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Policies and Procedures

Title: Real Estate Warrant Program

Number: 241.2-ARS

Date: July 3, 1999

Originating Office: Real Property Management Branch, Facilities Division,
AFM/ARS

This Replaces: 241.2, dated 10/7/94

Distribution: ARS Headquarters, Areas, and Locations

This P&P is issued for the purpose of establishing the ARS Real Estate Warrant Program. It also details the procedures for warranting and sets forth qualifications for those personnel who perform real estate functions for ARS.

Table of Contents

1.	Policy	3
2.	Appointing Authority	3
	Appointing Official	3
	Area Administrative Officer	4
	Real Estate Warrant Officer	4
3.	Levels of Warrants	5
4.	Qualification Requirements	6
	Interim Appointments	7
	Modification to Appointments	7
5.	Maintenance of Warrants	8
6.	Termination of Appointment	8
7.	Management Review	8
8.	Summary of Responsibilities	9
9.	Glossary	10
	Exhibit 1	12
	Exhibit 2	13
	Exhibit 3	14
	Exhibit 4	15
	Exhibit 5	16

1. Policy

It is ARS policy to require that only individuals with prescribed levels of training and experience necessary to exercise sound judgement in the interpretation and application of Federal law and regulation, pertinent to real property, are delegated authority to issue revocable permits or appointed as Level I or Level II Real Estate Warrant Officers. Only individuals appointed under the provisions of this P&P are authorized to enter into, administer, modify, and/or terminate real estate agreements (Agreements).

2. Appointing Authority

Appointing Official

The Director, Facilities Division (FD), and/or designee, is the Appointing Official for all Warrant Officers and is responsible for determining the type and level of authority to be delegated. All warrants shall be made in accordance with the standards contained in Exhibit 1. At a minimum, the following positions should be warranted:

- Realty Specialist (1170 Series)
- Area Property Management Officers (APMO) (2001 Series)

Appointments of Real Estate Warrant Officers and delegations of authority to issue revocable permits shall be in writing, through the issuance of a Certificate of Appointment, ARS Form 321 (Exhibit 2), signed by the Appointing Official or designee. Specific warrant authorities will be set forth in the Certificates of Appointment.

The Appointing Official or designee must maintain a file for each Real Estate Warrant Officer which contains:

- A Qualification Statement
- A Request for Appointment
- The Warrant
- Training Records

The Appointing Official and/or designee shall make appointments to individuals only -- not to positions. For Real Estate Warrant Officer appointments, an individual's official position description should be amended to reflect additional duties and responsibilities. If the individual's warrant is terminated or withdrawn, the position description must be amended to delete those duties and responsibilities.

The Appointing Official shall not appoint individuals as Real Estate Warrant Officers if they do not meet the qualification requirements set forth under the section in this P&P entitled “Qualification Requirements.”

The Privacy Act of 1974 applies to the information collected during selection, designation, and appointment of Real Estate Warrant Officers.

Area Administrative Officer

Candidates for Real Estate Warrant Officer delegation and authority to sign revocable permits will be recommended to the appointing official by the Area Administrative Officer (AAO) or the candidate’s immediate supervisor through the AAO. The candidate’s qualifications will be documented through the use of a Qualification Statement (Exhibit 3) and submitted to the Appointing Official through a Request for Appointment (Exhibit 4).

AAO’s are responsible for assuring that subordinate real property activities are adequately staffed by qualified personnel capable of performing the real estate functions assigned. AAO’s must assure that all individuals in their Area that are warranted as Real Estate Warrant Officers receive the education and training which is required as a prerequisite to being appointed as a Real Estate Warrant Officer.

Real Estate Warrant Officer

Authorizations:

Real Estate Warrant Officers, as well as those individuals authorized to issue revocable permits, may exercise only that authority expressly delegated to them **in writing** through warranting procedures. No other authority has been delegated unless expressly stated in the warrant.

Real Estate Warrant Officers and those individuals authorized to issue revocable permits must be warranted by a “Certificate of Appointment,” ARS Form 321 (Exhibit 2) which states the authority granted and dollar limitations.

