

## § 101-19.604

are governed by the criteria of the uniform standards if the date bids were invited falls after the effective date of this rule.

[49 FR 31625, Aug. 7, 1984]

### § 101-19.604 Exceptions.

The standards established in § 101-19.603 shall not apply to:

(a) The design, construction, alteration, or lease of any portion of a building which need not, because of its intended use, be made accessible to, or usable by, the public or by physically handicapped persons;

(b) The alteration of an existing building if the alteration does not involve the installation of, or work on, existing stairs, doors, elevators, toilets, entrances, drinking fountains, floors, telephone locations, curbs, parking areas, or any other facilities susceptible of installation or improvements to accommodate the physically handicapped;

(c) The alteration of an existing building, or of portions thereof, to which application of the standards is not structurally possible;

(d) The construction or alteration of a building for which plans and specifications were completed or substantially completed on or before September 2, 1969: *Provided, however,* That any building defined in § 101-19.602(a)(4) shall be designed, constructed, or altered in accordance with the standards prescribed in § 101-19.603 regardless of design status or bid solicitation as of September 2, 1969; and

(e) The leasing of space when it is found after receiving bids or offers not otherwise legally acceptable that a proposal meets most of the requirements of the Uniform Federal Accessibility Standards. If no offeror or bidder meets all the requirements, then preference must be given to the offeror or bidder who most nearly meets the standards in section 101-19.603. If the award is proposed for a firm other than the one that most nearly meets the Uniform Federal Accessibility Standards and whose bid or offer is reasonable in price and is otherwise legally

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acceptable, a waiver or modification of the standards must be obtained.

(Sec. 205 (c), 63 Stat. 1390, 40 U.S.C. 486(c))

[39 FR 23214, June 27, 1974, as amended at 43 FR 16479, Apr. 19, 1978; 49 FR 31625, Aug. 7, 1984]

### § 101-19.605 Waiver or modification of standards.

The applicability of the standards set forth in this subpart may be modified or waived on a case-by-case basis upon application to GSA by the head of the department, agency, or instrumentality of the United States concerned only if the Administrator of General Services determines that such waiver of modification is clearly necessary.

### § 101-19.606 Recordkeeping.

The administering agency's file on each contract or grant for the design, construction, lease, or alteration of a building as defined in § 101-19.602 shall be documented with a statement either:

(a) That the standards are applicable to and have been or will be incorporated in the design, the construction, or the alteration, (b) that the grant has been or will be made subject to a requirement that the standards will be incorporated in the design, the construction, or the alteration; (c) that the standards have been waived by the Administrator of General Services (in which event the justification for the waiver shall be stated); (d) that the project is within one of the exceptions set out in § 101-19.604 (the specific exception shall be identified and justified); or (e) such other statements as may be appropriate with respect to application of the standards to the contract or grant. The head of each agency shall be responsible for implementing the file documentation requirement by regulation or other appropriate means. The documentation shall be made available to the Administrator of General Services upon request.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

[43 FR 16480, Apr. 19, 1978]

### § 101-19.607 Reporting.

(a) Annually each administering agency shall prepare and submit to the