# Introduction: General Information, Lease Authorities, and Responsibilities


**1. About This Desk Guide ..... 1**

a. Purpose and Scope ..... 1

b. Applicability ..... 1

c. Content Control and Revisions ..... 1

d. Special Situations ..... 1

e. Using This Desk Guide ..... 1

f. Systems and Tools ..... 2

**2. Basis for Leasing Authority ..... 3**

a. Statutory Authority ..... 3

b. LCO's Exclusive Authority ..... 3

c. Land Leases ..... 3

d. Other Delegations of Authority ..... 3

e. Legislative and Executive Impacts on the Leasing Program ..... 4

f. Procedural Limitations on Leasing Authority ..... 4

**3. Basic Policies ..... 5**

a. Federal Management Regulation ..... 5

b. GSA Acquisition Manual ..... 5

c. Negotiated Procurement ..... 5

d. PBS Milestones ..... 6

**4. General Roles and Responsibilities ..... 6**

a. Organizational Roles ..... 6

b. Realty Professionals ..... 7

c. Other GSA Participants ..... 7

**Addendum: Laws, Statutes, Executive Orders, and Regulations Governing Lease Acquisitions ..... 9**

A. Federal Statutes ..... 9

B. Executive Orders ..... 13

C. Regulations ..... 14

D. Policies ..... 14

# 1. About This Desk Guide

## a. Purpose and Scope

This Desk Guide contains authorities, policies, technical and procedural guides, and administrative limitations governing the acquisition by lease of real property. It replaces all previous Public Buildings Service (PBS) leasing guides and incorporates other existing guidance.

The process overviews in this Desk Guide do not completely cover all of the possible considerations and alternative courses of action that realty professionals must be aware of to successfully complete all possible lease actions. However, they should be able to use the material in this Desk Guide to help them tie together the typical considerations, process steps, and review requirements that they could normally expect to encounter.

## b. Applicability

The provisions of this Desk Guide apply to all PBS personnel engaged in the acquisition and administration of lease contracts. This Desk Guide also applies to agencies leasing space under delegated authority from the General Services Administration (GSA).

## c. Content Control and Revisions

This Desk Guide is issued and maintained by PBS. The version that appears online (link to online TOC) is always the most recent and authoritative. If you are using a printed hardcopy of this Desk Guide, note the revision date at the bottom of the page; there may be more recent versions and updated content online.

Chapters and revisions are issued by Lease Acquisition Circular (LAC) in Adobe Acrobat (PDF) format for loose-leaf printing. LACs are numbered sequentially by year (e.g., LAC-2010-01) and filed on the Desk Guide Web site at the link above.

For further information, or if you have questions or suggestions, contact the PBS Office of Real Estate Acquisition—Center for Realty Policy (askPR@GSA.gov).

## d. Special Situations

Unusual and special situations may arise that are not covered specifically by existing instructions or procedures. In these cases, the regional officials should consult with the Office of Regional Counsel and request special instructions from the Central Office.

## e. Using This Desk Guide

### User Aids

Throughout this Desk Guide you will find various features to make it easier to use:

- Text boxes provide emphasis on key issues, best practices, legal issues, and insights for the reader.

- A glossary defines key terminology (link to glossary).
- Appendices contain document templates, sample letters and notifications, and links to current GSA forms online.
- Tables of contents link to the content in the electronic document.
- Hyperlinks in the electronic document link to online regulations, authoritative guidance documents, and informational Web pages.

### Roles Referenced in This Document

In addition to the Leasing Specialist (LS) and Lease Contracting Officer (LCO) titles, this guide uses the term "realty professional" to identify responsible personnel when functions are not specific to either the LS or LCO. These may differ from region to region. For example, some regions use realty technicians, leasing assistants, and other staff titles to perform leasing tasks.

### Microsoft Word Settings

To make visible all Microsoft Word document content (such as graphics or pictures), and to allow the various links and cross-references to function properly, follow these procedures:

- **Keep all associated Desk Guide files in the same folder (on your hard drive or CD-ROM).** The links probably will not work if you open a file by double-clicking directly on an email attachment. They also may not work if you open the files directly in a network folder via an offsite remote connection.
- **Turn off Word's Document Map feature.** It interferes with the links within graphics.
- **Set Word options to enable the display of graphics.** Uncheck the option to display Picture Placeholders if it is checked, and make sure that the option to display Drawings and Text Boxes is checked.
- **View the document in Print Layout View (not Normal, Draft, Outline, or Web Layout).**
- **If you wish to print the documents as they appear, set Word options to enable printing pictures.** Under options for printing, be sure that Drawing Objects is selected to include with the printed document.