Warrants are to be displayed by the Warrant Officers openly in or near their workstations allowing the public and co-workers to be aware of the appointment.

A warrant can only be used by the individual named on the Certificate of Appointment. No further redelegation will be accepted or recognized beyond the Certificate.

Appointments of Real Estate Warrant Officers will remain in effect only as long as appointees are in the position stated on the warrant, unless sooner terminated by the Head of the Real Property Activity.

Responsibilities:

Only Real Estate Warrant Officers are authorized to enter into, administer, modify, and/or terminate agreements.

Real Estate Warrant Officers, within the limits of their warrant, have the responsibility and authority for:

- Obtaining, executing, and administering agreements and making the necessary determinations and findings in such a manner so as to safeguard the interests of the United States.
- Obtaining all necessary approvals for the agreements and otherwise complying with applicable laws, regulations, and issuances.
- Assuring that funds for payments of real estate obligations are available.
- Exercising care, skill, and judgment in all of their actions.
- Personally signing all agreements and modifications.
- Monitoring and reviewing any performance required on the part of lessors, grantees, permittees, etc.
- Initiating any appropriate action necessary to properly assure satisfactory performance.
- Complying with existing conflict of interest regulations and filing the appropriate forms as required.
- Ensuring that signature block on any executed documents are in the following format:

(Name)_____

(Title)_____

Real Estate Warrant Officer_____

3. Levels of Warrants

Revocable Permits. The authority to issue revocable permits may be delegated to the location level (Center Director/Research Leader/Location Coordinator or Location Administrative Officer). Each delegation may contain specific limitations.

Level I Real Estate Warrant Officer. Level I warrants cover the basic functions of ARS' real estate authority. Level I warrants contain dollar limitations.

Level II Real Estate Warrant Officer. In addition to functions in Level I, Level II warrants cover the full scope of the Federal Property Management Regulations (FPMR) on real property leasing authority. For types of agreements and dollar limitations, refer to Exhibit 1.

4. Qualification Requirements

Revocable Permit Authority: The following are the basic requirements for a delegation of authority to issue Revocable Permits:

- **Experience.** Progressively complex, specialized experience in the management of real property, including a working knowledge of the FPMR, the Agriculture Property Management Regulations (APMR), and ARS Manual 245.1, Real Property Manual, Chapter IV, Revocable Permits.
- **Education.** An undergraduate degree or equivalent work experience in accordance with qualification requirements set forth in applicant's position series.

Level I Real Estate Warrant Officer: The following are the basic qualifications for a Level I Real Estate Warrant Officer:

- **Experience.** Progressively complex, specialized experience in the acquisition, management, and disposal of real property, including sufficient experience with real property leasing activities, to demonstrate ability to execute leases in accordance with Federal leasing procedures.
- **Education.** An undergraduate degree or equivalent work experience in accordance with qualification requirements set forth in applicant's position series.
- **Training.** Successful completion of training in the following areas (Exhibit 3):
 - Federal Real Property Leasing (40 hours)
 - Basic Appraisal (40 hours)
 - Negotiations (16 hours)

Training courses of equivalent content may be substituted if the Appointing Official and/or designee determines that a particular course is equivalent in content (Exhibit 5).

Level II Real Estate Warrant Officer: The following are the basic requirements for a Level II Real Estate Warrant Officer:

- **Experience.** Consecutive years of progressively complex, specialized experience in the acquisition, management, and disposal of real property including responsible real property leasing experience involving negotiations, market surveys, appraisals, etc., or related staff/policy activity that demonstrates ability to execute leases in accordance with Federal leasing procedures.
- **Education.** Completion of undergraduate or graduate study, preferably in Business Administration, Accounting, Economics, Law, including real estate courses, or equivalent work experience in accordance with applicant's position series.
- **Training.** Successful completion of the courses designated for Level I plus:
 - Advanced Appraisal (40 hours)
 - Business/Real Estate Law (40 hours)

Training courses of equivalent content may be substituted if the Appointing Officer and/or designee determines that a particular course is equivalent in content (Exhibit 5).

