

§ 101-19.4900

the attention of GSA officials at headquarters in sufficient time to assure full consideration of HUD's views, prior to the making of a determination by GSA.

(f) In the event a decision is made by GSA as to the location of a federally constructed building or leased space, and HUD has made findings, expressed in the advice given or a report made to GSA, that the availability to such location of low- and moderate-income housing on a nondiscriminatory basis is inadequate, the GSA shall provide the DHUD with a written explanation why the location was selected.

(g) Whenever the advice or report provided by HUD in accordance with paragraph 9(c)(1), 9(c)(2), or 9(d) with respect to an area or site indicates that the supply of low- and moderate-income housing on a nondiscriminatory basis is inadequate to meet the needs of the personnel of the agency involved, GSA and HUD will develop an affirmative action plan designed to insure that an adequate supply of such housing will be available before the building or space is to be occupied or within a period of 6 months thereafter. The plan should provide for commitments from the community involved to initiate and carry out all feasible efforts to obtain a sufficient quantity of low- and moderate-income housing available to the agency's personnel on a nondiscriminatory basis with adequate access to the location of the building or space. It should include commitments by the local officials having the authority to remove obstacles to the provision of such housing, when such obstacles exist, and to take effective steps to assure its provision. The plan should also set forth the steps proposed by the agency to develop and implement a counseling and referral service to seek out and assist its personnel to obtain such housing. As part of any plan during, as well as after its development, HUD agrees to give priority consideration to applications for assistance under its housing programs for the housing proposed to be provided in accordance with the plan.

10. This memorandum will be reviewed at the end of 1 year, and modified to incorporate any provision necessary to improve its effectiveness in light of actual experience.

Subpart 101-19.49—Illustration of Forms

§ 101-19.4900 Scope of subpart.

This subpart illustrates forms prescribed or available for use in connection with subject matter covered in other parts of part 101-19.

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§ 101-19.4901 [Reserved]

§ 101-19.4902 GSA forms.

(a) The GSA forms are illustrated in this § 101-19.4902 to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the GSA form numbers.

(b) Agency field offices may obtain their initial supply of GSA Form 2974, Status Report for Federally Funded or Leased Buildings—Accommodation of Physically Handicapped, November 1981, from General Services Administration (WBRDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Agency field offices should submit all future requirements to their Washington headquarters office, which will then forward consolidated annual requirements to General Services Administration (ORA) Washington, DC 20405.

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

[39 FR 23214, June 27, 1974, as amended at 48 FR 15629, Apr. 12, 1983]

§ 101-19.4902-2974 GSA Form 2974, Status Report for Federally Funded or Leased Buildings—Accommodation of Physically Handicapped.

NOTE: The form illustrated in this § 101-19.4902-2974 is filed with the original document and does not appear in this volume.

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

[48 FR 15629, Apr. 12, 1983]

PART 101-20—MANAGEMENT OF BUILDINGS AND GROUNDS

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- 101-20.502 Standards.

AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 52 FR 11263, Apr. 8, 1987, unless otherwise noted.

§ 101-20.000 Scope of part.

(a) The regulations in this part prescribe policies and procedures for the management, operation, protection, and maintenance of Government-owned and leased buildings and grounds under the assignment responsibility of GSA.

(b) For more information on the management of buildings and grounds, see 41 CFR parts 102-71 through 102-82. To the extent that any policy statements in this part are inconsistent with the policy statements in 41 CFR parts 102-71 through 102-82 are controlling.

[52 FR 11263, Apr. 8, 1987, as amended at 66 FR 5359, Jan. 18, 2001]

§ 101-20.001 Authority.

This part 101-20 implements the Act of July 1, 1898 (40 U.S.C. 285); the Act of April 28, 1902 (40 U.S.C. 19); the Act of March 1, 1919 (40 U.S.C. 1); the Act of June 23, 1923 (40 U.S.C. 281); the Act of May 27, 1924 (D.C. Code, 1961 ed., 4-208); the Act of June 20, 1936 (20 U.S.C. 107 *et seq.*); the Act of December 10, 1941 (40 U.S.C. 291); the Act of May 14, 1948 (40 U.S.C. 130); the Act of June 1, 1948 (40 U.S.C. 318 *et seq.*); the Federal Property and Administrative Services Act of 1949 (63 Stat. 377 as amended); the Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note; 3 CFR); the Public Buildings Act of 1950 (73 Stat. 479) as amended; and the Public Buildings Amendments of 1972 (40 U.S.C. 602a).

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§ 101-20.002 Basic policy.

It is the responsibility of GSA to provide or otherwise arrange for all services required to house occupant agencies. GSA shall provide fully service space equivalent to that furnished in commercial practice.

§ 101-20.002-1 Government-owned buildings.

(a) GSA will provide space alterations, repairs, and improvements sufficient to meet the mission requirements of occupant agencies, including mechanical and electrical systems which meet nationally recognized standards, within the limitations of available funding. When alterations are required, alterations which are essential for performance of agency missions or which improve the utilization rate shall be given priority over other alterations. Alterations solely for decorative or non-essential purposes shall be avoided.

(b) GSA will ensure that space assigned to agencies is safe and that employees and visitors are not exposed to unnecessary risks.

(c) Buildings will be cleaned and maintained at a service level equivalent to that normally furnished commercially in similar space.

(d) GSA will make every effort to provide or arrange for a reasonable amount of protective services to ensure the physical security of occupants and visitors, to safeguard the Government's property interests, and to maintain order.

(e) GSA shall ensure that physically handicapped persons will have ready access to space assigned to occupant agencies. GSA shall provide building standards and shall prescribe and enforce appropriate guidelines in accordance with applicable statutes, regulations and executive orders.

(f) GSA is responsible for ensuring the availability of parking spaces for officials needs. Parking priorities are as established in §101-20.104.

(g) Services in addition to those normally provided in the commercial sector shall be arranged by GSA on a reimbursable basis, as provided in §101-20.106.

(h) GSA may, by agreement with occupant agencies, delegate authority to

perform specified functions with respect to the operation, maintenance or repair of GSA-assigned space.

(i) GSA will maintain a comprehensive energy management program to reduce energy consumption and costs in Federal buildings. GSA will apply energy-efficient and economical operating and maintenance procedures, will make cost-effective repairs and alterations, will incorporate design features which will minimize the life cycle cost of buildings, and will ensure continuity of services through contingency planning.

(j) Occupant agencies shall assist in the management of buildings by exercising economy in the use of utilities, by observing professional standards of neatness and cleanliness, and by taking all reasonable precautions to avoid the risk of accidents and fires. Occupant agencies shall also document and report to GSA any hazardous or unhealthy conditions in GSA-assigned space.

(k) Consultations with occupant agencies and their safety representatives will be held whenever substantial alterations or repairs are proposed to be undertaken, or when GSA proposes to make significant changes to the standard level of services. GSA will consider the comments of occupant agencies before final decisions are made. GSA will make every reasonable effort to involve representatives of occupant agencies in the planning for such proposed alterations, repairs, and changes in services.

(l) It is the general policy of GSA to provide space and systems which substantially conform to nationally recognized standards, when applicable. GSA may, however, adopt other standards for space and systems in Federally-controlled facilities in order to conform to diverse statutory requirements, to implement cost-reduction efforts, or to better effect overall Government objectives.

§ 101-20.002-2 Leased buildings.

(a) Standards for space and services in leased buildings will be equivalent to standards for Government-owned

space. However, the scope of the functions performed by GSA will be modified to reflect the lessor's responsibilities for operations, maintenance and protection under the terms of the lease.