## f. Systems and Tools

The following tools are critical to leasing and are referenced throughout this Desk Guide.

- **STAR (to be succeeded by REXUS):** The asset management database that holds the PBS real estate inventory. REXUS is a new project PBS is undertaking to replace the existing STAR inventory system in a manner that more closely aligns with business processes, streamlines the interactions between systems, and integrates with the PBS technical architecture. Among other things, REXUS produces the Lease Digest (R620), which is sent to the Finance Center for initiating payments to the lessors for leased space.

- **Occupancy Agreement (OA) Tool:** An automated system that harbors a concise statement of the business terms governing the relationship between PBS and the tenant agency for a specific space assignment. The OA serves as the billing document on which subsequent rent payments are based.

- **eLease:** An electronic tool that standardizes a national leasing transaction lifecycle and automates the daily tasks of realty professionals through document management and storage, electronic templates, a workflow engine, communication facilitation, and systems integration.

# 2. Basis for Leasing Authority

## a. Statutory Authority

The Administrator of General Services is authorized by 40 U.S.C. § 585 to enter into lease agreements to accommodate Federal agencies in buildings (or improvements) that are in existence or will be erected by the Lessor. The agreement may not bind the Government for more than 20 years. The Administrator has delegated leasing authority to Regional Commissioners, who, as Heads of Contracting Activities, further delegate the authority by issuing leasing warrants to LCOs.

**Option periods:** Renewal option periods, exercisable at the sole discretion of the Government, in the original contract can be used to extend this time beyond 20 years. However, in no case can the exercised firm term of the lease exceed 20 years.

## b. LCO's Exclusive Authority

The LCO has exclusive authority to enter into, amend, and administer leases on the Government's behalf to the extent provided in his or her certificate of appointment as a contracting officer. Nothing in this Desk Guide is intended to limit the LCO's authority to designate, consistent with statute and regulation, a Contracting Officer's Representative.

## c. Land Leases

This multiyear authority is applicable to the leasing of land when the land has been or will be improved by the Lessor with a building, pavement, or utilities, for example. For the purposes of multiyear leasing authority, the improvements must facilitate occupancy. Unimproved or vacant land may be leased only on a fiscal-year basis; however, the lease may contain nonbinding yearly renewal options to be exercised at the Government's discretion.

## d. Other Delegations of Authority

### Delegation of Lease Administration Authority to GSA Employees

LCOs may designate Contracting Officer's Representative authority to perform lease management and administration not involving amendments to the lease. Designees must have received Federal Acquisition Certification in Contracting Officers Technical Representatives (FAC-COTR) training.

### Delegation to Federal Agencies

Delegations of lease acquisition authority to Federal agencies are made to the head of the agency or designee. The authority delegated may be for an individual lease action or a class of similar leases, such as Department of Defense recruiting activities. Agency heads are required to exercise the delegated authority per this Desk Guide, where it implements applicable laws, Executive orders (EOs), regulations, Office of Management Budget circulars, and other GSA policies that implement laws, EOs, and regulations. Refer to www.gsa.gov/leasing for leasing policies and forms. Applicable regulations include, but are not limited to, the Federal Management Regulation (FMR) at http://www.gsa.gov/portal/category/21221, the GSA Acquisition Manual (GSAM) at https://www.acquisition.gov/gsam/gsam.html, and others as specifically required in the FMR and GSAM for leases.

FMR Bulletin 2008-B1, dated November 19, 2007, limits lease acquisition delegations to 19,999 rentable square feet or less of general-purpose space. Specific agencies have been granted categorical and special-purpose lease acquisition delegations in the FMR. Agencies must request specific authorization to exercise the special-purpose delegated authority if the requirement is for 2,500 rentable square feet or more. If the requirement is 2,499 rentable square feet or less, then the agency may proceed without specific written authorization from GSA.

