

CHAPTER 9 - MANAGEMENT OF BUILDINGS AND GROUNDS

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9.0 Purpose and Scope

This Chapter prescribes the policy and procedures for the management, operation, protection and maintenance of Government-owned and -leased buildings and grounds in the custody of DOC.

9.1 Authority for Chapter

This Chapter implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, 41 U.S.C. 251 et seq. as amended, the Public Buildings Act of 1959 (40 U.S.C. 601-615, as amended), as well as other regulations identified in 41 CFR 102-74 and 102-76.

9.2 Principal Governing Regulation

Federal Property Management Regulations (41 CFR 101-20) and Federal Management Regulation (41 CFR 102-74) are the primary authorities governing the management of buildings and grounds. All DOC buildings and grounds management activity must be performed in accordance with their provisions.

9.3 DOC Buildings Management Responsibilities

- (a) It is the responsibility of DOC to provide or arrange for the management of DOC-owned and DOC-leased buildings and grounds. However, the responsibility for management of DOC-leased buildings and grounds shall be modified to reflect the lessor's responsibilities for operations, maintenance and protection under the terms of the lease.
- (b) It is the responsibility of DOC to provide or arrange for the management of its occupied Government buildings when such authority has been delegated by GSA pursuant to negotiations between agencies.
- (c) For DOC purposes, management of buildings and grounds shall include operations, maintenance, services, alterations, repairs and protection.

9.4 General Policy

DOC is responsible for either managing buildings and grounds or contracting out for their management when the buildings are owned

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or leased by DOC or when such authority has been specifically delegated by GSA. In such cases, DOC is responsible for providing or otherwise arranging for the full range of services required to house DOC Bureau occupants including improvements, alterations, repairs and maintenance. DOC shall provide fully serviced space equivalent to that furnished in commercial practice and shall do so in an economical and efficient manner.

9.4.1 Policy for DOC Management of Government-Owned Buildings

Where DOC is responsible for providing or arranging for the management of Government-owned buildings and grounds, services shall be provided in accordance with the following policies:

- (a) DOC shall provide space alterations, repairs and improvements sufficient to meet the mission requirements of DOC Bureau occupants, including mechanical and electrical systems which meet nationally recognized standards, within the limitations of available funding. Alterations which are essential for performance of DOC Bureau occupant activities or which improve the utilization rate shall be given priority over other types of alterations.
- (b) DOC shall ensure that space assigned to DOC Bureau occupants is safe and that employees and visitors are not exposed to unnecessary risks.
- (c) DOC shall ensure that buildings are cleaned and maintained at a service level equivalent to that normally furnished commercially in similar space. (41 CFR 102-74.10, 102-74.25 and 102-74.30).
- (d) DOC shall provide or arrange for protective services sufficient to ensure the physical security of occupants and visitors, to safeguard the Government's property interests and to maintain order.
- (e) DOC shall meet the requirements of building standards and guidelines prescribed by GSA. It shall ensure that physically handicapped persons will have ready access to space assigned to DOC Bureau occupants except where

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such access requirements are excepted or waived as set forth in 41 CFR 102-76.25(b).

- (f) DOC shall ensure the availability of parking spaces for official needs in accordance with DAO 217-8.
- (g) "DOC shall maintain a comprehensive energy management program to reduce energy consumption and costs in its buildings. It shall apply energy-efficient and economical operating and maintenance procedures, make cost-effective repairs and alterations, incorporate design features which will minimize the life cycle cost of buildings and ensure continuity of services through contingency planning. Further information on DOC energy management policy and procedures is contained in the latest version of DAO 217-16: Federal Energy Management, and in the "DOC Strategic Implementation Plan for Energy Management".
- (h) DOC Bureau occupants shall assist in the management of buildings and grounds by exercising economy in the use of utilities, observing professional standards of neatness and cleanliness, taking all reasonable precautions to avoid the risk of accidents and fires, and reporting any hazardous or unhealthy conditions to the appropriate Building Manager or Safety Officer.
- (i) Consultations with DOC Bureau occupants and their safety representatives shall be held whenever substantial alterations or repairs are proposed, or when DOC proposes to make significant changes in the standard level of services. DOC will consider the comments of Bureau occupants before making final decisions. DOC will make every reasonable effort to involve Bureau representatives in the planning for such proposed alterations, repairs and/or changes in services.
- (j) DOC general policy is to provide space and services which substantially conform to nationally recognized standards, when applicable. DOC may, however, adopt other standards for space and services in Federally-controlled facilities in order to conform to diverse statutory requirements, to implement cost-reduction

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efforts or to better effect overall Government objectives.