(b) Alterations, improvements and repairs in leased buildings shall be performed by GSA to the extent of the Government's responsibility under the lease. Such alterations shall not, however, exceed the limitations of the Economy Act (40 U.S.C. 278(a)) except as otherwise provided by law.

(c) Occupant agencies are not authorized to negotiate with lessors or to place orders for alterations or building services, except where such authority has been specifically delegated by GSA, and except as provided in §101-20.106-2 regarding reimbursable services.

§ 101-20.003 Definitions.

(a) *Alteration* means remodeling, improving, extending, or making other changes to a facility, exclusive of maintenance repairs which are preventive in nature. The term includes planning, engineering, architectural work, and other similar actions.

(b) *Blanket work authorization* means an open-end agreement with an agency with an agreed upon maximum dollar ceiling where there is an on-going account for processing small requests for reimbursable services. The need for the service is clearly recognized, but exactly when the service must be rendered during the fiscal year is unclear.

(c) *Carpool* means a group of two or more people regularly using a motor vehicle for transportation to and from work on a continuing basis, regardless of their relationship to each other. The number of persons in a carpool will normally be the basis for priority of assignments.

(d) *Commercial activities*, within the meaning of subpart 101-20.4, are activities undertaken for the primary purpose of producing a profit for the benefit of an individual or organization organized for profit. (Activities where commercial aspects are incidental to the primary purpose of expression of ideas or advocacy of causes are not "commercial activities" for purposes of these regulations.)

(e) *Crime prevention assessments* are formal, on-site reviews which consist of a detailed survey, review, and analysis of an occupant agency's vulnerability to criminal activity. In addition to the normal process of a physical security survey, it involves an intensive review of an occupant's and/or building's operation and administrative procedures. It is designed to identify specific weaknesses and to recommend cost-effective, positive steps to Federal managers in dealing with criminal threats and occurrences.

(f) *Cultural activities* include, but are not limited to, films, dramatics, dances, and musical presentations, and fine art exhibits, whether or not these activities are intended to make a profit.

(g) The *Designated Official* is the highest ranking official of the primary occupant agency of a Federal facility; or, alternatively, a designee selected by mutual agreement of occupant agency officials.

(h) *Educational activities* mean activities such as (but not limited to) the operation of schools, libraries, day care centers, laboratories, and lecture or demonstration facilities.

(i) The term *emergency* includes bombings and bomb threats, civil disturbances, fires, explosions, electrical failures, loss of water pressure, chemical and gas leaks, medical emergencies, hurricanes, tornadoes, floods, and earthquakes. The term does not apply to civil defense matters such as potential or actual enemy attacks. Note: Civil defense emergencies are addressed by the Federal Emergency Management Agency.

(j) *Executive* means a Government employee with management responsibilities which, in the judgment of the employing agency head or his/her designee, require preferential assignment of parking privileges.

(k) *Flame-resistant* means meeting performance standards as described by the National Fire Protection Association (NFPA Standard No. 701). Fabrics labeled with the Underwriters Laboratories Inc. classification marking for flammability are deemed to be flame-resistant for purposes of this regulation.

(l) *Foot-candle* is the illumination on a surface one square foot in area on

which there is a uniformly distributed flux of one lumen, or the illuminance produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.

(m) *GSA Regional Officer*, within the meaning of subpart 101-20.4, means the regional director of the Buildings Management Division of GSA designated to supervise the implementation of the Public Buildings Cooperative Use Act's occasional use provisions.

(n) *Handicapped employee* means an employee who has a severe, permanent impairment which for all practical purposes precludes the use of public transportation, or an employee who is unable to operate a car as a result of permanent impairment who is driven to work by another. Priority may require certification by an agency medical unit, including the Veterans Administration or the Public Health Service.

(o) *Indefinite quantity contract* (commonly referred to as "term contract") provides for the furnishing of an indefinite quantity, within stated limits, of specific property or services during a specified contract period, with deliveries to be scheduled by the timely placement of orders upon the contractor by activities designated either specifically or by class.

(p) *Life cycle cost* is the total cost of owning, operating, and maintaining a building over its useful life, including its fuel and energy costs, determined on the basis of a systematic evaluation and comparison of alternative building systems; except that in the case of leased buildings, the life cycle cost shall be calculated over the effective remaining term of the lease.

(q) *Limited combustible* means rigid materials or assemblies which have fire hazard ratings not exceeding 25 for flame spread and 150 for smoke development when tested in accordance with the American Society for Testing and Materials, Test E 84, Surface Burning Characteristics of Building Materials.

(r) *Maintenance* means preservation by inspection, adjustment, lubrication, cleaning, and the making of minor repairs. *Ordinary maintenance* means routine recurring work which is incidental to everyday operations; *preventive*

maintenance means work programmed at scheduled intervals.

(s) The term *nationally recognized standards* encompasses any standard or modification thereof which:

(1) Has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby those interested and affected by it have reached substantial agreement on its adoption, or

(2) Was formulated through consultation by appropriate Federal agencies in a manner which afforded an opportunity for diverse views to be considered.

(t) *Normally furnished commercially* means in conformance with the level of services provided by a commercial building operator for space of comparable quality, housing tenants with comparable requirements. Service levels are based on the effort required to service space for a five-day week, one eight-hour shift schedule.

(u) *Occupant agency* means an organization which is assigned space in a facility under GSA's custody and control through the formal procedures outlined in part 101-17 of the Federal Property Management Regulations.

(v) *Occupancy Emergency Organization* means the emergency response organization comprised of employees of Federal agencies designated to perform the requirements established by the Occupant Emergency Plan.

(w) *Occupant Emergency Plan* means procedures developed to protect life and property in a specific Federally-occupied space under stipulated emergency conditions.

(x) *Occupant Emergency Program* means a short-term emergency response program. It establishes procedures for safeguarding lives and property during emergencies in particular facilities.

(y) *Postal vehicle* means a Government-owned vehicle used for the transportation of mail, or a privately owned vehicle used under contract for the transportation of mail.

(z) *Public area* means any area of a building under the control and custody of GSA which is ordinarily open to members of the public, including lobbies, courtyards, auditoriums, meeting

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rooms, and other such areas not assigned to a lessee or occupant agency.

(aa) *Recognized labor organization* means a labor organization recognized under title VII of the Civil Service Reform Act of 1978 (Public Law 95–454) governing labor-management relations.

(bb) *Recreational activities* include, but are not limited to, the operations of gymnasiums and related facilities.

(cc) *Ridesharing* means the sharing of the commute to and from work by two or more people, on a continuing basis, regardless of their relationship to each other, in any mode of transportation including, but not limited to, carpools, vanpools, buspools and mass transit.

(dd) *Special space alterations* are those alterations required by occupant agencies that are beyond those standard alterations provided by GSA under the SLUC system and are reimbursable from the requesting agency.

(ee) *State* means the fifty States, political subdivisions thereof, the District of Columbia, the Commonwealths of Puerto Rico and Guam, and the territories and possessions of the United States.

(ff) *Unit price agreement* provides for the furnishing of an indefinite quantity, within stated limits, of specific property or services at a specified price, during a specified contract period, with deliveries to be scheduled by the timely placement of orders upon the lessor by activities designated either specifically or by class.

(gg) *Unusual hours* means work hours that are frequently required to be varied and do not coincide with any regular work schedule. This category includes individuals who regularly or frequently work significantly more than 8 hours per day. Unusual hours does not include shift workers, those on alternate work schedules, and those granted exceptions to the normal work schedule (e.g., flex-time).

(hh) *Vanpool* means a group of at least 8 persons using a passenger van or a commuter bus designed to carry 10 or more passengers. Such a vehicle must be used for transportation to and from work in a single daily round trip. The number of persons in a vanpool will normally be the basis for priority of assignments.