## e. Legislative and Executive Impacts on the Leasing Program

In addition to the legal authority for leasing real property cited above, the process of acquiring space by lease is governed by the laws, Executive orders, regulations, and policies in the list appended to this introduction.

## f. Procedural Limitations on Leasing Authority

### Verification of Acquisition Action

New leases must not be executed by GSA to satisfy a space request before an official request for space and a certification of funding is received from the client agency. Exceptions are allowed to satisfy lease continuing requirements, such as an extension where the rent stays the same, as stated in Chapter 7.

### Prospectus Approval

As a matter of policy, a lease prospectus must be approved by both the Committee on Public Works and Transportation of the House of Representatives and the Senate Committee on Public Works and the Environment if the average net annual rental will exceed the current threshold amount ($2.79 million in 2011). This requirement applies to all leases, including renewal, succeeding, and superseding actions.

Requirements for lease prospectus approval are discussed in Chapter 11, Prospectus-Level Leases.

# 3. Basic Policies

To meet these goals, it is PBS policy to lease quality space that:

- Is the best value for the Government, all factors considered;
- Is located in the Central Business Area (CBA) of communities, unless the customer can operate in a rural area or can justify a non-CBA location based on mission needs;
- Is accessible to and usable by individuals with disabilities;
- Is sustainable in design, construction, and operations and maintenance requirements; and
- Provides a safe work environment.

GSA works within a regulatory framework to lease space. This guide provides more information on these regulations in later chapters, but a summary of the key regulations are provided below.

## a. Federal Management Regulation

Federal Management Regulation (FMR) Part 102-73 contains the regulatory policy applicable to the acquisition of leasehold interests in real property for all Federal agencies, including PBS, operating under or subject to the authorities of the Administrator of General Services. This Desk Guide is the procedural guide for operating within the structures of the FMR.

## b. GSA Acquisition Manual

The GSA Acquisition Manual (GSAM) (GSAR 570) contains agency acquisition regulation, policy, practices, clauses, provisions, and forms governing the leasing process.

## c. Negotiated Procurement

Contracting by negotiation is appropriate and required for acquiring space in a building through a lease contract. The LCO will usually need to conduct discussions with offerors about their proposals and consider factors other than price in making the award.

GSAR 570.203-4, "Negotiation, evaluation, and award," describes negotiation requirements in more detail. In general, realty professionals must:

- Keep records on all communications and documents from the initial contact through award, and place a written record of all communications and exchanges in the lease file. This includes meeting notes, emails, the abstract of offers, the request for final proposal revisions, and similar documents. (FAR 15.306 and 15.307 state procedures for such exchanges, including clarifications, communications, negotiations, discussions, and revisions).

- Promptly notify in writing any offeror excluded from the competitive range or otherwise eliminated from the competition.
- Evaluate offers against the solicitation, and document the lease file to demonstrate whether proposed contract prices are fair and reasonable.
- Determine whether the price is fair and reasonable.
- Award the lease to the responsible offeror whose proposal is the most advantageous to the Government, considering price and other factors included in the solicitation. There must be a written offer and acceptance through the formal conveyance of a lease document for an award to occur.

It is critical to review with prospective offerors the Government's requirements, pricing matters, evaluation procedures, and requirements governing the submission of offers. Most importantly, the space must meet minimum technical standards acceptable to the LCO.

### d. PBS Milestones

PBS has established 15 standard customer milestones for tracking project delivery along all business lines. These milestones track the project throughout its major stages, from developing requirements through acquisition planning, issuing the SFO, awarding the lease contract, completing design and construction, and starting rent and occupancy.

To track leasing progress, PBS has mapped these 15 standard milestones to 24 specific leasing task project milestones. These project milestones provide greater detail on actual dates for subtasks within the various project phases. The 9 additional leasing-specific milestones concern status reporting for most types of PBS projects, including new and existing space.

## 4. General Roles and Responsibilities

This section describes the general roles and responsibilities of PBS realty professionals and other participants in lease acquisition actions. The subsequent chapters of this Desk Guide identify specific responsibilities with respect to various lease actions. Realty professionals have a fiduciary responsibility to negotiate in a fair and equitable manner whether in person, electronically, or through any other social media.

