

Federal Property Management Regulations

§ 101-18.106

(1) U.S. marshals Office in any Alaska location (lease terms, including all options, limited to 5 years);

(2) Border Patrol Offices similar in character and utilization to policy stations, involving the handling of prisoners, firearms, and motor vehicles, regardless of location (lease terms, including all options limited to 5 years);

(3) Space used for storage and maintenance of surveillance vehicles and seized property (lease terms, including all options, limited to 5 years);

(4) Space used for review and custody of records and other evidentiary materials (lease terms, including all options, limited to 5 years);

(5) Space used for trail preparation where space is not available in Federal Buildings, Federal Courthouses, USPS facilities, or GSA-leased buildings (lease terms limited to not more than 1 year.)

(i) Office of Thrift Supervision: Space for field offices of Examining Divisions required to be located within Office of Thrift Supervision buildings or immediately adjoining or adjacent to such buildings (lease terms, including all options, limited to 5 years).

(j) Department of Transportation:

(1) Federal Aviation Administration:

(i) Land at airports (if unimproved, land may be leased only on a fiscal year basis);

(ii) Not to exceed 10,000 square feet of space at airports that is used predominantly as general purpose office space in buildings under the jurisdiction of public or private airport authorities (lease terms, including all options, limited to 5 years);

(2) U.S. Coast Guard:

(i) Space for the oceanic unit, Woods Hole, MA;

(ii) Space for port security activities.

(k) Department of the Treasury:

(1) Comptroller of the Currency—Space and land incidental thereto for the use of the Comptroller of the Currency, as well as the operation, maintenance and custody thereof (if unimproved, land may be leased only on a fiscal year basis; for space, lease term, including all options, limited to 5 years);

(2) U.S. Customs Service—Aerostat radar facilities necessary for agency mission activities;

(l) Department of Veterans Affairs:

(1) Guidance and training centers located at schools and colleges;

(2) Space used for veterans hospitals, including outpatient and medical-related clinics, such as drug, mental health, and alcohol.

§ 101-18.105 Contingent fees and related procedure.

The provisions of subpart 3.4 of Title 48 with respect to contingent fees and related procedure are hereby made applicable to all negotiated and sealed bid contracts for the acquisition of real property by lease. The representations and covenants required by that subpart shall be appropriately adapted for use in leases of real property for Government use.

§ 101-18.106 Application of socioeconomic considerations.

(a) In acquiring space by lease, agencies will avoid locations which will work a hardship on employees because (1) there is a lack of adequate low- and moderate-income nondiscriminatory housing for employees within reasonable proximity to the location, and (2) the location is not readily accessible from other areas of the community.

(b) Consideration of low- and moderate-income nondiscriminatory housing for employees and the need for development and redevelopment of areas for socioeconomic improvement will apply to the acquisition of space by lease where:

(1) 100 or more low- or moderate-income employees are expected to be employed in the space to be leased; and

(2) The proposed leasing action involves residential relocation of a majority of the existing low- and moderate-income work force, a significant increase in their transportation or parking costs, travel time that exceeds 45 minutes to the new location, or a 20 percent increase in travel time if travel time to the present facility already exceeds an average of 45 minutes; or

(3) GSA requests Department of Housing and Urban Development (HUD) review in lease actions of special importance not covered by paragraphs (b) (1) and (2) of this section.

(c) HUD, as the agency responsible for providing information concerning

the availability of nondiscriminatory low- and moderate-income housing in areas where Federal facilities are to be located, shall be consulted when such information is required.

(d) Other socioeconomic considerations described in §101-19.101 are also applicable to lease acquisitions.

Subpart 101-18.2—Acquisition by Purchase or Condemnation

§ 101-18.200 Purpose.

These regulations will:

- (a) Encourage and expedite the acquisition of real property by agreements with owners;
- (b) Avoid litigation where possible and relieve congestion in the courts;
- (c) Insure consistent treatment of owners in the many Federal programs; and
- (d) Promote public confidence in Federal land acquisition practices.

§ 101-18.201 Basic acquisition policy.

GSA, to the greatest extent practicable, will:

- (a) Make every reasonable effort to acquire expeditiously real property by negotiation.
- (b) Appraise real property before the initiation of negotiations and give the owner or his designated representative an opportunity to accompany the appraiser during his inspection of the property.
- (c) Establish, prior to the initiation of negotiations for real property, an amount estimated to be the just compensation therefor and make a prompt offer to acquire the property for the full amount so established. GSA will provide the owner of the real property to be acquired with a written statement of the amount established as just compensation and a summary of the basis for it. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property will be separately stated. The summary statement to be furnished the owner will include the following:

- (1) Identification of the real property and the estate or interest therein to be acquired;
- (2) Identification of the buildings, structures, and other improvements

considered to be part of the real property for which the offer of just compensation is made;

(3) A statement that GSA's determination of just compensation is based on the estimated fair market value of the property to be acquired. If only part of the property is to be acquired or the interest to be acquired is less than the full interest of the owner, the statement will explain the basis for the determination of the just compensation;

(4) A statement that GSA's determination of just compensation is not less than its approved appraisal of the property; and

(5) A statement that any increase or decrease in the fair market value of the real property, prior to the date of valuation, caused by the public improvement or project for which the real property is to be acquired, or by the likelihood that the real property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation for the property.

(d) Acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property. This includes buildings, structures, or other improvements that GSA requires to be removed from the real property or that GSA determines will affect adversely the proposed use of the real property. If any buildings, structures, or other improvements comprising part of the real property are the property of an occupant who has the right or obligation to remove them at the expiration of his term, the total just compensation for the real property, including the property of the occupant, will be determined and the occupant will be paid the greater of the:

- (1) Fair market value of the buildings, structures, or other improvements to be removed from the property; or
- (2) Contributive fair market value of the occupant's improvements to the fair market value of the entirety, which value should not be less than the value of his improvements for removal from the real property. Payment under