(ii) *Zonal allocations* means the allocation of parking spaces on the basis of zones established by GSA in conjunction with occupant agencies. In metropolitan areas where this method is used, all agencies located in a designated zone will compete for available parking in accordance with instructions issued by GSA. In establishing this procedure, GSA will consult with all affected agencies.

Subpart 101–20.1—Building Operations, Maintenance, Protection, and Alterations

§ 101–20.101 Building systems.

(a) Structural features and mechanical and electrical systems in GSA-assigned space shall be adequate for the needs of occupant agencies. Such systems will comply with applicable GSA fire safety criteria and with standards prescribed under the Occupational Safety & Health Act (OSHA). GSA will take all measures necessary to comply with energy conservation objectives as promulgated by relevant statutes, regulations, and executive orders.

(b) No modification shall be made to buildings, or equipment which will exceed the building design loads or exceed the capacities of electrical, mechanical, and protection systems. No modifications which adversely alter the performance of building systems, or which create safety and health hazards, as determined by GSA safety and health representatives, shall be made.

(c) Occupant agencies shall obtain GSA approval for any modifications proposed to be made with their own forces. This approval requirement applies to the moving or installation of unusually heavy equipment, to electrical appliances such as heaters, refrigerators, and cooking equipment, and to employee-owned equipment.

(d) Occupant agencies shall conform to GSA accident and fire prevention policy, shall observe all OSHA requirements, and shall comply with applicable local safety regulations.

§ 101–20.102 Cleaning and maintenance.

GSA shall provide:

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(a) Cleaning for all assigned space at a level equivalent to the cleaning furnished commercially for similar types of space.

(b) Maintenance of building systems for heating and cooling, and maintenance of plumbing, electrical, and elevator systems.

(c) Maintenance and repairs of exterior, grounds, sidewalks, driveways, and parking areas.

(d) Maintenance of building equipment such as directory boards, clock systems, window shades, door locks, and door title cards.

(e) [Reserved]

(f) Maintenance of all safety and fire protection devices, equipment, and systems in a state of readiness in conformance with applicable laws, regulations, and standards.

(g) Maintenance of all food service activities in accordance with applicable U.S. Public Health Service standards and local regulations.

(h) Arrangements for raising and lowering the United States flags at appropriate times.

[52 FR 11263, Apr. 8, 1987, as amended at 66 FR 23169, May 8, 2001]

§ 101-20.103 Physical protection and building security.

§ 101-20.103-1 Standard protection.

For properties under its custody and control, GSA will provide standard protection services by:

(a) Responding to criminal occurrences, incidents, and lifethreatening events through the use of Federal Protective Officers and local law enforcement officers where a response agreement is in effect.

(b) Installing and maintaining perimeter security devices and systems if they are monitored to provide timely response by authorized personnel;

(c) Implementing crime prevention activities, including tenant awareness programs;

(d) Investigating crimes and violations of Federal statutes, recording and evaluating reports of criminal incidents, and referring findings and evidence to appropriate enforcement agencies;

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(e) Entering into cooperative agreements with local law enforcement agencies;

(f) Performing physical security surveys and providing security advisory services; or

(g) Coordinating a comprehensive Occupant Emergency Program.

(h) Periodically evaluating the effectiveness of protection services by in-depth inspections of procedures and records.

§ 101-20.103-2 Special protection.

The degree of protection beyond standard levels required by the nature of an agency's activities or by unusual public reaction to an agency's programs will be determined jointly by GSA and the occupant agency. Special protection will be provided on a reimbursable basis. The level of special protection will be determined on a facility-by-facility basis, after the conducting of appropriate security surveys and crime prevention assessments. In such determinations, GSA and occupant agencies will consider:

(a) The characteristics of the facility, including size, configuration, exterior lighting, and presence of physical barriers;

(b) The location of the facility and the history of criminal or disruptive incidents in the surrounding neighborhoods; and

(c) The reimbursable funding and resources available to GSA for provision of protective service.

(d) Tenant agency's mission.

§ 101-20.103-3 Responsibilities of occupant agencies.

Occupants of facilities under the custody and control of GSA shall:

(a) Cooperate to the fullest extent with all pertinent facility procedures and regulations;

(b) Promptly report all crimes and suspicious circumstances occurring on GSA-controlled property to the regional Law Enforcement Branch and other designated law enforcement agencies and then through internal agency channels;

(c) Provide training to employees regarding protection and responses to emergency situations; and

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(d) Make recommendations for improving the effectiveness of protection in Federal facilities.

§ 101-20.103-4 Occupant Emergency Program.

(a) The Designated Official (as defined in § 101-20.003(g)) is responsible for developing, implementing, and maintaining an Occupant Emergency Plan (as defined in § 101-20.003(w)). The Designated Official's responsibilities include establishing, staffing, and training an Occupant Emergency Organization with agency employees. GSA shall assist in the establishment and maintenance of such plans and organizations.

(b) All occupant agencies of a facility shall fully cooperate with the Designated Official in the implementation of the emergency plans and the staffing of the emergency organization.

(c) GSA shall provide emergency program policy guidance, shall review plans and organizations annually, shall assist in training of personnel, and shall otherwise ensure proper administration of Occupant Emergency Programs (as defined in § 101-20.003(x)). In leased space, GSA will solicit the assistance of the lessor in the establishment and implementation of plans.

(d) In accordance with established criteria, GSA shall assist the Occupant Emergency Organization (as defined in § 101-20.003(v)) by providing technical personnel qualified in the operation of utility systems and protective equipment.

[52 FR 11263, Apr. 8, 1987; 52 FR 24158, July 29, 1987]

§ 101-20.103-5 Initiating action under Occupant Emergency Programs.

(a) The decision to activate the Occupant Emergency Organization shall be made by the Designated Official, or by the designated alternate official. Decisions to activate shall be based upon the best available information, including an understanding of local tensions, the sensitivity of target agency(ies), and previous experience with similar situations. Advice shall be solicited, when possible, from the GSA buildings manager, from the appropriate Federal Protective Service official, and from Federal, State, and local law enforcement agencies.

(b) When there is immediate danger to persons or property, such as fire, explosion, or the discovery of an explosive device (not including a bomb threat), occupants shall be evacuated or relocated in accordance with the plan without consultation. This shall be accomplished by sounding the fire alarm system or by other appropriate means.

(c) When there is advance notice of an emergency, the Designated Official shall initiate appropriate action according to the plan.

(d) After normal duty hours, the senior Federal official present shall represent the Designated Official or his/her alternates and shall initiate action to cope with emergencies in accordance with the plans.

§ 101-20.104 Parking facilities.

(a) Parking facilities shall be compatible with the character of neighborhoods and consistent with local planning requirements. They shall not adversely affect the use or appearance of property, and shall not create traffic hazards.

(b) As necessary or upon agency request, GSA may provide for the regulation and policing of parking facilities. GSA will consult with primary occupant agencies prior to implementing procedural changes. Such regulation and policing may include:

(1) The issuance of traffic rules and regulations;

(2) The installation of signs and markings for traffic control. (Signs and markings shall be in conformance with the Manual on Uniform Traffic Control Devices published by the Department of Transportation);

(3) The issuance of citations for parking violations; and

(4) The immobilization or removal of illegally parked vehicles.

(c) When the use of parking space is controlled as in paragraph (b) of this section, all privately owned vehicles other than those authorized to use designated visitor or service areas must display a parking permit. This requirement may be waived in parking facilities where the number of available space regularly exceeds the demand for such spaces.

