

## § 302-12.102

the company to provide relocation services.

### **§ 302-12.102 What contracted relocation services may we provide at Government expense?**

You may pay for contracted relocation services that are substitutes for reimbursable relocation allowances authorized throughout this chapter. For example, you may pay for homesale services as a substitute for residence sale expenses, or household goods management services as a substitute for transportation of household goods.

### **§ 302-12.103 May we separately contract for each type of relocation service?**

Yes, you may separately contract for each type of relocation service or you may combine several types of relocation services in a single contract.

### **§ 302-12.104 What is the purpose of contracting for relocation services?**

The purpose of contracting for relocation services is to improve the treatment of employees who are directed to relocate to facilitate the retention of a well-qualified workforce.

### **§ 302-12.105 How must we administer a relocation services contract?**

You must balance the positive effects that availability of relocation services has on employee mobility and morale with any increased costs your agency may experience as a result of providing relocation services.

### **§ 302-12.106 What policies must we establish when offering our employees the services of a relocation services company?**

When offering your employees the services of a relocation services company, you must establish policies governing:

- (a) The conditions under which you will authorize an employee to use a relocation services company;
- (b) Which employees you will allow to use a relocation services company;
- (c) What relocation services you will offer an employee; and
- (d) Who will determine in each case if an employee may use a relocation services company and what services will be offered.

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### **§ 302-12.107 What rules must we follow when contracting for relocation services?**

You must follow the rules contained in the Federal Acquisition Regulations (FAR) (48 CFR) and/or other procurement regulations applicable to your agency.

### **§ 302-12.108 What are the income tax consequences that we must consider when offering relocation services?**

Amounts you pay to a relocation services company on behalf of an employee may be taxable to the employee. In some cases, such as certain homesale programs, the amounts may not be taxable. You must determine the taxability of such payments, and pay a relocation income tax (RIT) allowance in accordance with part 302-17 of this chapter on payments you determine to be taxable to the employee. You may contact the: Assistant Chief Counsel (Income Tax & Accounting), Internal Revenue Service, 1111 Constitution Avenue, NW., Room 5501, Washington, DC 20224, for information on the income tax consequences of payments you make to a relocation services company.

### **§ 302-12.109 What must we consider in deciding whether to use the fixed-fee or cost-reimbursable contracting method?**

You must consider the following factors in deciding whether to use the fixed-fee or cost-reimbursable contracting method:

- (a) *Risk of alternative methods.* Under a fixed fee contract, the relocation services company bears all risks not expressly contained in the contract. Under a cost-reimbursable contract, you must assume some or all risks and, therefore, must assume some management responsibilities under the contract as well. For example, under a fixed fee homesale program you are not directly liable for losses incurred if a residence does not sell immediately, while under a cost-reimbursable homesale program you assume some or all risks of selling the residence.
- (b) *Cost of alternative methods.* Under the fixed fee method of contracting, the fee includes a cost component for

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risks assumed by the relocation services company. Under the cost-reimbursable method of contracting, you are directly responsible for some or all of the costs associated with management of the contract. In deciding whether to use cost-reimbursable contracting you, therefore, must consider the cost of resources you would require (including personnel costs) to manage a cost-reimbursable relocation services contract.

(c) *Effect on the obligation of funds.* You must obligate funds for a relocation in the fiscal year in which the purchase order is awarded under the contract. Under the fixed fee contracting method, the amount of the relocation services fee is fixed and you have a basis for determining the amount of funds to obligate. Under the cost-reimbursable contracting method, you must obligate funds based on an estimate of the costs that will be incurred. When opting for cost-reimbursable contracting you, therefore, should establish a reliable method of computing fund obligation estimates.

### **§302-12.110 May we take title to an employee's residence?**

No, you may not take title to an employee's residence except as specifically provided by statute. The statutes which form the basis for the provisions of this part do not provide such authority.

### **§302-12.111 Under a homesale program, may we establish a maximum home value above which we will not pay for homesale services?**

Yes, if a home exceeding the maximum value above which you will not pay is sold under your homesale program, the employee will be responsible for any additional costs. You must establish a maximum amount commensurate with your agency's experience. You may consider, among other factors, budgetary constraints, the value range of homes in areas where you have offices, and the value range of homes previously entered in your program.

### **§302-12.112 Under a homesale program, may we pay an employee for losses he/she incurs on the sale of a residence?**

No, under a home sale program, you may not pay an employee for losses he/she incurs on the sale of a residence, but this does not preclude you reimbursing a relocation service's company for losses incurred while the contractor holds the property.

### **§302-12.113 Under a homesale program, may we direct the relocation services company to pay an employee more than the fair market value of his/her residence?**

No, under a homesale program, you may not direct the relocation services company to pay an employee more than the fair market value (as determined by the residence appraisal process) of his/her home.

### **§302-12.114 May we use a relocation services contract for services which we are contractually bound to obtain under another travel services contract?**

No, you may not use a relocation services contract to which you are contractually bound to obtain the services of another relocation service provider or to circumvent the travel and transportation expense payment system contract if you are a user of that contract.

## **PART 302-14—HOME MARKETING INCENTIVE PAYMENTS**

### **Subpart A—Payment of Incentive to the Employee**

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