Interim Appointments

Individuals who do not meet minimum qualifications may be appointed on an interim basis through the procedures outlined in the above section, if the Appointing Official or designee considers the individual to be an appropriate candidate based upon experience and past performance. In no case, however, should an interim appointment as a Real Estate Warrant Officer be made until the individual successfully completes the ARS Federal Real Property Leasing course (40 hours).

All Level I training courses shall be scheduled and successfully completed by the Interim Real Estate Warrant Officers within a reasonable period of time, as approved by the Appointing Official or designee, but in no case should this period of time exceed 1 year from the date of the interim appointment.

Modification to Appointments

When the Appointing Official or designee determines to change or limit the appointment of a Warrant Officer, a new Certificate of Appointment must be issued.

5. Maintenance of Warrants

In addition to the minimum requirements for maintaining a warrant, a Real Estate Warrant Officer is required to maintain technical proficiency through the successful completion, every 3 years, of a minimum of 40 hours of real property leasing training in the following areas: new requirements, techniques, or procedures brought about by changes in law, regulation, policy, or delegations of authority. The Real Estate Warrant Officer is also required to participate in periodic training courses which are pertinent to real property leasing. This type of training can be accomplished through participation in workshops, seminars, symposiums, and formal classroom training.

6. Termination of Appointment

The appointment of a Real Estate Warrant Officer and the delegation of authority to issue Revocable Permits may be revoked at any time by the Appointing Official. Termination shall occur when, subsequent to notice and opportunity for reply, one or more of the following conditions or similar circumstances exist:

- Failure to comply with applicable laws and regulations.
- Violation of the code of conduct.
- Failure to maintain training standards after the appointment.
- Reassignment of the individual to a position not requiring a warrant.
- Discontinuance of the organizational need for the appointment.

Separation from the real property function shall constitute an automatic termination of an individual's Real Estate Warrant Officer appointment.

A termination or revocation of a Real Estate Warrant Officer appointment shall be in writing except for separation under the above condition.

7. Management Review

Real estate documents, procedures, practices, and individual warrants will be reviewed by FD, Real Property Management Branch (RPMB). Random locations will be reviewed on an annual basis. The review will include the evaluation of technical performance of individual Warrant Officers in regard to compliance with applicable laws and regulations in the exercise of their real property authority.

8. Summary of Responsibilities

Director, FD and/or Designee

- Serves as the Appointing Official for Real Estate Warrant Officers and delegations of authority to issue Revocable Permits.
- Responsible for determining the type and level of authority to be delegated.

AAO's

- Responsible for compliance with the provisions of this P&P.
- Identify and make recommendations to the Appointing Official on Real Estate Warrant Officer appointments and delegations of authority to issue Revocable Permits.
- Assure that subordinate real property activities are adequately staffed by qualified personnel capable of performing the real estate functions assigned.
- Assure that all personnel who are assigned Real Estate Warrant Officer functions receive the education and training which is required as a prerequisite to being appointed and exercise that authority in accordance with this P&P.

Chief, RPMB

- Responsible for the dissemination of the information contained in this P&P to all Areas.
- Monitors the implementation of this P&P at the Area and location level.
- Maintains a file for each Real Estate Warrant Officer.
- Makes recommendations to the Appointing Official on delegations of authority.

Real Estate Warrant Officers

- Responsible for compliance with the provisions of this P&P.
- Exercise only that authority expressly delegated in writing through the warranting procedures.
- Openly display the Warrant in or near the workstation allowing the public and co-workers to be aware of the appointment.

9. Glossary

Agreements. Real estate documents which vest a property interest in the Government or in nongovernmental parties; documents which provide for temporary land and building occupancy by the Government or nongovernmental parties; and/or documents which dispose of Government real property through donation, demolition, or abandonment.

APMR. Agriculture Property Management Regulations

Appointing Official. The official who has the authority to issue a warrant. The Appointing Official is the Director, FD.