9.4.2 Policy for DOC Management of Government-Leased Buildings

Where DOC is responsible for providing or arranging for the management of Government-leased buildings and grounds, it shall perform these services in accordance with the following policies:

- (a) Standards for space and services in leased buildings shall be in conformance with standards for Government-owned space (see 41 CFR 102-74.10, 102-74.25 and 102-74.30). However, the scope of the functions performed by DOC will be modified to reflect the lessor's responsibilities for operations, maintenance and protection under the terms of the lease.
- (b) Alterations, improvements and repairs in leased buildings shall be performed by DOC to the extent of the Government's responsibility under the lease. Alterations are discussed in detail in Chapter 7 of this Manual.
- (c) DOC Bureau occupants are not authorized to negotiate with lessors or place orders for alterations or building services except where such authority has been specifically delegated by DOC.

9.5 Roles and Responsibilities

- (a) For all non-NOAA elements in the National Capital Region, DOC buildings management responsibilities shall be executed by OREPMP unless such responsibilities have specifically been delegated by OREPMP to a Departmental element. For all NOAA elements in the National Capital Region, buildings management responsibilities shall be executed by NOAA's Headquarters Facilities Division.
- (b) Unless otherwise agreed upon, buildings management responsibilities for all other regions shall be executed by the DOC Bureau occupant in coordination with the appropriate

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ASC. Typically, this responsibility will be satisfied by contracting out for buildings management services rather than using in-house staff.

9.6 Definitions

41 CFR 102-71.20 establishes definitions to be used in conjunction with this Manual.

9.7 Building Operations, Maintenance, Protection and Alterations

9.7.1 General

This Subpart describes the policy and procedures for the operations, maintenance, protection and alteration of Government buildings. Specifically:

- (a) 41 CFR 102-85.165, 102-85.175 and 102-85.180 describe the standard levels of service which are provided by GSA as part of the rent charge;
- (b) 41 CFR 102-85.195 describes reimbursable services;
- (c) 41 CFR 102-85.165, 102-85.175 and 102.85-180 provide the standards to be applied and the services to be provided by GSA in managing buildings and grounds for which it has space assignment responsibility. The same standards and services are to apply to instances where DOC is responsible for management of buildings and grounds. These standards are expanded on in a GSA publication entitled, "Compendium of Federal Buildings Fund Real Property Related Services." DOC buildings management standards should be consistent with those detailed in this guide.
- (d) 41 CFR 102-74.50 prescribes energy conservation regulations for the Federal Government with respect to buildings.
- (e) Further information on the operation and maintenance of DOC buildings and grounds is contained in DAO 217-8: Employee Parking and Ridesharing. This Order is hereby incorporated into this Manual by reference.

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9.7.2 Regulation of Smoking

9.7.2.1 General Provisions

- (a) Sections 9.7.2 through 9.7.2.6 of this Manual provide the regulations for controlling smoking in all DOC-occupied buildings and facilities, including DOC-controlled and GSA-controlled space. For purposes of these Sections, smoking is defined as a lighted cigar, cigarette, pipe or any other lit tobacco product.
- (b) These sections apply to all DOC employees and to all visitors while present in DOC-occupied space.
- (c) DOC smoking regulations are based on and governed by 41 CFR 102-80.10 which are the governing authorities for the regulation of smoking in GSA-controlled buildings.

9.7.2.2 Substance of GSA Smoking Regulations

- (a) Pursuant to Executive Order 13058, "Protecting Federal Employees and the Public From Exposure to Tobacco Smoke in the Federal Workplace", it is the policy of the executive branch of the Federal Government to establish a smoke-free environment for Federal employees and members of the public visiting or using Federal facilities.
- (b) The smoking of tobacco products is prohibited in all interior space owned, rented, or leased by the executive branch of the Federal Government, and in any outdoor areas under executive branch control in front of air intake ducts.
- (c) Agency heads are given the responsibility for designating smoking areas consistent with the CFR standards for the regulation of smoking. Agency heads are to give appropriate consideration to the views of employees affected and/or their representatives and are to take fully into consideration the health issues involved.

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- (d) Suitable uniform signs reading "No Smoking Except in Designated Areas" shall be placed on or near entrance doors of buildings subject to these regulations. It is not necessary to display a sign in every room of each building.
- (e) Prior to implementation of smoking regulations, where there is an exclusive representative for the employees, the agency shall meet its obligations under 5 U.S.C. 7101 et seq. In all other cases, agencies should consult directly with employees.

9.7.2.3 DOC Implementation of GSA Smoking Regulations

- (a) In accordance with Executive Order 13058, the Department of Commerce prohibits the smoking of tobacco products in all interior space owned, rented, or leased by the Department of Commerce, and in any outdoor areas under Department of Commerce control in front of air intake ducts.
- (b) The Secretary may restrict smoking at doorways and in courtyards under Departmental control in order to protect workers and visitors from environmental tobacco smoke.
- (c) The policy on the regulation of smoking shall be the same in DOC-controlled space as in GSA-controlled space. Accordingly, the GSA standards summarized in Section 9.2 are applicable to all DOC-occupied space, whether or not under the control of GSA.
- (d) The Secretary may use existing authority to establish programs designed to help employees stop smoking.

9.7.2.4 Procurement of Signs

In accordance with the Federal Acquisition Regulation, Subpart 8.6, the mandatory source of supply for the purchase of the aforementioned signs is UNICOR, Federal Prison Industries, Inc. (FPI). Prior approval from FPI is required before using any other source of supply.