The duties imposed on warranted leasing officials or those acting on behalf of warranted leasing officials encompass all real estate-related activities and transactions. GSA has expanded its available resources by entering into broker contracts.

### a. Organizational Roles

The responsibility for managing the lease acquisition program is vested in the Office of Real Estate Acquisition, at the Central Office level and in PBS at the regional level. The specific functions of these offices are prescribed in Chapter 23 of the GSA Organization Manual (OHR P 5440.1). These functions must be conducted according to the applicable policies provided in this Desk Guide.

### Responsibilities of the Office of Real Estate Acquisition

In addition to its program policy and management responsibilities, the Office of Real Estate Acquisition may advise on specific lease transactions when requested by a regional office or as otherwise required.

### Responsibilities of the Regional Offices

The Delegations of Authority Manual (ADM P 5450) places total operating responsibilities with the Regional Commissioner in the regions. Therefore, with the exception of the requirements for prospectus approval, total responsibility for execution of the leasing program rests with the Regional Commissioner. The high degree of authority and responsibility vested in LCOs requires that only well-qualified individuals be designated and retained in such positions and that the performance of their duties be subject to continuing review and evaluation. LCOs must be designated per the Contracting Officer Warrant Program established by GSAM Subpart 501.6.

Except as explicitly outlined under this guidance, Leasing Specialists should follow regional protocol for the preparation, concurrence, review, and approval of correspondence, transmittals, and other file documentation.

## b. Realty Professionals

### Leasing Specialists

LSs, whose job classification is GS-1170, Realty Specialist, assist LCOs and may perform all duties that do not legally obligate the Government. The LS should understand the local and regional requirements for approval and correspondence.

### Lease Contracting Officers

LCOs perform the warranted duties that obligate the Government, including executing and administering lease contracts. Their job classification is also GS-1170, Realty Specialist. The safeguarding of the interests of the United States in its contractual relationships requires LCOs to obtain all necessary legal, technical, and financial advice within GSA necessary for the sufficiency of lease contracts and for compliance on the part of the Lessors.

### Lease Administrator/COR

The Lease Administrator acts as the Contracting Officer's Representative to enforce the Lessor's compliance with the terms and conditions of the lease. These duties include a variety of reporting, tracking, and customer relationship duties that are defined further in Chapter 17, Lease Administration. Lease administration actions are addressed in the Lease Management Guide: http://pbsportal.pbs.gsa.gov:7777/pls/portal/docs/page/PV/documents/final_version_Lease_Management_Guide_072806.pdf

## c. Other GSA Participants

Numerous other GSA participants draw on their specialized expertise to assist PBS throughout the lease acquisition process.

### Brokers

GSA has entered into National Broker Contracts, employing the services of contract brokers/real estate agents to perform full lease acquisition services and coordinate the purchase or exchange of site options sometimes associated with lease construction. The brokers may not bind the United Sates or perfom any other inherently governmental functions. See Chapter 16, National Broker Contract Leases.

### Engineers and Architects

Engineers and architects provide the expertise with buildings needed to help define the client agency's requirements. They may also participate in market surveys, reviews of tenant improvement costs, designs, buildouts, and construction inspections.

### Space Planners

Space planners provide the expertise needed to develop layouts and conduct test-fits to verify that the client agency will fit within in the space being surveyed or considered. Space planners assist with requirements development and design for the client agencies. They also review the computer-aided design drawings submitted by offerors to confirm the square footage of the space being offered and delivered.

### Portfolio Staff

GSA's real estate portfolio managers drive the long-term strategic planning for GSA's building inventory. They lead in the lease-versus-own decision for new leases. They perform scoring analyses as required and take the primary role in securing funding support from the Office of Management and Budget (OMB) and Congress for prospectus-level projects. They also assist with locality issues.

### Facilities Management and Service Program (Environmental)

Environmental team members may be requested to participate in the requirements development, market survey, solicitation, and buildout process as the project dictates.

### Budget and Financial Management

LSs must work with budget and financial management staff and the customer agency to confirm that adequate funding is secured for the leasing transaction, including any lump-sum payments. In addition, LSs must provide the appropriate obligating document to the budget and financial management staff, who enter obligations into the accounting system record (Pegasys).

