

preparation of drawings and specifications for GSA construction projects.

(c) Executive agencies may contract for professional engineering, architectural, and landscape architectural services for projects which fall within the definition of a "public building" contained in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) only when the Administrator of General Services has delegated his responsibilities and authorities pursuant to section 15 of that Act (40 U.S.C. 614). (See § 101-19.501 regarding delegations of authority.)

Subpart 101-19.5—Delegation of Authority

§ 101-19.501 Conditions justifying delegation.

The authorities and responsibilities of the Administrator of General Services under the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601-615), shall, except for the authority in section 4 of that Act, upon request, be delegated to the appropriate executive agency where the estimated cost of the project does not exceed \$100,000 and may, in the Administrator's discretion, be delegated in cases exceeding that amount. (See section 15 of the Act.) When the estimated cost of the project exceeds \$100,000, the following criteria will be applied in determining whether a delegation will be made:

(a) The staff capability of the requesting agency to negotiate and administer contracts for the various types of work involved; and

(b) Whether such a delegation will promote efficiency and economy. See § 101-19.402(c) regarding contracts for professional engineering and architectural services.

§ 101-19.502 Exercise of delegation.

Delegated work shall be performed according to standards established by the Administrator of General Services. No such delegation of authority shall exempt the person to whom it is made, or the exercise of such authority, from any provision of the Public Buildings Act of 1959, as amended (40 U.S.C. 601-615).

Subpart 101-19.6—Accommodations for the Physically Handicapped

§ 101-19.600 Scope of subpart.

This subpart prescribes standards for the design, construction, lease, and alteration of buildings to ensure, whenever possible, that physically handicapped persons will have ready access to and use of such buildings. Record-keeping and reporting requirements (see §§ 101-19.606 and 101-19.607) are prescribed for all projects subject to this subpart.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

[43 FR 16479, Apr. 19, 1978]

§ 101-19.601 Authority and applicability.

This subpart implements Public Law 90-480, approved August 12, 1968, as amended (42 U.S.C. 4151, *et seq.*). The standards prescribed herein shall apply to all Federal agencies and instrumentalities and to non-Federal organizations to the extent provided in the Act.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

[43 FR 16479, Apr. 19, 1978]

§ 101-19.602 Definitions.

The following definitions shall apply to this subpart 101-19.6:

(a) *Building* means any building or facility (other than a privately owned residential structure not leased by the Government for subsidized housing programs and any building or facility on a military installation designed and constructed primarily for use by able-bodied military personnel) the intended use for which will require either that the building or facility be accessible to the public or may result in the employment therein of physically handicapped persons, which is to be:

(1) Constructed or altered by, or on behalf of, the United States after September 2, 1969;

(2) Leased in whole or in part by the United States between August 12, 1968, and December 31, 1976, if constructed or altered in accordance with plans and specifications of the United States;

(3) Financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if the

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building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such a grant or loan;

(4) Constructed under authority of the National Capital Transportation Act of 1960, the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact; or

(5) Leased in whole or in part by the United States after January 1, 1977, including any renewal, succeeding, or superseding lease.

(b) *Alteration* means repairing, improving, remodeling, extending, or otherwise changing a building.

(c) The terms *bid* and *bidder* shall be construed to include *offer* and *offeror*.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

[39 FR 23214, June 27, 1974, as amended at 43 FR 16479, Apr. 19, 1978]

§ 101-19.603 Standards.

Except as provided in §101-19.604, every building must be designed, constructed, or altered to meet the minimum requirements of the Uniform Federal Accessibility Standards (uniform standards) developed by the General Services Administration (GSA), the Department of Defense (DOD), the Department of Housing and Urban Development (HUD), and the United States Postal Service (USPS), in consultation with the Department of Health and Human Services. Departing from these standards by using other methods is permitted if it is clear that equal accessibility and usability of the facility are provided. Except as provided under §§101-19.602 and 101-19.604, buildings designed, constructed, or altered before the effective date of this standard must meet the minimum standards in the GSA Accessibility Standard DG6 from October 14, 1980, to July 31, 1984, or the American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped, published by the American National Standards Institute, Inc. (ANSI A117.1-1961) (R1971) from September 2, 1969, to October 13, 1980. Buildings under design are governed by the criteria of the uni-

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form standards if the date bids were invited falls after the effective date of this rule.

[49 FR 31625, Aug. 7, 1984]

§ 101-19.604 Exceptions.

The standards established in §101-19.603 shall not apply to:

(a) The design, construction, alteration, or lease of any portion of a building which need not, because of its intended use, be made accessible to, or usable by, the public or by physically handicapped persons;

(b) The alteration of an existing building if the alteration does not involve the installation of, or work on, existing stairs, doors, elevators, toilets, entrances, drinking fountains, floors, telephone locations, curbs, parking areas, or any other facilities susceptible of installation or improvements to accommodate the physically handicapped;

(c) The alteration of an existing building, or of portions thereof, to which application of the standards is not structurally possible;

(d) The construction or alteration of a building for which plans and specifications were completed or substantially completed on or before September 2, 1969: *Provided, however*, That any building defined in §101-19.602(a)(4) shall be designed, constructed, or altered in accordance with the standards prescribed in §101-19.603 regardless of design status or bid solicitation as of September 2, 1969; and

(e) The leasing of space when it is found after receiving bids or offers not otherwise legally acceptable that a proposal meets most of the requirements of the Uniform Federal Accessibility Standards. If no offeror or bidder meets all the requirements, then preference must be given to the offeror or bidder who most nearly meets the standards in section 101-19.603. If the award is proposed for a firm other than the one that most nearly meets the Uniform Federal Accessibility Standards and whose bid or offer is reasonable in price and is otherwise legally