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Purchase Orders should be submitted to: UNICOR,
Federal Prison Industries, Inc., 320 First Street,
N.W., Washington, D.C. 20534, (202) 724-8239.

9.7.2.5 Appeal Process

- (a) The Secretary shall be responsible for resolving conflicts concerning a particular designation or non-designation of a smoking area in DOC-occupied space.
- (b) Nothing herein is meant to affect an employee's right to pursue a grievance under agency procedures authorized by 5 U.S.C. 7101 et seq.

9.7.2.6 Exceptions

- (a) The only exceptions to the DOC smoking policy are designated smoking areas; residential accommodations for persons voluntarily or involuntarily residing, on a temporary or long-term basis, in a building owned, leased, or rented by the Department of Commerce; portions of Departmental-owned buildings leased, rented, or otherwise provided in their entirety to non-federal parties; and places of employment in the private-sector or in other non-federal governmental units that serve as the permanent or intermittent duty station of one or more federal employees.
- (b) The Secretary may establish limited and narrow exceptions that are necessary to accomplish the Department's mission. Such exceptions must be applied for in writing, to the Secretary, care of the Director, Office of Administrative Services, and to the fullest extent possible provide protection of non-smokers from exposure to environmental tobacco smoke. The authority to grant such exceptions may not be delegated.

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9.7.3 DOC Use of Indefinite Quantity Contracts and Unit Price Agreements

Where GSA has operative indefinite quantity contracts and unit price agreements for accomplishment of space alterations in Government-owned and -leased buildings, respectively, DOC Bureau occupants may order using these contracts and agreements. See Chapter 7 of this Manual.

9.7.4 Vehicle Parking Facilities

See 41 CFR 102-74 and DAO 217-8, Employee Parking and Ridesharing Program. This Order is hereby incorporated by reference into this Manual.

9.7.5 Energy Conservation Report

Various Federal Laws and Executive Orders require that annually Federal agencies report energy consumption in buildings and facilities under their control to the Department of Energy (DOE). Operating Units are responsible for submitting their energy report to OREPMP. OREPMP, in turn, incorporates the Operating Unit data and develops an overall energy report for DOC. Further information on this reporting requirement can be obtained from OREPMP. Additional information on DOC energy conservation policy and procedures is contained in the most recent version of DAO 217-16: Federal Energy Management, and in the "DOC Strategic Implementation Plan for Energy Management".

9.8 Vending Facility Program for Blind Persons

41 CFR 102-74.40 contain the policy and procedures for ensuring the priority of blind vendors licensed under the provisions of the Randolph-Sheppard Act (20 U.S.C. 107 et seq.) for location and operation of vending stands and machines. This subject area is covered further in DAO 217-6, Operation of Vending Stands. This Order is hereby incorporated by reference into this Manual.

9.9 Conduct on Federal Property

41 CFR 101-20.3 establishes rules and regulations for conduct on

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all property under the charge and control of GSA. These rules and regulations shall likewise be applicable to conduct on DOC property.

DAO 202-735A, Employee Responsibilities and Conduct, provides further guidance in this subject area. It is hereby incorporated by reference into this Manual.

9.10 Physical Protection

9.10.1 General

41 CFR 102-81 governs the physical protection of persons, buildings, grounds, and the equipment under the charge and control of GSA and shall be used by DOC in executing its responsibilities in this area.

9.10.2 Policy

For buildings and grounds for which DOC has buildings management responsibility, the DOC component in charge of buildings management will upgrade and maintain security in facilities they own or lease under their own authority to the minimum standards specified in the 41 CFR 102-81.

9.10.3 Procedures for DOC as Building Manager

The DOC components in charge of buildings management shall comply with the requirements of 41 CFR 102-81, in situations where they are responsible for providing or arranging for physical protection of persons, buildings, grounds, and equipment under their charge and control.

9.10.4 Responsibilities of DOC as Tenant Agency

When DOC is the occupant of a GSA-controlled space, its employees shall comply with the requirements of 41 CFR 102-81.

9.10.5 Other Guidance

Further guidance concerning the physical protection of persons, buildings, grounds and equipment in DOC facilities is set forth in DAO 207-1, Security Programs.

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9.11 Sidewalk Installation, Repair and Replacement

41 CFR 101-20.5 contains the regulations governing the installation, repair and replacement of sidewalks around buildings, installations, properties, or grounds under the control of executive agencies and owned by the United States. The Subpart includes Sections on responsibilities (101-20.501) and standards (101-20.502). All DOC activity in this area shall comply with the terms of this Subpart.

9.12 Occasional Use of Public Areas in Public Buildings

41 CFR 101-20.4 establishes rules and procedures to be followed in permitting the occasional use of public areas in public buildings for cultural, educational, and recreational activities.

9.13 Buildings and Lease Management Procedures Under GSA Delegations of Authority

Refer to Chapter 8 of this Manual "Building Delegation Program".