# Addendum: Laws, Statutes, Executive Orders, and Regulations Governing Lease Acquisitions

The Federal Statutes, Executive orders, regulations, and policies that must be followed include but are not limited to the following. These statutes, regulations, and policies may be updated.

## A. Federal Statutes

**1. Reorganization Plan No. 18 of 1950 (40 U.S.C. § 301 note)**

Transferred to GSA all functions with respect to acquiring space in buildings by lease, and all functions with respect to assigning and reassigning space in buildings.

**2. Federal Property and Administrative Services Act of 1949 (40 U.S.C. § 585)**

Provides GSA with 20-year leasing authority.

**3. Public Buildings Act of 1959 (40 U.S.C. § 3307)**

Requires congressional committee approval of leases with annual rental, excluding services and utilities, in excess of certain dollar thresholds before appropriations may be made. Further requires congressional committee approval for lease alteration projects in excess of certain dollar thresholds. The thresholds are indexed annually.

**4. Competition in Contracting Act of 1984 (41 U.S.C. § 251 et seq.)**

Directs GSA to acquire lease space through the use of full and open competitive procedures.

**5. Public Buildings Cooperative Use Act of 1976 (40 U.S.C. § 3306)**

Directs GSA to acquire and use space in suitable buildings of historical, architectural, or cultural significance where feasible and prudent; encourages the location of commercial, cultural, educational, and recreational activities in public buildings; and encourages the public use of public buildings for cultural, recreational and educational activities.

**6. Small Business Act (15 U.S.C. §§ 631–647)**

Requires a positive effort by Federal contractors to place subcontracts with small and small disadvantaged business concerns. The act also requires publication of Federal procurement requirements, requires Lessors who are large businesses to submit small-business subcontracting plans, and provides for liquidated damages for failure to meet subcontracting plan goals.

**7. Rural Development Act of 1972 (42 U.S.C. § 3122)**

Requires Federal agencies to give first priority to rural areas in locating facilities. See also Executive Order 12072 regarding the location of Federal facilities in urban areas.

**8. Contract Disputes Act of 1978 (41 U.S.C. § 601–613)**

Requires disputes arising from Federal contracts to be adjudicated by established processes and procedures.

**9. Prompt Payment Act (31 U.S.C. §§ 3901–3907)**

Requires that Federal payments to contractors be made in an expeditious manner, provides penalties for late payment by the Government, and requires that the Government be entitled to discounts for early payment.

**10. Assignment of Claims Act of 1940 (31 U.S.C. § 3727)**

Allows contractors to assign rights to payment, including rent, to established financing institutions.

**11. The Architectural Barriers Act of 1968 (42 U.S.C. §§ 4151–4152)**

Requires that public buildings be made accessible to the physically handicapped through construction and alterations to provide for suitable accessibility, restrooms, plumbing, water fountains, elevators, etc. The requirements of this act are implemented through the Architectural Barriers Act Uniform Federal Accessibility Standard.

**12. Fire Administration Authorization Act of 1992 (15 U.S.C. § 2227)**

Requires that an entire building have sprinklers or provide an equivalent level of life safety when Federal funds are used to lease 35,000 square feet or more of space in a building (under one or more leases) and some portion of the leased space is on or above the sixth floor. Also requires that all hazardous areas have sprinklers in all Government leases.

**13. Earthquake Hazards Reduction Act of 1977 (42 U.S.C. § 7705b)**

Requires adoption of standards for assessing the seismic safety of existing buildings constructed for or leased by the Government that were designed and constructed without adequate seismic design and construction standards.

**14. Energy Policy Act of 1992 (42 U.S.C. § 8253)**

Required the Federal Government to meet 20-percent energy reduction targets by the year 2000. This includes federally leased space.

**15. Occupational Safety and Health Act of 1970 (29 U.S.C. §§ 651–678)**

Requires GSA to ensure that space leased and assigned to agencies provides safe, healthful working conditions, including building features such as lighting, guard rails, indoor air quality, fire safety features, emergency elevator requirements, etc.

**16. The National Environmental Policy Act of 1969 (42 U.S.C. § 4321)**

Requires an assessment of the environmental impacts associated with major Federal actions, including Government leasing.

