

titled, retains the same, knowing that he is not entitled thereto, shall be required, in a civil action instituted by the Attorney General, to refund treble the amount accepted or retained by him. The acceptance or retention of any payment as aforesaid shall also constitute an offense against the United States punishable by a fine of not more than \$5,000 or imprisonment for not more than 2 years, or both, and any person who shall be convicted of such offense shall thenceforth be entitled to no benefits under the Act or the regulations in this Part 101-15.

**Subparts 101-15.2—101-15.48  
[Reserved]**

**Subpart 101-15.49—Forms**

**§ 101-15.4900 Scope of subpart.**

This subpart illustrates forms available for use in connection with the Lead

and Zinc Stabilization Program prescribed in Part 101-15.

**§ 101-15.4901 GSA Form 1776, Application for Participation in the Lead and Zinc Mining Stabilization Program.**

**§ 101-15.4902 GSA Form 1777, Certificate of Participaton in the Lead and Zinc Mining Stabilization Program.**

**§ 101-15.4903 GSA Form 1778, Request for Payment in the Lead and Zinc Mining Stabilization Program.**

NOTE: The forms in §§ 101-15.4901, 101-15.4902, 101-15.4903 are filed as part of the original document. Copies of these forms may be obtained from the General Services Administration, Defense Materials Service, Industry Materials Division, Washington, D.C. 20405.

**PART 101-16 [RESERVED]**

**SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE**

**PART 101-17—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS**

Sec.  
101-17.000 Scope of part.  
101-17.001 Authority.

**Subpart 101-17.1—General**

101-17.101 Definition of terms.  
101-17.101-1 Alter.  
101-17.101-2 Alteration project.  
101-17.101-3 Construct.  
101-17.101-4 Executive agency.  
101-17.101-5 Prospectus.  
101-17.101-6 Public building.  
101-17.101-7 United States.  
101-17.102 Basic policy.

**Subpart 101-17.2—Selection and Approval of Projects**

101-17.201 Determination of need.  
101-17.202 Priority of projects.  
101-17.203 Approval of projects.  
101-17.204 Cooperation and assistance of Federal agencies.

**Subpart 101-17.3—Alteration Projects**

101-17.301 Emergency alteration projects.  
101-17.302 Prospectuses for reimbursable alteration projects.  
101-17.303 Prospectuses for joint alteration projects with the Post Office Department.

**Subpart 101-17.4—Construction Projects**

101-17.401 Contracting for construction.  
101-17.402 Architectural and engineering services.

**Subpart 101-17.5—Delegation of Authority**

101-17.501 Conditions justifying delegation.  
101-17.502 Exercise of delegation.

**Subpart 101-17.6—Funding Projects**

101-17.601 GSA funding responsibility.  
101-17.602 Other agencies funding responsibilities.

AUTHORITY: The provisions of this Part 101-17 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

SOURCE: The provisions of this Part 101-17 appear at 29 F.R. 15605, Nov. 20, 1964, unless otherwise noted.

**§ 101-17.000 Scope of part.**

This part prescribes policies and procedures for the construction and alteration of public buildings in the United States.

**§ 101-17.001 Authority.**

This part 101-17 implements the applicable provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended) and the Public Buildings Act of 1959 (40 U.S.C. 601-615).

**Subpart 101-17.1—General**

**§ 101-17.101 Definition of terms.**

For the purposes of this Part 101-17 the following terms shall have the meanings set forth in this section.

**§ 101-17.101-1 Alter.**

“Alter” means repairing, remodeling, improving, extending, or otherwise changing a public building. The term includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the alteration of a public building.

**§ 101-17.101-2 Alteration project.**

“Alteration project” means a project to alter a public building which is estimated to cost in excess of \$200,000 and which specifies any of the following:

(a) Alterations estimated to be completed in five years for the continued use and occupancy of the building.

(b) Alterations to a building and/or its equipment occasioned by a space reassignment.

(c) Alterations occasioned by an emergency.

(d) Alterations to a building financed in whole or in part by another agency's funds, except the Postal Modernization Fund.

**§ 101-17.101-3 Construct.**

“Construct” means to build a public building. The term includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction of a public building.

**§ 101-17.101-4 Executive agency.**

“Executive agency” means any executive department or independent establishment in the executive branch of the Government including any wholly owned Government corporation and including the Central Bank for Cooperatives and the regional banks for cooperatives, Federal land banks, Federal intermediate credit banks, Federal home loan banks, Federal Deposit Insurance Corporation, and The Federal National Mortgage Association.

**§ 101-17.101-5 Prospectus.**

“Prospectus” means the statement of the proposed project, required by section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) including a description, its location, estimated maximum cost, a comprehensive plan for providing space

for all Government officers and employees in the locality of the proposed project, a statement by the Administrator of General Services that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action and a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the proposed project.