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(d) GSA may delegate the responsibility for management, regulation, and policing of parking facilities by agreement with occupant agencies or by contractual arrangements with lessors or parking management contractors. Where possible, existing contracts shall be amended or modified before renewal to conform with the policies of this regulation.

(e) Privately owned vehicles converted for propane carburetion will not be permitted in underground parking facilities unless the owner provides to the occupant agency and the GSA buildings manager the installer's certification that the installation methods and equipment meet the standards in National Fire Protection Association (NFPA) Standard No. 58.

§ 101-20.104-1 Allocation and assignment of parking for official needs.

GSA is responsible for ensuring the availability of parking spaces for official needs. GSA may, by mutual agreement, delegate allocation and assignment responsibilities to occupant agencies or boards, commissions, and similar groups. GSA and other agencies with assignment responsibilities shall determine the appropriate number of spaces at each facility for official purposes; such determinations will be based upon submissions of information from occupant agencies regarding their needs. Parking spaces in controlled facilities shall first be reserved for official needs, in the following order of priority:

(a) At buildings containing U.S. Postal Service mailing operations, official postal vehicles.

(b) Government-owned vehicles used for criminal apprehension, firefighting, and other emergency functions.

(c) Privately owned vehicles of Federal judges appointed under Article III of the Constitution and of Members of Congress. (This priority does not extend to members of their staffs.)

(d) Other Government-owned and leased vehicles, including motor pool vehicles and vehicles assigned for general use.

(e) Service vehicles and vehicles of patrons and visitors. (Accommodations for handicapped visitors shall be pro-

vided when necessitated by agency program requirements. Agencies are encouraged to provide accommodations for handicapped visitors.)

§ 101-20.104-2 Allocation and assignment of employee parking spaces.

(a) Parking spaces not required for official needs may be used for employee parking.

(b) GSA (or other agencies having assignment responsibilities) will determine the total number of spaces available for employee parking. Normally, a separate determination will be made for each parking facility. In major metropolitan areas, however, GSA and occupant agencies may ascertain that zonal allocations would achieve more efficient use of space or equality in the availability of parking.

(c) Space available for employee parking will be allocated for occupant agency use on an equitable basis. Allocations may be made in proportion to each agency's share of building space, office space, or total employee population, as appropriate. In certain cases, GSA may allow a third party, such as a board composed of representatives of agencies sharing space, to determine proper reallocations among the agencies.

(d) Agencies shall in turn assign spaces to their employees, using the following order of priority:

(1) Severely handicapped employees. Justifications based on medical opinion may be required.

(2) Executive personnel and persons who work unusual hours.

(3) Vanpool/carpool vehicles.

(4) Privately owned vehicles of occupant agency employees which are regularly used for Government business at least 12 days per month and which qualify for reimbursement of mileage and travel expenses under Government travel regulations.

(5) Other privately owned vehicles of employees, on a space-available basis. (In locations where parking allocations are made on a zonal basis, GSA and affected agencies may cooperate to issue additional rules, as appropriate.)

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§ 101-20.104-3 Utilization of parking.

(a) Agencies shall develop, implement, and maintain ridesharing programs. (Guidelines for the administration of ridesharing programs are contained in FPMR Amendment A-36.)

(b) GSA will take all feasible measures to improve the utilization of parking facilities. Such measures may include the conducting of surveys and studies, the periodic review of parking space allocations, the dissemination of parking information to agencies, the implementation of parking incentives which promote ridesharing, the use of stack parking practices where appropriate, and the employment of parking management contractors and concessionaires.

§ 101-20.104-4 Guidelines for agency implementation.

(a) In most instances, the assignment of individual reserved spaces should be minimized; this allows the number of permits to be overallocated and results in increased efficiency.

(b) In order to promote fuel conservation, reduce traffic congestion, reduce the demand for parking spaces, and reduce air pollution, agencies are encouraged to make available as many parking spaces as possible for the use of vanpools/carpools.

(c) Agency procedures for the assignment of parking spaces should be maintained in writing. Provisions for reviewing assignments, enforcing compliance with regulations, and enforcing penalties for misrepresentation on applications are also recommended.

(d) Occupant agencies should make every effort to schedule arrival and departure times for employees to facilitate ridesharing.

(e) Subject to the availability of satisfactory and secure space and facilities, agencies should reserve areas for the parking of bicycles and other two-wheeled vehicles. Bicycles should not be transported on elevators or via stairways, nor should they be parked in offices.

(f) Implementation of the provisions of this regulation may require consultation, as appropriate, with recognized labor organizations.

§ 101-20.105 Accident and fire prevention.

Standards for GSA-assigned space will conform to those presented by the Occupational Safety and Health Act (OSHA) of 1970 (Public Law 91-596); Executive Order 12196; 29 CFR part 1960, and applicable GSA fire and safety criteria. Occupants and visitors will not be exposed to unnecessary risks. Safeguards which minimize personal harm, property damage, and impairment of Governmental operations, and which allow emergency forces to accomplish their missions effectively, will be provided. To the maximum extent feasible, GSA will provide space which meets or exceeds these objectives.

§ 101-20.105-1 Responsibilities of occupant agencies.

(a) Each occupant agency shall maintain a neat and orderly facility to minimize the risk of accidental injuries and fires. All exits, accesses to exits, and accesses to emergency equipment shall be kept clear at all times.

(b) Hazardous explosive or combustible materials shall not be brought into buildings unless authorized by appropriate agency officials and by GSA and unless protective arrangements determined necessary by GSA have been provided. All draperies, curtains, or other hanging materials shall be of non-combustible or flame-resistant fabric. Freestanding partitions and space dividers shall be limited combustible, and fabric coverings shall also be flame resistant.

(c) Occupant agencies shall cooperate with GSA to develop and maintain fire prevention programs. Such programs shall ensure the maximum safety of the occupants by:

(1) Training employees to use protective equipment and educating employees to take appropriate fire safety precautions in their work, including participating in at least one fire drill each year, and

(2) Ensuring that facilities are kept in the safest condition practicable, and conducting periodic inspections in accordance with Executive Order 12196 and 29 CFR part 1960.

(d) Accidents resulting from building system or maintenance deficiencies

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which involve personal injury or property damage in GSA-assigned space will be reported immediately to the GSA buildings manager.

(e) Each occupant agency shall appoint a safety, health and fire protection liaison to represent the occupant agency with GSA.

§ 101-20.105-2 Correction of hazardous conditions.

(a) GSA is responsible for correcting hazards associated with the condition of the space it assigns, including hazards related to building features, fixtures, and systems. GSA is also responsible for correcting hazards in common, joint, and public use spaces. Occupant agencies are responsible for correcting hazards associated with their use of assigned space, including those related to the operation of their program equipment.

(b) Hazardous conditions within the occupant agency's responsibility to correct shall be corrected within 30 workdays when possible. Imminently dangerous conditions shall be corrected immediately upon their discovery. If more than 30 workdays are required for correction, an abatement plan shall be prepared in accordance with 29 CFR part 1960. Corrective alteration measures may be undertaken in accordance with §101-20.106, Reimbursable services.

(c) Conditions within GSA's responsibility to correct shall be identified, documented and presented to the GSA buildings manager. Imminently dangerous conditions shall be corrected immediately upon their discovery. When an imminently dangerous condition as defined by 29 CFR 1960.28 exists, this report shall be made by telephone. Upon receipt of a properly documented report of hazardous conditions, GSA will promptly investigate, determine a plan to resolve the problems, and inform the occupant agency. Such reports shall state the hazardous condition and cite references to specific OSHA standards violated. In cases involving health problems, agencies shall provide to GSA an industrial hygienist's report of an investigation of the alleged problem, which must include a description of the problem, results of testing, and recommendations for correction. When resolution will take

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more than 30 workdays, GSA shall prepare an abatement plan in accordance with 29 CFR part 1960, shall furnish this plan to the occupant agency for review and subsequent follow-up, and shall give priority to prompt abatement of the conditions.

