (MVI), General Services Administration, 9820 Belvoir Road, Bldg. 205, Fort Belvoir, VA 22060.

**SUPPLEMENTARY INFORMATION:** GSA reviewed this Privacy Act system of record to ensure that it is relevant, necessary, accurate, up-to-date, and covered by the appropriate legal or regulatory authority. Nothing in the updated system notice indicates a change in authorities or practices regarding the collection and maintenance of information. Nor do the changes impact individuals' rights to access or amend their records in the system of records. It also includes the new requirement from OMB Memorandum M–07–16 regarding a new routine use that allows agencies to disclose information in connection with a response and remedial efforts in the event of a data breach.

Dated: October 29, 2007.

**Cheryl M. Paige,**  
*Director, Office of Information Management.*

### GSA/OAP–2

#### SYSTEM NAME:

Acquisition Career Management Information System (ACMIS).

#### SYSTEM LOCATION:

The system is maintained for GSA under contract. Contact the System Manager for additional information.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees in acquisition and contracting jobs, including personnel in the 1100 occupational series, contracting officers, and other employees performing acquisition, contracting, and procurement functions for Federal agencies.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information needed for managing the careers and training of employees in the Federal acquisition occupational field. Records may include but are not limited to: (1) Biographical data such as name, birth date, and educational level; (2) work related data such as service computation date and retirement information, duty station, occupational series and grade, and Social Security Number; and (3) training records.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433).

#### PURPOSES:

To establish and maintain an electronic system to facilitate the career management of Federal employees in acquisition occupations; to ensure that employees meet mandated training requirements; and to effectively manage training funds and the size and qualifications of the Federal acquisition workforce. The system provides to management and to employees in the system up-to-date information on employee certification levels, qualification standards, academic degrees, mandatory and other pertinent training, and warrant status.

#### ROUTINE USES OF THE SYSTEM RECORDS, INCLUDING CATEGORIES OF USERS AND THEIR PURPOSE FOR USING THE SYSTEM:

System information may be accessed and used by employees themselves and their supervisors, designated analysts and managers, and training centers, to track, verify, and update system information. Designated program managers will use the information to manage training funds and the size and strength of the Federal acquisition workforce.

Information from this system also may be disclosed as a routine use:

- a. In any legal proceeding, where pertinent, to which GSA is a party before a court or administrative body.
- b. To a Federal, State, local, or foreign agency responsible for investigating,