

§ 101-19.603

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

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acceptable, a waiver or modification of the standards must be obtained.

(Sec. 205 (c), 63 Stat. 1390, 40 U.S.C. 486(c))

[39 FR 23214, June 27, 1974, as amended at 43 FR 16479, Apr. 19, 1978; 49 FR 31625, Aug. 7, 1984]

§ 101-19.605 Waiver or modification of standards.

The applicability of the standards set forth in this subpart may be modified or waived on a case-by-case basis upon application to GSA by the head of the department, agency, or instrumentality of the United States concerned only if the Administrator of General Services determines that such waiver or modification is clearly necessary.

§ 101-19.606 Recordkeeping.

The administering agency's file on each contract or grant for the design, construction, lease, or alteration of a building as defined in § 101-19.602 shall be documented with a statement either:

(a) That the standards are applicable to and have been or will be incorporated in the design, the construction, or the alteration; (b) that the grant has been or will be made subject to a requirement that the standards will be incorporated in the design, the construction, or the alteration; (c) that the standards have been waived by the Administrator of General Services (in which event the justification for the waiver shall be stated); (d) that the project is within one of the exceptions set out in § 101-19.604 (the specific exception shall be identified and justified); or (e) such other statements as may be appropriate with respect to application of the standards to the contract or grant. The head of each agency shall be responsible for implementing the file documentation requirement by regulation or other appropriate means.

The documentation shall be made available to the Administrator of General Services upon request.

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

[43 FR 16480, Apr. 19, 1978]

§ 101-19.607 Reporting.

(a) Annually each administering agency shall prepare and submit to the Administrator of General Services reports covering all projects subject to the requirements of this subpart 101-19.6 for which funds have been appropriated or for which a contract, grant, or loan has been approved (whichever is applicable) and which are still under design or construction, or buildings for which lease contracts have been awarded. Once a project has been reported as being occupied, it need not be included in subsequent reports. Lease projects need to be reported only during the period in which the award was made. All reports should be prepared on GSA Form 2974, Status Report for Federally Funded or Leased Buildings—Accommodation of Physically Handicapped. Interagency reports control number 0031-GSA-AN has been assigned to this report.

(b) The annual reporting period, for purposes of this requirement, ends on the last day of August. Reports will be due on the fifteenth calendar day of the following month. The initial report will cover facilities subject to this reporting requirement during the period from September 1, 1981, through August 31, 1982.

(c) Reports will be used for surveys and investigations to ensure compliance with The Architectural Barriers Act, as amended, pursuant to the requirements of the act.

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

[44 FR 39393, July 6, 1979, as amended at 48 FR 15629, Apr. 12, 1983]