Certification. A review, conducted by the Appointing Official, concluding that an applicant for the Real Estate Warrant Officer program has the experience, education, and training together with the business acumen, judgment, character, reputation, and ethics, necessary to properly perform the duties of the Real Estate Warrant Officer.

CFR. Code of Federal Regulations

DR. Departmental Regulation

FPMR. Federal Property Management Regulations

GSA. General Services Administration

Head of the Real Property Activity. The official who has overall responsibility and delegated authority for management of an agency's real property activity. The Head of the Real Property Activity is the Director, FD.

Lease. A contract by which an individual (or group of individuals) (landlord) convey(s) possession, generally on an exclusive basis, of land or buildings to another (tenant) for a defined period of time. It may include services provided by the landlord such as heating, air conditioning, utilities, custodial services, etc.

Net Annual Rental. Gross annual rental paid to a landlord minus the landlord's operating cost. The following supplies and services are considered operating costs that can be subtracted from the gross annual rental to determine the net annual rental:

- Utilities
- Janitorial services
- Building systems repair of a minor nature (not including major replacement)
- Building systems maintenance

- Property protection
- That portion of management costs devoted to these items

OPPM. Office of Procurement and Property Management

Real Estate Warrant Officer. An individual appointed according to this P&P with the authority to enter into, administer, modify, and/or terminate agreements in accordance with Federal laws and regulations.

Real Property. Land and those things affixed thereto including buildings, structures, fences, landscaping, etc., and all real property interests therein.

Real Property Activity. Delegated real property authorities. ARS' real property authority and responsibility to manage its real property functions are established by a written delegation from the Director, OPPM, through the APMR's, CFR's, and DR's.

Real Estate Interest. A degree or level of ownership in land, buildings, and appurtenances, e.g., fee simple, easement, leasehold, etc.

U.S.C. United States Code

Warrant. An instrument of delegation which defines the extent of authority vested in an individual to enter into, administer, modify, and/or terminate agreements; specifically, the signatory authority of an individual to obligate and commit ARS to the performance of certain actions related to real property.

Warrant Officer. An individual appointed according to this P&P with the authority to enter into, administer, modify, and/or terminate Revocable Agreements or other real property agreements in accordance with Federal laws and regulations.

-Sd-

W. G. HORNER
Deputy Administrator
Administrative and Financial Management

Levels of Real Estate Warrant Officers

Type of Agreement	Levels	
	I	II
Year-to-Year Leases ¹ (FPMR 101-18)	Net Annual Rental ≤ \$50,000	Net Annual Rental ≤ \$500,000
Firm-Term Leases ^{1,2} (FPMR 101-18)	Net Annual Rental ≤ \$50,000	Net Annual Rental ≤ \$500,000
Long-Term Lease (7 USC 2250a)	Not for Delegation	See P&P 115.2
Land Acquisition (7 USC 428a)	Not for Delegation	See P&P 115.2
Grants of Easement/Right of Ways/ Mineral Leases/Revocable Permits ³ (40 USC 319, 345c; 43 USC 931c, 961; 30 USC 181, 351)	Value ≤ \$50,000	See P&P 115.2
Land Disposals (FPMR 101-47)	Not for Delegation	See P&P 115.2
Building Disposals (FPMR 101-47)	Value ≤ \$15,000 ⁴	Value ≤ \$15,000 ⁴

Footnotes -

¹ For Land and Building Leases including space assignment/utilization. Appraisals performed by the Real Estate Warrant Officers for space leases are limited to situations involving less than 10,000 square feet.

² For Building Leases only. Term limited to 5 years or less.

³ All Mineral Leases are signed by the Department of Interior, Bureau of Land Management.

⁴ For Abandonment or Destruction. Buildings with an estimated fair market value ≥ \$15,000, must be referred to GSA for approval.

For Donation of Land with an acquisition cost or estimated fair market value ≥ \$25,000 and Buildings ≥ \$250,000 must be referred to the Assistant Secretary for Administration for approval.