§ 101-20.105-3 Smoking.

(a) Pursuant to Executive Order 13058, "Protecting Federal Employees and the Public From Exposure to Tobacco Smoke in the Federal Workplace" (3 CFR, 1997 Comp., p. 216), it is the policy of the executive branch to establish a smoke-free environment for Federal employees and members of the public visiting or using Federal facilities. The smoking of tobacco products is prohibited in all interior space owned, rented, or leased by the executive branch of the Federal Government, and in any outdoor areas under executive branch control in front of air intake ducts.

(b) *Exceptions.* (1) The policy does not apply in designated smoking areas that are enclosed and exhausted directly to the outside and away from air intake ducts, and are maintained under negative pressure (with respect to surrounding spaces) sufficient to contain tobacco smoke within the designated area. Agency officials shall not require workers to enter such areas during business hours while smoking is ongoing.

(2) The policy does not extend to any residential accommodation for persons voluntarily or involuntarily residing, on a temporary or long term basis, in a building owned, leased, or rented by the Federal Government.

(3) The policy does not extend to those portions of federally owned buildings leased, rented, or otherwise provided in their entirety to nonfederal parties.

(4) The policy does not extend to places of employment in the private sector or in other nonfederal governmental units that serve as the permanent or intermittent duty station of one or more Federal employees.

(5) Agency heads may establish limited and narrow exceptions that are necessary to accomplish agency missions. Such exceptions must be in writing, approved by the agency head, and

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to the fullest extent possible provide protection of nonsmokers from exposure to environmental tobacco smoke. Authority to establish such exceptions may not be delegated.

(c) Agency heads have responsibility to determine which areas are to be smoking and which areas are to be non-smoking areas. In exercising this responsibility, agency heads will give appropriate consideration to the views of the employees affected and/or their representatives and are to take into consideration the health issues involved. Nothing in this section precludes an agency from establishing more stringent guidelines. Agencies in multi-tenant buildings are encouraged to work together to identify designated smoking areas.

(d) Agency heads shall evaluate the need to restrict smoking at doorways and in courtyards under executive branch control in order to protect workers and visitors from environmental tobacco smoke, and may restrict smoking in these areas in light of this evaluation.

(e) Agency heads shall be responsible for monitoring and controlling areas designated for smoking and for ensuring that these areas are identified by proper signs. Suitable uniform signs reading "Designated Smoking Area" shall be furnished and installed by the agency.

(f) Suitable, uniform signs reading "No Smoking Except in Designated Areas" shall be placed on or near entrance doors of buildings subject to this section. These signs shall be furnished and installed by the GSA Building Manager in buildings operated by GSA. It shall not be necessary to display a sign in every room of each building.

(g) This smoking policy applies to the judicial branch when it occupies space in buildings controlled by the executive branch. Furthermore, the Federal chief judge in a local jurisdiction may be deemed to be comparable to an agency head and may establish exceptions for Federal jurors and others as indicated in paragraph (b)(5) of this section.

(h) Prior to implementation of this section, where there is an exclusive representative for the employees, the

agencies shall meet their obligation under the Federal Service Labor-Management Relations Act (5 U.S.C. 7101 *et seq.*) In all other cases, agencies should consult directly with employees.

[63 FR 35846, July 1, 1998]

§ 101-20.106 Reimbursable services.

Services in addition to those standard level services prescribed in §§101-20.101 through 20.105 may be provided or arranged for by GSA on a reimbursable basis. Such services include:

(a) Specialized security services beyond standard levels, such as guarding, ingress-egress control, inspection of packages, directed security patrols, and other similar activities;

(b) Design, installation, maintenance, and operation of electronic systems such as intrusion-detection devices, duress-holdup alarms, and remote monitoring systems;

(c) Utilities for specialized equipment, or for times when space conditioning beyond standard levels is required;

(d) Construction and/or alterations necessary for installation of agency program equipment;

(e) Space adjustments requested by an occupant agency for its convenience in moving activities within its already assigned space;

(f) Janitorial and other services over and above standard levels;

(g) Space alterations beyond the standard level provided by GSA;

(h) Construction, installation, operation, maintenance, and repair of agency program equipment, and space adjustments required as a result of such installations;

(i) Services of motion picture operators and other technicians required in the use of auditoriums, conference rooms, and special agency equipment; and

(j) Office design, space planning, and office automation installation support and services.

§ 101-20.106-1 Placing of orders for reimbursable alterations by occupant agencies.

(a) Where GSA has indefinite quantity contracts and/or unit price agreements available for accomplishment of space alterations in Government owned

and leased buildings, agencies should order against these contracts and agreements, except when it is not in the Government's best interest. Agencies wishing to use this authority shall submit names of their proposed ordering officials to the GSA buildings manager, who will submit them to the GSA contracting officer. The contracting officer shall designate in writing the ordering officials and will authorize the contractor to accept orders from the designated ordering officials. The GSA contracting officer shall advise the agencies' ordering officials in writing of their responsibilities, authorities, and limitations under these contracts and agreements.

(b) No individual order, or combinations of orders for a single alteration project, shall exceed the simplified acquisition threshold, as defined in 41 U.S.C. 252a, and agencies shall not split orders so as to circumvent this limitation.

(c) For all orders placed against GSA contracts or agreements, agency ordering officials shall obtain prior written project review by GSA and provide a copy of the ordering document and final payment document to the GSA buildings manager. Agencies are responsible for inspecting and certifying satisfactory completion of the work, and for ensuring contractor compliance with contract provisions. The final payment document shall be supported by GSA Form 1142, Release of Claims; GSA Form 2419, Certification of Payments to Subcontractors and Supplies; and certification that the work has been inspected and accepted.

(d) Agencies may not negotiate with contractors for items not specifically priced under indefinite quantity contracts and/or price agreements.

(e) Where no GSA contracts or agreements are in effect, an agency may contract directly for services up to the simplified acquisition threshold per project after written review by GSA. Agencies contracting directly must provide GSA with complete documentation of the scope of work and contract specifications at the time of submission. Each project shall include appropriate reviews by the regional safety staff. If contracting for security systems, agencies must submit the de-

sign work for regional Federal Protective Service Division review. Agencies shall be responsible for inspecting and certifying satisfactory completion of the ordered work. All work must conform to GSA fire and safety standards. GSA at anytime has the authority to make inspections and require correction if the project is found not in compliance with GSA reviews or fire and safety standards. As-built drawings must be submitted to GSA's buildings manager within 30 days of completion of the work.

[52 FR 11263, Apr. 8, 1987, as amended at 62 FR 1057, Jan. 8, 1997]

§ 101-20.106-2 Limitations on provision of reimbursable services by GSA.

In order to reduce processing costs of documents and to improve efficiency of service delivery, requests for reimbursable work to be performed or arranged by GSA may be subject to the following requirements:

(a) Individual work authorizations (e.g., GSA Form 2957's) for which total expenses as estimated by GSA are less than \$500 need not be processed by GSA, but may be returned to the requesting agency. Unless the work is related to security or required to correct an unhealthful or unsafe condition, occupant agencies may be required to hold all such requests until the reimbursable work in question can be aggregated into a single request for at least \$500.

(b) The restrictions of paragraph (a) of this section are not mandatory, but may be applied by GSA when their application is in the best interests of the Government from the standpoint of cost effectiveness.

