

§ 102-73.5

LIMITATIONS ON THE USE OF DELEGATED AUTHORITY

- 102-73.225 When must Federal agencies submit a prospectus to lease real property?
- 102-73.230 What is the maximum lease term that a Federal agency may agree to when it has been delegated lease acquisition authority from GSA?
- 102-73.235 What policy must Federal agencies follow to acquire official parking spaces?

Subpart C—Acquisition by Purchase or Condemnation

BUILDINGS

- 102-73.240 When may Federal agencies consider purchase of buildings?
- 102-73.245 Are agencies required to adhere to the policies for locating Federal facilities when purchasing buildings?
- 102-73.250 What factors must executive agencies consider when purchasing sites?

LAND

- 102-73.255 What land acquisition policy must Federal agencies follow?
- 102-73.260 What actions must Federal agencies take to facilitate land acquisition?

JUST COMPENSATION

- 102-73.265 Are Federal agencies required to provide the owner with a written statement of the amount established as just compensation?
- 102-73.270 What specific information must be included in the summary statement for the owner that explains the basis for just compensation?
- 102-73.275 Are Federal agencies required to compensate a property owner for the owner's buildings, structures, or other improvements that must be removed from the property being acquired?
- 102-73.280 What are Federal agencies' responsibilities to compensate a tenant for tenant-owned property when the tenant has the right or obligation to remove buildings, structures, or other improvements at the end of the term?
- 102-73.285 Are there any prohibitions when a Federal agency pays "just compensation" to a tenant?

EXPENSES INCIDENTAL TO PROPERTY TRANSFER

- 102-73.290 What property transfer expenses must Federal agencies cover when acquiring real property?

41 CFR Ch. 102 (7-1-03 Edition)

LITIGATION EXPENSES

- 102-73.295 Are Federal agencies required to pay for litigation expenses incurred by a property owner because of a condemnation proceeding?

RELOCATION ASSISTANCE POLICY

- 102-73.300 What relocation assistance policy must Federal agencies follow?

AUTHORITY: 40 U.S.C. 486(c); Sec. 3(c), Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note); Sec. 1201(b), E.O. 12072, 43 FR 36869, 3 CFR, 1978 Comp., p. 213.

SOURCE: 67 FR 76823, Dec. 13, 2002, unless otherwise noted.

Subpart A—General Provisions

§ 102-73.5 What is the scope of this part?

The real property policies contained in this part apply to Federal agencies, including the General Services Administration (GSA)/Public Buildings Service (PBS), operating under, or subject to, the authorities of the Administrator of General Services.

§ 102-73.10 What is the basic real estate acquisition policy?

When seeking to acquire space, Federal agencies should first seek space in Government-owned and Government-leased buildings. If suitable Government-controlled space is unavailable, Federal agencies must acquire real estate and related services in an efficient and cost effective manner.

§ 102-73.15 What real estate acquisition and related services must Federal agencies provide?

Federal agencies, upon approval from GSA, may provide real estate acquisition and related services, including leasing (with or without purchase options), building and/or site purchase, condemnation, and relocation assistance. For information on the design and construction of Federal facilities, see part 102-76 of this chapter.

Federal Management Regulation

§ 102-73.50

UNITED STATES POSTAL SERVICE- CONTROLLED SPACE

§ 102-73.20 Are Federal agencies required to give priority consideration to space in buildings under the custody and control of the United States Postal Service in fulfilling Federal agency space needs?

Yes, after considering the availability of GSA-controlled space and determining that no such space is available to meet its needs, Federal agencies must extend priority consideration to available space in buildings under the custody and control of the United States Postal Service (USPS) in fulfilling Federal agency space needs, as specified in the "Agreement Between General Services Administration and the United States Postal Service Covering Real and Personal Property Relationships and Associated Services," dated July 1985.

LOCATING FEDERAL FACILITIES

§ 102-73.25 What policies must executive agencies comply with in locating Federal facilities?

Executive agencies must comply with the location policies in this part and part 102-83 of this chapter.

HISTORIC PRESERVATION

§ 102-73.30 What historic preservation provisions must Federal agencies comply with prior to acquiring, constructing, or leasing space?

Prior to acquiring, constructing, or leasing space, Federal agencies must comply with the provisions of section 110(a) of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470h-2(a)), regarding the use of historic properties. Federal agencies can find guidance on protecting, enhancing and preserving historic and cultural property in part 102-78 of this chapter.

PROSPECTUS REQUIREMENTS

§ 102-73.35 Is a prospectus required for all acquisition, construction, or alteration projects?

No, a prospectus is not required if the dollar value of a project does not exceed the prospectus threshold. The Public Buildings Act of 1959, as amend-

ed, 40 U.S.C. 601-619, establishes a prospectus threshold, applicable to Federal agencies operating under, or subject to, the authorities of the Administrator of General Services, for the construction, alteration, purchase, and acquisition of any building to be used as a public building, and establishes a prospectus threshold to lease any space for use for public purposes. The current prospectus threshold value for each fiscal year can be found at <http://www.gsa.gov>.

§ 102-73.40 What happens if the project exceeds the prospectus threshold?

Such projects require approval by the Senate and the House of Representatives if the dollar value exceeds the prospectus threshold. In order to obtain this approval, prospectuses for such projects must be submitted to GSA and the Administrator of General Services will transmit the proposed prospectuses to Congress for consideration by the Senate and the House of Representatives.

Subpart B—Acquisition by Lease

§ 102-73.45 When may Federal agencies consider leases of privately owned land and buildings to satisfy their space needs?

Federal agencies may consider leases of privately owned land and buildings only when needs cannot be met satisfactorily in Government-controlled space and one or more of the following conditions exist:

(a) Leasing is more advantageous to the Government than constructing a new building, or more advantageous than altering an existing Federal building;

(b) New construction or alteration is unwarranted because demand for space in the community is insufficient, or is indefinite in scope or duration; or

(c) Federal agencies cannot provide for the completion of a new building within a reasonable time.

§ 102-73.50 Are Federal agencies that possess independent statutory authority to acquire leased space subject to requirements of this part?

No, Federal agencies possessing independent statutory authority to acquire