**17. National Historic Preservation Act of 1966 (16 U.S.C. §§ 470–470w-6)**

Requires listed historical properties to be protected from harm as a result of Federal actions, including leasing.

**18. Randolph-Sheppard Act (20 U.S.C. § 107)**

Requires that licensed blind vendors be authorized to operate vending facilities on any Federal property, including leased buildings. The act imposes a positive obligation on GSA to acquire space in buildings that have suitable sites for vending facilities.

**19. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601)**

Requires the payment of relocation benefits to persons displaced as a result of Federal actions. This act is potentially applicable to persons displaced as a result of GSA lease-construction projects on sites designated by the Government.

**20. Intergovernmental Cooperation Act of 1968 (40 U.S.C. §§ 901–905)**

Requires GSA to consult with planning agencies and local elected officials and to coordinate Federal projects (usually large projects requiring congressional prospectus approval) with development plans and programs of the State, region, and locality where the project is to be located.

**21. Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 701–707)**

Requires contractors to make certifications regarding actions they are taking to reduce the possibility of drug use at the site of the performance of work. The requirements of the act do not apply to contracts below the simplified lease acquisition threshold.

**22. Prohibitions Against Payments to Influence (31 U.S.C. § 1352)**

Requires contractors to certify that funds have not and will not be paid to any person to influence the award of a Federal contract.

**23. Officials Not to Benefit (41 U.S.C. § 22)**

Prohibits any member of Congress from receiving any benefit arising from a Federal contract.

**24. Covenant Against Contingent Fees (41 U.S.C. § 254(a))**

Requires that no one other than full-time bona fide employees or established bona fide agents maintained by the contractor be retained to solicit or obtain a Federal contract. This requirement is not applicable to contracts below the simplified acquisition threshold for leasing.

**25. Anti-Kickback Act of 1986 (41 U.S.C. § 51)**

Prohibits a contractor from soliciting or receiving kickbacks from subcontractors in return for subcontract awards. The requirements of this act are not applicable to contracts below the simplified acquisition threshold for leasing.

**26. Anti-Lobbying (18 U.S.C. § 1913)**

Prohibits the use of appropriated funds to lobby Congress.

**27. Examination of Records (Public Law 103-355 2251)**

Authorizes the head of an agency and the Comptroller General to inspect records of Federal contractors. This authority is not applicable to contracts below the simplified acquisition threshold for leasing.

**28. Davis-Bacon Act of 1931 (40 U.S.C. §§ 3141–3148)**

Provides for payment of prevailing wages to laborers on Federal construction projects. This act is potentially applicable to lease acquisitions when an offeror proposes to construct a building or completely reconstruct or rehabilitate an existing building for the predominant use of the Government.

**29. Contract Work Hours and Safety Standards Act of 1962 (40 U.S.C. §§ 3702-3708)**

Imposes 40-hour workweek and time-and-a-half overtime requirements on certain contracts. This act is potentially applicable to lease acquisitions when an offeror proposes to construct a building or completely reconstruct or rehabilitate an existing building for the predominant use of the Government. The act does not apply to contracts below the simplified acquisition threshold.

**30. Copeland Act of 1934 (18 U.S.C. § 874; 40 U.S.C. § 3145)**

Makes it unlawful for a contractor to force a kickback from any person employed in the construction or repair of a public building or public work. The act also requires contractors and subcontractors to furnish compliance statements with respect to wages paid to employees. This act is potentially applicable to lease acquisitions when an offeror proposes to construct a building or completely reconstruct or rehabilitate an existing building for the predominant use of the Government.

**31. The Debt Collection Improvement Act of 1996 (Public Law 104-134, April, 26, 1996)**

Requires payments be made by electronic funds transfer.

**32. American Recovery and Reinvestment Act of 2009 (Public Law 111-5, February 17, 2009)**

Provides $108 million in funding for the rental of space related to leasing temporary space in connection with projects funded under the ARRA.

**33. The Energy Policy Act of 2005 (Public Law 109-58, August 8, 2005)**

Includes new energy performance standards for Federal buildings and requires sustainable design principles to be applied to the design and construction of all new and replacement buildings.