(c) The restrictions of paragraph (a) of this section do not apply to orders placed against existing blanket or open-end authorizations which exceed \$500 and which show obligated and unused fund balances sufficient to perform the work.

(d) Agencies requesting reimbursable services are responsible for verifying and approving GSA estimates within 30 calendar days following submission of

such estimates to the requester. Reimbursable work requests for which estimates have not been approved within 30 days will be canceled.

§ 101-20.107 Energy conservation.

Agencies shall comply with the energy conservation guidelines set forth in 10 CFR part 436 (Federal Energy Management and Planning Programs) and shall observe the energy conservation policies cited herein.

(a) Agencies shall ensure that lights and equipment are turned off when not needed, that ventilation is not blocked or impeded, and that windows and other building accesses are closed during the heating and cooling seasons.

(b) Except where special circumstances exist, illumination levels shall be maintained as near as is practical to the following standards:

(1) 50 foot-candles at work station surfaces, measured at a height of 30 inches above floor level, during working hours (For visually difficult or critical tasks, additional lighting may be authorized by the GSA buildings manager or by agencies that have been given delegated authority to perform buildings management functions.);

(2) 30 foot-candles in work areas during working hours, measured at 30 inches above floor level;

(3) 10 foot-candles, but not less than 1 foot-candle nonwork areas, sufficient to ensure safety in non-work areas during working hours. (Normally this will require levels of 5 foot-candles at elevator boarding areas, minimum of 1 foot-candle at the middle of corridors and stairwells as measured at the walking surface, and 1 foot-candle at the middle of corridors and stairwells as measured at the walking surface, and 10 foot-candles in storage areas.); and

(4) Other lighting essential for safety and security purposes, including exit signs and exterior lights, shall be maintained.

(c) Within the limitations of the building systems, heating and cooling systems shall be operated in the most overall energy efficient and economical manner.

(1) Temperatures will be maintained to maximize customer satisfaction by conforming to local commercial equip-

ment temperature levels and operating practices. GSA will seek to minimize energy use while operating its buildings in this manner. During non-working hours, heating temperatures shall be set no higher than 55 degrees Fahrenheit and air-conditioning will not be provided except as necessary to return space temperatures to a suitable level for the beginning of working hours.

(2) The locations used for measurement of temperatures to determine compliance will be representative of the spaces to be heated or cooled.

(3) Work stations which are the most adversely affected may be the basis for establishing the temperature levels throughout that portion of the building.

(4) Reheating, humidification, and simultaneous heating and cooling shall not be permitted.

(5) During extreme weather conditions, building systems shall be operated as necessary to protect the physical condition of the building.

(d) The operation of portable heaters, fans, and other such devices in Government-controlled space is prohibited unless authorized by the GSA buildings manager or by agencies that have been given delegated authority to perform buildings management functions.

(e) During working hours in periods of heating and cooling, provide ventilation in accordance with ASHRAE Standard 62, *Ventilation for Acceptable Indoor Air Quality* where physically practical. Where not physically practical, provide the maximum allowable amount of ventilation during periods of heating and cooling and pursue opportunities to increase ventilation up to current standards. ASHRAE Standard 62 is available from ASHRAE Publications Sales, 1791 Tullie Circle NE, Atlanta, GA 30329-2305.

(f) Energy standards for existing buildings will be no less stringent than those prescribed by the American Society of Heating, Refrigerating, and Air Conditioning Engineers and the Illuminating Engineering Society of North America in ASHRAE/IES Standard 90A-1980 as amended by Department of Energy (DOE). These energy standards are applicable where they can be achieved through life cycle, cost effective actions.

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(g) Exceptions to the foregoing policies may be necessary for specialized requirements of for agencies to accomplish their missions more effectively and efficiently. Such exceptions may be granted by the GSA buildings manager or by agencies that have been given delegated authority to perform buildings management functions.

(h) Contracting officers shall ensure that all new lease contracts are in conformance with the policies prescribed in this §101-20.107. Existing lease contracts shall be administered in accordance with these policies to the maximum extent feasible.

(i) Each agency shall report to the Department of Energy (DOE) the energy consumption in buildings, facilities, vehicles, and equipment under its control within 45 calendar days after the end of each quarter as specified in the DOE Federal Energy usage Report DOE F 6200.2 instructions. This report has been cleared in accordance with FPMR 101-11.11,¹ Interagency Reports Management Program, and assigned interagency report control number 1492 DOE OU.

[52 FR 11263, Apr. 8, 1987; 52 FR 24158, July 29, 1987, as amended at 60 FR 17653, Apr. 7, 1995]

§ 101-20.108 Staggered hours of duty.

(a) The GSA Regional Administrator, National Capital Region, is responsible for putting into effect the policy of maintaining staggered duty hours in Metropolitan Washington, DC. For purposes of this regulation, "Metropolitan Washington" means the Washington Standard Metropolitan Statistical Area (SMSA) as defined by the Department of Commerce.

(b) Any agency planning a change in its schedule of duty hours which will affect 50 or more employees shall submit the changes to the GSA Regional Administrator, (WA) Washington, DC, 20407, for approval prior to implementation. The agency shall indicate the number of employees affected, the present and proposed hours of duty, and the reasons for the change in schedule. The agency shall also coordi-

nate with the employees and their union(s) to determine the percentage of employees in favor of the proposed change.

(c) The GSA Regional Administrator, National Capital Region, shall coordinate the proposed change with appropriate authorities to ensure that the change will not create congestion or disruptions in traffic or transportation flow patterns.

(d) GSA and other Federal agencies may also consider the advisability of establishing staggered duty hours in areas outside Metropolitan Washington where major concentrations of Federal employees exist.

§ 101-20.109 Concessions.

(a) The provisions of this section do not apply to blind vending facilities operated under the Randolph-Sheppard Act (20 U.S.C. 107 *et seq.*); regulations governing this program are continued in subpart 101-20.2.

(b) GSA is responsible for the planning, provision, and administration of essential concessions in buildings under its control. GSA will enter into and award concessions contracts, provide suitable space and facilities, if required, and administer applicable inspection and oversight functions. Officials of occupant agencies shall convey concerns to GSA and shall not instruct concessionaires regarding their operations.

(c) Subject to the availability of space, prior to establishing concessions, GSA will ensure that:

(1) The proposed concession will offer only essential services which are needed by employees, and which cannot be conveniently obtained from existing facilities, (Consultation will be held with occupant agencies.);

(2) The proposed concession will be established and operated in conformance with applicable policies, safety, health, and sanitation codes, laws, regulations, etc., and will not contravene the terms of any lease or other contractual arrangement;

(3) Sufficient funds are legally available to cover all costs for which the Government may be responsible; and

(4) All contracts will be financially self-supporting and not compete with nearby commercial enterprise.

¹EDITORIAL NOTE: At 50 FR 26908, June 28, 1985, 41 CFR part 101-11 was recodified as 41 CFR parts 201-22 and 201-45. The reference to FPMR 101-11.11 should read FIRM 201-45.6.

(d) Public Law 104-52, Section 636, prohibits the sale of tobacco products in vending machines in Government-owned and leased space under the custody and control of GSA. The Administrator of GSA or the head of an Agency may designate areas not subject to the prohibition, if the area prohibits minors and reports are made to the appropriate committees of Congress.

[52 FR 11263, Apr. 8, 1987, as amended at 61 FR 2122, Jan. 25, 1996]

Subpart 101-20.2—Vending Facility Program for Blind Persons

§ 101-20.200 Scope of subpart.

This subpart contains the policy and procedures for ensuring the priority of blind vendors in operating vending facilities on GSA-controlled property.

§ 101-20.201 Policy.