CERTIFICATE OF APPOINTMENT

Under authority vested in the undersigned and in conformance with
ARS REAL ESTATE WARRANT PROGRAM DIRECTIVE

Is appointed

REAL ESTATE WARRANT OFFICER

for the

UNITED STATES OF AMERICA

Subject to the limitations contained in the Federal Property Management Regulations and to the following:

Unless sooner terminated, this appointment is effective
as long as the appointee is assigned to:

AREA PROPERTY MANAGEMENT OFFICER

FACILITIES DIVISION
(Organization)

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURE RESEARCH SERVICE
(Agency/Organization)

(Signature and Title)

(Date)

(No.)

Qualification Statement

This format should be used to apply for a Real Estate Warrant Officer.

1. Name
2. Title, Series, Grade
3. Office
4. Relevant Experience: (Begin with current position and work back four relevant positions.)
Information on each position should be included.
 - A. Name of Employer
 - B. Dates Employed
 - C. Title of Position
 - D. Kind of Business/Organization
 - E. Description of Work
5. Other Relevant Special Qualifications, Certifications, or Skills
6. Relevant Honors, Awards, or Fellowships Received
7. Education
 - A. Highest Level Completed
 - B. Name of High School
 - (1) Dates attended
 - (2) Diploma received
 - C. Name of College/University
 - (1) Dates attended
 - (2) Years completed
 - (3) Number of credits earned (Indicate whether credits are semester hours or quarter hours).
 - (4) Type and year of degree
 - (5) Chief undergraduate college subjects
 - (6) Major field of study at highest level of college work
8. Real Property Related Training
 - A. Name of Course
 - B. Name of School
 - C. Dates Attended

Request for Appointment

1. There is a need to appoint a Real Estate Warrant Officer at Level _____ for the following reasons:

2. The Real Estate Warrant Officer:

(Name, Title, Series, Grade)

3. The Real Estate Warrant Officer candidate will occupy the organizational level described below:

(Office/Branch/Division and Location)

4. The candidate's Qualification Statement is enclosed. The candidate's experience and training meet the qualification standards of the ARS Warrant system.

5. The candidate's current conflict of interest disclosure statement is on file in the appropriate personnel office (of is attached).

6. In addition to any limitations established by the applicable laws and regulations, and by the ARS Warrant Program, the following warrant limitations are imposed:

a. Dollar Threshold: _____

b. Other Limitations: _____

REQUESTING OFFICER:

(Signature)

(Date) (Typed Name)

(Office) (Title)

APPROVED:

(Head of the Real Property Activity) (Date)

Suggested Training Courses

Title	Source	Hours	Warrant Level
Federal Real Property Leasing	Management Concepts, Inc.	40	Level I
Federal Real Property Lease Law	Management Concepts, Inc.	40	Level I
Techniques of Negotiating Federal Real Property Leases	Management Concepts, Inc.	40	Level I
Cost and Price Analysis of Lease Proposals	Management Concepts, Inc.	40	Maintenance
Principles of Real Estate Acquisition	International Right of Way Association	20-80	Level II
Communications in Real Estate Acquisition	International Right of Way Association	24	Level I
Interpersonal Relations of Real Estate Acquisition	International Right of Way Association	24	Level I
Property Management Leasing	International Right of Way Association	16	Maintenance
GSA Real Property Leasing	General Services Administration	40	Level I
Valuation - Highest & Best Use (520)	Office of Personnel Management	40	Level II
Principles - Property Appraising	American Institute of Real Estate	60	Level II
Techniques of Negotiating	Office of Personnel Management	24	Level I
Real Estate Appraisal - Principal 110 & Procedures 120	American Institute of Real Estate Appraisers	80	Level I

American Institute of Real Estate Appraisers
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 Suite 2400
 Chicago, Illinois 60611-1980
 312-335-4100
www.appraisalinstitute.org

Management Concepts, Inc.
 8230 Leesburg Pike
 Suite 800
 Vienna, Virginia 22182
 703-790-9595

International Right of Way Association
 9920 La Gienea Boulevard
 Suite 515
 Inglewood, California 90301
 213-649-5323