

## 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.