**§ 101-17.101-6 Public building.**

(a) The term “public building” means any building, whether for single or multi-tenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations, and shall include: Federal office buildings, post offices, custom-houses, courthouses, appraisers stores, border inspection facilities, warehouses, record centers, relocation facilities, similar Federal facilities, and any other buildings or construction projects the inclusion of which the President may deem, from time to time hereafter, to be justified in the public interest; but shall not include any such buildings and construction projects: (1) on the public domain (including that reserved for national forests and other purposes), (2) on properties of the United States in foreign countries, (3) on Indian and native Eskimo properties held in trust by the United States, (4) on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith, (5) on or used in connection with river, harbor, flood control reclamation or power projects, or for chemical manufacturing or development projects or for nuclear production, research, or development projects, (6) on or used in connection with housing and residential projects, (7) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense), (8) on Veterans Administration installations used for hospital or domiciliary purposes, and (9) the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

(b) Buildings leased by the Government are not "public buildings" within the meaning of the Public Buildings Act of 1959.

#### § 101-17.101-7 United States.

"United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

#### § 101-17.102 Basic policy.

(a) GSA will plan the construction and alteration of Federal facilities at a rate that will reduce the total amount of rental space, provide for Federal operations to be housed in Government-owned space, and replace Government-owned facilities becoming obsolete, with modern functional structures that meet present day requirements for efficient and economical operations.

(b) GSA will provide technical services and guidance to other Federal agencies in the formulation and development of their programs for construction and alteration of special facilities.

(c) Excess properties transferred to GSA will be renovated and altered whenever practical to meet the Government space needs.

(d) In the design of new public buildings, and to the extent feasible in the alteration of existing public buildings, GSA will insure that such buildings and attendant facilities will be accessible to and usable by the physically handicapped.

(e) In the siting and locating of buildings on selected sites, GSA representatives will work directly with local officials in seeking to conform as closely as possible to local zoning regulations.

(f) In the design of new public buildings, the national building codes will be followed as minimum requirements.

(g) Parking for Government-owned vehicles, visitors, and employees will be provided in the planning of public buildings with due regard to the needs of the Federal agencies to be housed in each building, local zoning and parking regulations, availability of public transportation, and availability of planned and existing public and privately owned parking facilities in the locality.

### Subpart 101-17.2—Selection and Approval of Projects

#### § 101-17.201 Determination of need.

Construction and alteration projects will be selected by the Administrator of

General Services based on a continuing investigation and survey of the public building needs of the Federal Government.

#### § 101-17.202 Priority of projects.

Projects shall be equitably distributed throughout the United States with due regard for the comparative urgency of the need for each project as determined by the Administrator of General Services.

#### § 101-17.203 Approval of projects.

(a) All projects other than Postal Modernization Fund projects, for the construction of buildings involving an expenditure in excess of \$100,000 and all projects for the alteration of buildings involving an expenditure in excess of \$200,000 shall require approval by the Committees on Public Works of the Senate and House of Representatives.

(b) Federal agencies identifying a need for construction or alteration of a public building shall provide the necessary information, including description of the work, location, estimated maximum cost, and justification to the Administrator of General Services.

(c) The Administrator of General Services shall submit prospectuses for approval of projects to the Committees on Public Works of the Congress.

#### § 101-17.204 Cooperation and assistance of Federal agencies.

(a) Federal agencies shall advise and cooperate in the compilation of information supporting a project. Such information shall include, but not be limited to:

(1) A statement of net space occupied in public buildings by the Federal agency in the community for which the project is intended, together with an itemization of area in square feet allocated to each specific agency function.

(2) A firm statement of entire space and facility requirements.

(3) Detailed information on space requiring special structural or mechanical facilities. Special use facilities for special purpose needs such as built-in and fixed equipment for laboratory, clinical, and other special use purposes must be incorporated into the project prior to submission of the prospectus.

(4) Locations where space should be retained in preference to inclusion in the proposed project shall be identified.

(b) Space requirements shall be based on currently authorized personnel and program activities including information on major changes anticipated within the next five years.

(c) Requested information shall be submitted within sixty days of the receipt of a request for such information.

(d) Agencies will not be permitted to make changes in approved space layout drawings submitted to GSA for new buildings, following established terminal dates, except where subsequent unusual and compelling agency developments make changes necessary. Requests for such changes will be submitted, over the signature of the head of the department or agency, to the Administrator of General Services for consideration.

### **Subpart 101-17.3—Alteration Projects**

#### **§ 101-17.301 Emergency alteration projects.**

Necessary measures to insure the immediate protection of personnel and facilities and for the preservation of life and the avoidance of further property damage may be taken in an emergency prior to the submission of an alteration project prospectus.