**34. The National Defense Authorization Act for Fiscal Year 2008, Section 844 (Public Law 110-181, January 28, 2008)**

Requires the head of an Executive agency to make certain that justification and approval documents relating to the use of noncompetitive procedures in contracting are available within 14 days of the contract award on the Web site of an agency and on a governmentwide Web site.

**35. Energy Independence and Security Act, 2007) (Public Law 110-140,)**

Requires that GSA lease buildings that are energy efficient and promotes the use of renewable energy systems.

## B. Executive Orders

**1. Executive Order 11246—Equal Employment Opportunity (1965, 30 Federal Register 12319), and Executive Order 11375—Equal Employment Opportunity (1967, 32 Federal Register 14303)**

Prevents Federal contractors from discriminating against any employee or applicant for employment because of race, color, religion, sex, or national origin.

**2. Executive Order 11988—Floodplain Management (1977, 42 Federal Register 26951)**

Precludes GSA from leasing space in buildings located within floodplains unless there are no practicable alternatives.

**3. Executive Order 11990—Protection of Wetlands (1977, 42 Federal Register 26961)**

Precludes GSA from leasing space in wetland areas unless there are no practicable alternatives.

**4. Executive Order 12072—Federal Space Management (1978, 43 Federal Register 36869)**

Requires that first consideration be given to locating Federal facilities in central business districts within urban areas.

**5. Executive Order 12699—Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction (1990, 55 Federal Register 835)**

Requires that new buildings constructed for lease to the Government be designed and constructed in accordance with appropriate seismic design and construction standards.

**6. Executive Order 12902—Energy Efficiency and Water Conservation at Federal Facilities (1994, 59 Federal Register 11463)**

Requires that appropriate consideration be given to efficient buildings in the leasing process. Increased Federal energy reduction goals to 30 percent by the year 2005.

**7. Executive Order 12941—Seismic Safety of Existing Federally Owned or Leased Buildings (1994, 59 Federal Register 62545), and Executive Order 12941—Seismic Safety of Existing Federally Owned or Leased Buildings (1994, 59 Federal Register 62545)**

Adopts standards of the Interagency Committee on Seismic Safety in Construction (ICSSC) as the minimum level acceptable for use by Federal departments and agencies in assessing the seismic safety of their owned and leased buildings and in mitigating unacceptable seismic risks in those buildings.

**8. Executive Order 13006—Locating Federal Facilities on Historic Properties in Our Nation's Central Cities (1996, 61 Federal Register 26071)**

Subject to the Rural Development Act and Executive Order 12072, directs Executive agencies to give first consideration to locating Federal facilities in historic properties within historic districts when operationally appropriate and economically prudent.

**9. Executive Order 13423—Strengthening Federal Environmental, Energy, and Transportation Management (2007, 72 Federal Register 3917)**

Includes new energy performance standards for Federal buildings and requires sustainable design principles to be applied to the design and construction of all new and replacement buildings.

**10. Executive Order 12977—Interagency Security Committee, (1995, 60 Federal Register 54411), as amended by Executive Order 13286—Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security (2003, 68 Federal Register 10619)**

Established the Interagency Security Committee to establish policies for security in and protection of Federal facilities.

**11. Executive Order 13327—Federal Real Property Asset Management (2004, 69 Federal Register 5897)**

Requires Federal agencies to report their real property holdings.

## C. Regulations

**1. General Services Administration Acquisition Regulation (48 CFR Part 570)**

**Note:** The Federal Acquisition Regulation is not applicable to acquisitions of leasehold interests in real property by the General Services Administration except as provided in Part 570 of the General Services Administration Acquisition Regulations or specific lease solicitations for offers.

**2. Federal Management Regulation (41 CFR Subchapter C, Real Property, Parts 102-71 through 102-85)**

**3. Comprehensive Procurement Guideline for Products Containing Recovered Materials (40 CFR Chapter I Part 247)**

## D. Policies

**1. Homeland Security Presidential Directive, HSPD-12**

Creates a policy for a common identification standard for Federal employees and contractors.

**2. OMB Circular A-11 (Capital Lease Scoring)**

Provides the rules for budget scorekeeping for leases.

**3. Realty Services Letters**

**4. Lease Acquisition Circulars**

**5. Site Acquisition Policy Letters**

**6. PBS Leasing Desk Guide**