

**§ 102-74.5**

manager have an opportunity to state their positions on the issues?

- 102-74.520 How much time does the regional officer have to affirm or reverse the Federal agency building manager's decision after receiving the notification of appeal from the affected person or organization?

**SCHEDULE OF USE**

- 102-74.525 May Federal agencies reserve time periods for the use of public areas for official Government business or for maintenance, repair, and construction?

**HOURS OF USE**

- 102-74.530 When may public areas be used?

**SERVICES AND COSTS**

- 102-74.535 What items may Federal agencies provide to permittees free of charge?  
102-74.540 What are the items for which permittees must reimburse Federal agencies?  
102-74.545 May permittees make alterations to the public areas?  
102-74.550 What items are permittees responsible for furnishing?

**CONDUCT**

- 102-74.555 What rules of conduct must all permittees observe while on Federal property?

**NON-AFFILIATION WITH THE GOVERNMENT**

- 102-74.560 May Federal agencies advise the public of the presence of any permittees and their non-affiliation with the Federal Government?

**Subpart E—Installing, Repairing, and Replacing Sidewalks**

- § 102-74.565 What is the scope of this subpart?  
102-74.570 Are State and local governments required to fund the cost of installing, repairing, and replacing sidewalks?  
102-74.575 How do Federal agencies arrange for work on sidewalks?  
102-74.580 Who decides when to replace a sidewalk?

**APPENDIX TO PART 102-74—RULES AND REGULATIONS GOVERNING CONDUCT ON FEDERAL PROPERTY**

**AUTHORITY:** 40 U.S.C. 486(c); E.O. 12191, 45 FR 7997, 3 CFR, 1980 Comp., p 138.

**SOURCE:** 67 FR 76830, Dec. 13, 2002, unless otherwise noted.

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

**Subpart A—General Provisions**

**§ 102-74.5 What is the scope of this part?**

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

**§ 102-74.10 What is the basic facility management policy?**

Executive agencies must manage, operate and maintain Government-owned and leased buildings in a manner that provides for quality space and services consistent with their operational needs and accomplishes overall Government objectives. The management, operation and maintenance of buildings and building systems must:

- (a) Be cost effective and energy efficient;
- (b) Be adequate to meet the agencies' missions;
- (c) Meet nationally recognized standards; and
- (d) Be at an appropriate level to maintain and preserve the physical plant assets, consistent with available funding.

**Subpart B—Facility Management**

**§ 102-74.15 What are the facility management responsibilities of occupant agencies?**

Occupants of facilities under the custody and control of Federal agencies must:

- (a) Cooperate to the fullest extent with all pertinent facility procedures and regulations;
- (b) Promptly report all crimes and suspicious circumstances occurring on federally controlled property first to the regional law enforcement organization and other designated law enforcement agencies, and then through internal agency channels;
- (c) Provide training to employees regarding protection and responses to emergency situations; and
- (d) Make recommendations for improving the effectiveness of protection in Federal facilities.

## Federal Management Regulation

## § 102-74.55

### OCCUPANCY SERVICES

#### § 102-74.20 What are occupancy services?

Occupancy services are:

- (a) Building services (see § 102-74.35);
- (b) Concession services; and
- (c) Conservation programs.

#### § 102-74.25 What responsibilities do executive agencies have regarding occupancy services?

Executive agencies, upon approval from GSA, must manage, administer and enforce the requirements of agreements (such as Memoranda of Understanding) and contracts that provide for the delivery of occupancy services.

#### § 102-74.30 What standard in providing occupancy services must executive agencies follow?

Executive agencies must provide occupancy services that substantially conform to nationally recognized standards. As needed, executive agencies may adopt other standards for buildings and services in federally-controlled facilities to conform to statutory requirements and to implement cost-reduction efforts.

#### § 102-74.35 What building services must executive agencies provide?

Executive agencies, upon approval from GSA, must provide:

- (a) Building services such as custodial, solid waste management (including recycling), heating and cooling, landscaping and grounds maintenance, tenant alterations, minor repairs, building maintenance, integrated pest management, signage, parking, and snow removal, at appropriate levels to support Federal agency missions; and
- (b) Arrangements for raising and lowering the United States flags at appropriate times. In addition, agencies must display P.O.W. and M.I.A. flags at locations specified in 36 U.S.C. 902 on P.O.W./M.I.A. flag display days.

### CONCESSION SERVICES

#### § 102-74.40 What are concession services?

Concession services are any food or snack services provided by a Randolph-Sheppard Act vendor, commercial contractor or nonprofit organization (see

definition in § 102-71.20 of this chapter), in vending facilities such as:

- (a) Vending machines;
- (b) Sundry facilities;
- (c) Prepackaged facilities;
- (d) Snack bars; and
- (e) Cafeterias.

#### § 102-74.45 When must Federal agencies provide concession services?

Federal agencies, upon approval from GSA, must provide concession services where building population supports such services and when the availability of existing commercial services is insufficient to meet Federal agency needs. Prior to establishing concessions, Federal agencies must ensure that:

- (a) The proposed concession will be established and operated in conformance with applicable policies, safety, health and sanitation codes, laws, regulations, *etc.*, and will not contravene the terms of any lease or other contractual arrangement;
- (b) Sufficient funds are legally available to cover all costs for which the Government may be responsible; and
- (c) All contracts will be financially self-supporting and not compete with nearby commercial enterprise.

#### § 102-74.50 May Federal agencies sell tobacco products in vending machines in Government-owned and leased space?

No, Public Law 104-52, Section 636, prohibits the sale of tobacco products in vending machines in Government-owned and leased space. The Administrator of GSA or the head of an Agency may designate areas not subject to the prohibition, if minors are prohibited and reports are made to the appropriate committees of Congress.

#### § 102-74.55 Are commercial vendors and nonprofit organizations required to operate vending facilities by permit or contractual arrangement?

Commercial vendors and nonprofit organizations must operate vending facilities, including cafeterias, under a contractual arrangement with Federal agencies.