#### **§ 101-17.302 Prospectuses for reimbursable alteration projects.**

Reimbursable alteration project prospectuses will be prepared on an "as requested" basis. A project which is to be financed in whole or in part from funds appropriated to the requesting agency may be performed without the approval of the committees when the agency appropriation from which payment is to be made is certified by that agency to be available without regard to the provisions of section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) and the GSA's portion of the estimated cost, if any, does not exceed \$200,000.

#### **§ 101-17.303 Prospectuses for joint alteration projects with the Post Office Department.**

Postal Modernization Fund projects are exempted from the operation of the Public Buildings Act of 1959 (40 U.S.C. 601-615). Therefore, no prospectuses are required for elements of costs financed from the Postal Modernization Fund. However, a prospectus will be required when GSA's portion of a joint alteration project is in excess of \$200,000.

### **Subpart 101-17.4—Construction Projects**

#### **§ 101-17.401 Contracting for construction.**

Contracting for construction services by GSA will be in accordance with Chapter 1 (FPR) and Chapter 5 (GSPR) of this title. The method used will be that most advantageous to the Government.

#### **§ 101-17.402 Architectural and engineering services.**

(a) GSA will develop or acquire, by contract, designs and specifications for suitable buildings that will provide space that can be economically utilized and operated, and which are in harmony with surrounding structures in the community.

(b) The contract services of qualified private architects or engineers will be utilized to the fullest extent compatible with the public interest in the performance of architectural or engineering services in connection with the 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 § 101-17.501 regarding delegations of authority.)

[29 F.R. 15605, Nov. 20, 1964, as amended at 31 F.R. 8117, June 9, 1966]

### **Subpart 101-17.5—Delegation of Authority**

#### **§ 101-17.501 Conditions justifying delegation.**

The authorities and responsibilities of the Administrator of General Services under the provisions of the Public Buildings Act of 1959 (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 sec. 15 of the Act). When the estimated cost of the project exceeds \$100,000, the fol-

lowing 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 § 101-17.402(c) regarding contracts for professional engineering and architectural services.

[31 F.R. 8117, June 9, 1966]

**§ 101-17.502 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 (40 U.S.C. 601-615).

**Subpart 101-17.6—Funding Projects**

**§ 101-17.601 GSA funding responsibility.**

(a) Projects for the construction or alteration of public buildings for which the Administrator of General Services is responsible will be financed by direct appropriation of funds requested under the regular appropriations.

(b) When exigencies warrant, the Administrator of General Services may consider the submission of supplemental requests for funds for special projects.

**§ 101-17.602 Other agencies funding responsibilities.**

(a) A department or agency may request an appropriation to cover the cost of the construction or acquisition of a single occupancy facility when the Administrator of General Services has secured the approval thereof and when the Administrator concurs with the request and it has been approved by the Bureau of the Budget. The construction or acquisition of the facility shall be performed by GSA.

(b) GSA shall, upon the request of a department or agency, construct, alter, or acquire buildings other than public buildings as defined in § 101-17.101-6 which are normally financed by agencies other than GSA upon condition that funds to cover the cost of the work shall be transferred or reimbursement made.

(c) Each Federal agency shall be responsible for the financing of special use facilities not contemplated in the approved project.

**PART 101-18—ACQUISITION OF REAL PROPERTY**

Sec.	
101-18.000	Scope of part.
<b>Subpart 101-18.1—Acquisition by Lease</b>	
101-18.100	Scope of subpart.
101-18.101	Authorities of subpart.
101-18.102	Basic policy.
101-18.103	Acquisition by GSA.
101-18.104	Acquisition by other agencies.
101-18.105	Agency cooperation.
101-18.106	Delegation of leasing authority.
101-18.106-1	List of special purpose space.
101-18.107	Limitations on the use of delegated authority.
101-18.108	Contingent fees and related procedure.

**AUTHORITY:** The provisions of this Part 101-18 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

**SOURCE:** The provisions of this Part 101-18 appear at 29 F.R. 15973, Dec. 12, 1964, unless otherwise noted.

**§ 101-18.000 Scope of part.**

This part prescribes policies and procedures governing acquisition of interests in real property.

**Subpart 101-18.1—Acquisition by Lease**

**§ 101-18.100 Scope of subpart.**

This subpart prescribes the policies and methods governing the acquisition by lease of interests in real property in the United States, the Commonwealth of Puerto Rico, and the possessions of the United States.

**§ 101-18.101 Authorities of subpart.**

This Subpart 101-18.1 implements section 210(h)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)(1)); the Act of August 27, 1935 (40 U.S.C. 304c); Reorganization Plan No. 18 of 1950; and E.O. No. 11035 of July 9, 1962 (3 CFR; 40 U.S.C. 490 note).

**§ 101-18.102 Basic policy.**

(a) GSA will lease space in privately owned buildings and land only when needs cannot be satisfactorily met in Government-owned or presently leased space, and when the construction or alteration of a Federal building or the