Blind vendors licensed by State licensing agencies designated by the Secretary of Education under the provisions of the Randolph-Sheppard Act (20 U.S.C. 107 *et seq.*) shall be given priority in the location and operating of vending facilities, including vending machines, on GSA-controlled property provided the location or operation of such facility would not adversely affect the interests of the United States. Blind vendors shall also be given priority on GSA-controlled property in the operation of cafeterias according to 34 CFR 395.33.

§ 101-20.202 Establishing vending facilities.

(a) GSA shall not acquire a building by ownership, rent, or lease, or occupy a building to be constructed, substantially altered, or renovated unless it is determined that such buildings contain or will contain a "satisfactory site" as defined in 34 CFR 395.1q, for the location and operating of a blind vending facility.

(b) In accordance with 34 CFR 395.31, GSA shall provide the appropriate State licensing agency with written notice of its intention to acquire or otherwise occupy such building. Providing notification shall be the responsibility of the Buildings Management Division, GSA.

§ 101-20.203 Application for permit.

Applications for permits for the operation of vending facilities other than cafeterias shall be made in writing on the appropriate form, and submitted for the review and approval of GSA.

§ 101-20.204 Terms of permit.

Every permit shall describe the location of the vending facility including any vending machines located on other than the facility premises and shall be subject to the following provisions:

(a) The permit shall be issued in the name of the applicant State licensing agency which shall:

(1) Prescribe such procedures necessary to assure that in the selection of vendors and employees for vending facilities there shall be no discrimination because of sex, race, age, creed, color, national origin, physical or mental disability, or political affiliation; and

(2) Take the necessary action to assure that vendors do not discriminate against any persons in furnishing, or by refusing to furnish, to such person or persons the use of any vending facility, including any and all services, privileges, accommodations, and activities provided thereby, and comply with title VI of the Civil Rights Act of 1964 and GSA regulations issued pursuant thereto.

(b) The permit shall be issued for an indefinite period of time subject to suspension or termination on the basis of compliance with agreed upon terms.

(c) The permit shall provide that:

(1) No charge shall be made to the State licensing agency for normal cleaning, maintenance, and repair of the building structure in and adjacent to the vending facility areas;

(2) Cleaning necessary for sanitation, and the maintenance of vending facilities and vending machines in an orderly condition at all times, and the installation, maintenance, repair, replacement, servicing, and removal of vending facility equipment shall be without cost to GSA; and

(3) Articles sold at vending facilities operated by blind licensees may consist of newspapers, periodicals, publications, confections, tobacco products,

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foods, beverages, chances for any lottery authorized by State law and conducted by an agency of a State within such State, and other articles or services as are determined by the State licensing agency, in consultation with GSA to be suitable for a particular location. Such articles and services may be dispensed automatically or manually and may be prepared on or off the premises. Public Law 104-52, Section 636, prohibits the sale of tobacco products in vending machines in Government-owned and leased space under the custody and control of GSA.

(d) The permit shall further provide that vending facilities shall be operated in compliance with applicable health, sanitation, and building codes or ordinances.

(e) The permit shall further provide that installation, modification, relocation, removal, and renovation of vending facilities shall be subject to the prior approval and supervision of the Director, Buildings Management Division, GSA, and the State licensing agency; that costs of relocations initiated by the State licensing agency shall be paid by the State licensing agency; that costs of relocations initiated by the Director, Buildings Management Division, shall be paid by GSA; and that all plumbing, electrical, and mechanical costs related to the renovation of existing facilities shall be paid by GSA.

(f) The operation of a cafeteria by a blind vendor shall be covered by a contractual agreement and not by a permit. The State licensing agency shall be expected to perform under the same contractual arrangement applicable to commercial cafeteria operators.

[52 FR 11263, Apr. 8, 1987, as amended at 61 FR 2122, Jan. 25, 1996]

§ 101-20.205 Enforcement procedures.

(a) The State licensing agency shall attempt to resolve day-to-day problems pertaining to the operation of the vending facility in an informal manner with the participation of the blind vendor and the buildings manager.

(b) Unresolved disagreements concerning the terms of the permit, the Act, or the regulations in this part and any other unresolved matters shall be reported in writing to the State licens-

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ing agency supervisory personnel by the GSA regional office in an attempt to resolve the issue.

§ 101-20.206 Reports.

At the end of each fiscal year, GSA shall report to the Secretary of Education the total number of applications for vending facility locations received from State licensing agencies, the number accepted, the number denied, the number still pending, the total amount of vending machine income collected, and the amount of such vending machine income disbursed to the State licensing agency in each State.

Subpart 101-20.3—Conduct on Federal Property

§ 101-20.300 Applicability.

These rules and regulations apply to all property under the charge and control of the General Services Administration and to all persons entering in or on such property. Each occupant agency shall be responsible for the observance of these rules and regulations.

§ 101-20.301 Inspection.

Packages, briefcases, and other containers in the immediate possession of visitors, employees, or other persons arriving on, working at, visiting, or departing from Federal property, are subject to inspection. A full search of a person and any vehicle driven or occupied by the person may accompany an arrest.

§ 101-20.302 Admission to property.

Property shall be closed to the public during other than normal working hours. The closing of property will not apply to that space in those instances where the Government has approved the after-normal-working-hours use of buildings or portions thereof for activities authorized by subpart 101-20.4. During normal working hours, property shall be closed to the public only when situations require this action to ensure the orderly conduct of Government business. The decision to close the property shall be made by the designated official under the Occupant

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Emergency program after consultation with the buildings manager and the ranking representative of the Law Enforcement Branch responsible for protection of the facility or the area. The designated official is defined in §101-20.003(g) as the highest ranking official of the primary occupant agency, or the alternate highest ranking official or designee selected by mutual agreement by other occupant agency officials. When property, or a portion thereof, is closed to the public, admission to this property, or a portion, will be restricted to authorized persons who shall register upon entry to the property and shall, when requested, display Government or other identifying credentials to the Federal Protective Officers or other authorized individuals when entering, leaving, or while on the property. Failure to comply with any of the applicable provisions is a violation of these regulations.

[53 FR 129, Jan. 5, 1988]

§ 101-20.303 Preservation of property.

The improper disposal of rubbish on property; the willful destruction of or damage to property; the theft of property; the creation of any hazard on property to persons or things; the throwing of articles of any kind from or at a building or the climbing upon statues, fountains, or any part of the building, is prohibited.

§ 101-20.304 Conformity with signs and directions.

Persons in and on property shall at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the lawful direction of Federal Protective Officers and other authorized individuals.

§ 101-20.305 Disturbances.

Any loitering, disorderly conduct, or other conduct on property which creates loud or unusual noise or a nuisance; which unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; which otherwise impedes or disrupts the performance of official duties by Government employees; or which prevents the general public from obtaining the administrative

services provided on the property in a timely manner, is prohibited.

§ 101-20.306 Gambling.

Participating in games for money or other personal property or the operating of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on property is prohibited. This prohibition shall not apply to the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and authorized by section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107, *et seq.*)

§ 101-20.307 Alcoholic beverages and narcotics.

Operations of a motor vehicle while on the property by a person under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines is prohibited. Entering upon the property, or while on the property, under the influence of or using or possessing any narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines is prohibited. The prohibition shall not apply in cases where the drug is being used as prescribed for a patient by a licensed physician. Entering upon the property, or being on the property, under the influence of alcoholic beverages is prohibited. The use of alcoholic beverages on property is prohibited except, upon occasions and on property upon which the head of the responsible agency or his or her designee has for appropriate official uses granted an exemption in writing. The head of the responsible agency or his or her designee shall provide a copy of all exemptions granted to the buildings manager and the Chief, Law Enforcement Branch, or other authorized officials, responsible for the security of the property.

