

and approved by GSA and an agency official certifying that he/she has the authority to order the services and commit the agency to payment.

(h) Bills for recurring above-standard level services are rendered in advance at an established cost equal to the estimated amount. This type of work authorization, with the right to cancel (subject to incurred costs and obligations) upon 60 days notice by either party must be completed and forwarded to GSA prior to the commencement of the period for which services are required. With the exception of recurring work authorizations for utilities, which GSA may limit to 3-month periods, each recurring type work authorization must authorize charges for the full period during the fiscal year that the services will be required. These work authorizations must always begin and end within the same fiscal year.

(i) Agencies shall be responsible for timely payment and resolving any billing problems regarding orders they place under GSA contracts.

[57 FR 44693, Sept. 29, 1992, as amended at 62 FR 27973, May 22, 1997]

§ 101-21.605 Payment procedures.

Payment of billings for space and services to OPAC agencies shall be in accordance with the procedures prescribed by the Treasury Fiscal Requirements Manual, Part VI, Chapter 5000. Billings for space and services to BOAC agencies shall be paid promptly by check or transfer document upon receipt of the billing document, in accordance with the GAO Manual for Guidance of Federal Agencies, title 7, Fiscal Procedures, Ch. 2, Sec. 7.3(b).

§ 101-21.606 Reviews and appeals.

(a) Agencies may at any time request a regional review of the measurement, classification, service levels provided, or charges assessed that pertain to the space assignment without resorting to formal procedures. Such requests do not constitute appeals and should be directed to the appropriate GSA regional office.

(b) Agencies may file formal appeals on the Rent assessed, but only when the charge assessed is in excess of the comparable commercial square foot rates by 20 per cent or one dollar per

square foot, whichever is greater, and when the quarterly Rent charge is in excess of the comparable commercial charge for that quality of space by \$25,000. Formal appeals should be filed with the appropriate Regional Administrator. To determine if the Rent charge assessed is subject to appeal under this procedure, an agency is required to compare its assigned space with other space in the surrounding community that:

(1) is available in similar size blocks of space in a comparable location,

(2) is the same type of space as defined by GSA,

(3) provides similar service levels as part of the charges,

(4) contains similar contractual terms, conditions, and escalation clauses, and

(5) represents a lease transaction completed at a similar point in time.

Data from at least three comparable locations will be necessary to demonstrate a market trend sufficient to warrant revising a Rent rate. Agencies filing appeals must develop documentation supporting an appeal of the Rent charge assessed using the factors described in this paragraph.

(c) An appeal shall initially be filed by local agency officials with the appropriate GSA regional office and include all pertinent information and documentation supporting the need for the appeal. The GSA regional office will verify the data submitted and perform additional investigation as necessary. The GSA Regional Administrator will determine the validity of the appeal and will notify the appealing agency of his ruling.

(d) A further appeal may be filed by the agency's bureau level officials with the Commissioner, Public Buildings Service, GSA, if an equitable resolution has not been obtained from the initial appeal. The second stage appeal must provide supporting information justifying the continuation of the appeal.

(e) A head of an agency may further appeal to the Administrator of General Services only after the procedure to obtain prior resolution at the first two levels has been followed. Documentation of the procedure followed for prior resolution must accompany an appeal

§ 101-21.4900

41 CFR Ch. 101 (7-1-99 Edition)

to the Administrator. Decisions made by the Administrator shall be final.

(f) Adjustments to the Rent rates which result from the reviews and appeals procedure will be effective in the quarter in which the agency submitted a properly documented appeal. Adjusted rates remain in effect for the remainder of the fiscal year.

(g) If an agency questions the rate developed for a specific building in the budget estimate, the appropriate GSA Regional Office should be contacted for information on the projected rate.

NOTE: If an informal resolution is not reached after discussions with the Regional Real Estate personnel, the agency may appeal the rate, provided the criteria for an appeal are met. The appeal may be filed, as outlined in paragraphs (b), (c), (d), and (e) of this section. The appeal documentation must include current-year information for comparable buildings. The Regional Office will provide the current year rate for the building in question.

Subparts 101-21.7-101-21.48
[Reserved]

Subpart 101-21.49—Forms

SOURCE: 39 FR 23232, June 27, 1974, unless otherwise noted.

§ 101-21.4900 Scope of subpart.

This subpart contains information on forms that pertain to reimbursable services.

§ 101-21.4901 GSA forms.

(a) The form referenced in § 101-21.4901 is a GSA form. The subsection number in this section corresponds to the GSA form number.

(b) Agencies may obtain information and a supply of forms from any GSA buildings manager.

§ 101-21.4901-2957 GSA Form 2957, Reimbursable Work Authorization.

NOTE: Form is filed as part of original document.

APPENDIX TO SUBCHAPTER D—TEMPORARY REGULATIONS

[EDITORIAL NOTE: The following is a list of temporary regulations, except delegations of authority, which relate to Federal property management and are in effect as of the revision date of this volume. The full text of these temporary regulations appears following this table.]

FPMR Temp. Reg.	Subject	Expires	FR Publication
D-1	Assignment and utilization of space.	62 FR 42070, Aug. 5, 1997

FEDERAL PROPERTY MANAGEMENT
REGULATIONS; INTERIM RULE D-1

Supplement 1

To: Heads of Federal Agencies

Subject: Assignment and utilization of space

1. Purpose. This interim rule, initially published in the FEDERAL REGISTER March 7, 1996, began the process of replacing part 101-17 of the Federal Property Management Regulations (FPMR). The rule repealed the outdated and superseded permanent FPMR part 101-17 and provided new guidance concerning the location of Federal facilities in urban areas. The rule expired on March 7, 1997. This supplement extends the interim rule indefinitely.

2. Effective date. March 8, 1997. Comments should be submitted on or before 30 calendar days following publication in the FEDERAL REGISTER.

3. Comments. Comments should be submitted to the General Services Administration, Public Buildings Service, Office of

Property Acquisition and Realty Services (PE), Washington, DC 20405.

4. Effect on other directives. This interim rule amends 41 CFR part 101-17 by deleting all subparts and sections in their entirety and by adding a new § 101-17.205 entitled "Location of Space."

Dated: April 21, 1992.

David J. Barram,
Acting Administrator of General Services

ATTACHMENT A

"Subchapter D—Public Buildings and Space

PART 101-17—ASSIGNMENT AND
UTILIZATION OF SPACE

§ 101-17.205 Location of space

(a) Each Federal agency is responsible for identifying its geographic service area and the delineated area within which it wishes to locate specific activities, consistent with its mission and program requirements, and in accordance with all applicable statutes, regulations and policies. Specifically, under the