[53 FR 129, Jan. 5, 1988]

§ 101-20.308 Soliciting, vending, and debt collection.

Soliciting alms, commercial or political soliciting, and vending of all kinds, displaying or distributing commercial advertising, or collecting private debts on GSA-controlled property

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is prohibited. This rule does not apply to:

(a) National or local drives for funds for welfare, health, or other purposes as authorized by 5 CFR, parts 110 and 950, Solicitation of Federal Civilian and Uniformed Services Personnel for Contributions to Private Voluntary Organizations issued by the U.S. Office of Personnel Management under Executive Order 12353 of March 23, 1982, as amended, and sponsored or approved by the occupant agencies;

(b) Concessions or personal notices posted by employees on authorized bulletin boards;

(c) Solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Pub. L. 95-454); and

(d) Lessee, or its agents and employees, with respect to space leased for commercial, cultural, educational, or recreational use under the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 490(a)(16)).

NOTE: Public areas of GSA-controlled property may be used for other activities permitted in accordance with subpart 101-20.4.

[53 FR 130, Jan. 5, 1988]

§ 101-20.309 Posting and distributing materials.

(a) Public Law 104-52, Section 636, prohibits the distribution of free samples of tobacco products in or around Federal buildings.

(b) Posting or affixing materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere on GSA-controlled property is prohibited, except as authorized in §101-20.308 or when these displays are conducted as part of authorized Government activities. Distribution of materials, such as pamphlets, handbills, or flyers is prohibited, except in the public areas of the property as defined in §101-20.003(z), unless conducted as part of authorized Government activities. Any person or organization proposing to distribute materials in a public area under this section shall first obtain a permit from the building manager under Subpart 101-20.4 and shall conduct distribution in accordance with the provisions of Subpart 101-20.4. Fail-

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ure to comply with those provisions is a violation of these regulations.

[61 FR 2122, Jan. 25, 1996]

§ 101-20.310 Photographs for news, advertising, or commercial purposes.

Photographs may be taken in space occupied by a tenant agency only with the consent of the occupying agency concerned. Except where security regulations apply or a Federal court order or rule prohibits it, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings. Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of an authorized official of the agency occupying the space where the photographs are to be taken.

§ 101-20.311 Dogs and other animals.

Dogs and other animals, except seeing eye dogs, other guide dogs, and animals used to guide or assist handicapped persons, shall not be brought upon property for other than official purposes.

§ 101-20.312 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles entering or while on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of Federal protective officers or other authorized individuals and all posted traffic signs;

(b) The blocking of entrances, drive-ways, walks, loading platforms, or fire hydrants on property is prohibited; and

(c) Except in emergencies, parking on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, shall be subject to removal at the owners' risk and expense. This paragraph may be supplemented from time to time with the approval of the Regional Administrator by the issuance and posting of such specific traffic directives as may be required,

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and when so issued and posted such directives shall have the same force and effect as if made a part thereof. Proof that a motor vehicle was parked in violation of these regulations or directives may be taken as prima facie evidence that the registered owner was responsible for the violation.

§ 101-20.313 Explosives.

No person entering or while on property shall carry or possess explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes. (Weapons, see title 18, U.S. Code 930.)

[54 FR 15757, Apr. 19, 1989]

§ 101-20.314 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, sex, color, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on the property.

§ 101-20.315 Penalties and other laws.

Whoever shall be found guilty of violating any rule or regulations in this subpart 101-20.3 while on any property under the charge and control of the U.S. General Services Administration is subject to a fine of not more than \$50 or imprisonment of not more than 30 days, or both (See title 40 U.S. Code 318c.) Nothing in these rules and regulations shall be construed to abrogate any other Federal laws or regulations or any State and local laws and regulations applicable to any area in which the property is situated (section 205(c), 63 U.S. Statutes, 390; 40 U.S. Code 486(c)).

[53 FR 130, Jan. 5, 1988]

Subpart 101-20.4—Occasional Use of Public Buildings

§ 101-20.400 Scope of subpart.

Sections 101-20.401 through 101-20.408 establish rules and regulations for the occasional use of public areas for cultural, educational and recreational ac-

tivities as provided by the Public Buildings Cooperative Use Act of 1976 (Pub. L. 94-541).

§ 101-20.401 Applications for permits.

(a) Any person or organization desiring to use a public area shall file an application for permit with the GSA Buildings Manager. Such application shall be made on a form provided by GSA and shall be submitted in the manner specified by GSA.

(b) The following information is required:

(1) Full names, mailing addresses, and telephone numbers of the applicant, the organization sponsoring the proposed activity, and the individual(s) responsible for supervising the activity;

(2) Documentation showing that the applicant has authority to represent the sponsoring organization;

(3) A description of the proposed activity, including the dates and times during which it is to be conducted and the number of persons to be involved.

(c) If the proposed activity constitutes a use of a public area for soliciting funds, the applicant shall also submit a signed statement that:

(1) The applicant is a representative of and will be soliciting funds for the sole benefit of, a religion or religious group; or

(2) The applicant's organization has received an official ruling of tax-exempt status from the Internal Revenue Service under 26 U.S.C. 501; or, alternatively, that an application for such a ruling is still in process.

§ 101-20.402 Permits.

(a) A permit shall be issued by GSA within 10 working days following its receipt of the completed applications. A permit shall not be issued for a period of time in excess of 30 calendar days, unless specifically approved by the regional officer. After the expiration of a permit, a new permit may be issued upon submission of a new application; in such a case, applicants may incorporate by reference all required information filed with the prior application.

(b) When more than one permit is requested for the same area and times, permits will be issued on a first-come, first-served basis.

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(c) All permits involving demonstrations and activities which may lead to civil disturbances should be coordinated with the Chief, Law Enforcement Branch, before approval.

§ 101-20.403 Disapproval of applications or cancellation of permits.

(a) GSA shall disapprove any application or cancel an issued permit if:

(1) The applicant has failed to submit all information required under § 101-20.401, or has falsified such information;

(2) The proposed use is a commercial activity as defined in § 101-20.003(d);

(3) The proposed use interferes with access to the public area, disrupts official Government business, interferes with approved uses of the property by tenants or by the public, or damages any property;

(4) The proposed use is intended to influence or impede any pending judicial proceeding;

(5) The proposed use is obscene within the meaning of obscenity as defined in 18 U.S.C. 1461-65; or

(6) The proposed use is violative of the prohibition against political solicitations in 18 U.S.C. 607.

(b) Upon disapproving an application or cancelling a permit, GSA shall promptly notify the applicant or permittee of the reasons for the action, and shall inform the applicant or permittee of his/her appeal rights under § 101-20.404.

[52 FR 11263, Apr. 8, 1987; 52 FR 24158, July 29, 1987]

§ 101-20.404 Appeals.

(a) A disapproval of application or cancellation of issued permits may be appealed to the GSA Regional Officer (as defined in § 101-20.003(m)) within 5 calendar days of the notification of disapproval or cancellation. Notices of appeal must be made in writing.

(b) On appeal, the applicant or permittee and the GSA buildings manager shall have opportunity to orally state their positions on the issues. Written materials may also be submitted.

(c) The GSA Regional Officer shall affirm or reverse the GSA building manager's decision, based on the information submitted, within 10 calendar days of the date on which the Regional

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Officer received notification of the appeal. If the decision is not rendered within 10 days, the application will be considered to be approved or the permit validly issued. The Regional Officer will promptly notify the applicant or permittee and the buildings manager of the decision and the reasons therefor.

[52 FR 11263, Apr. 8, 1987; 52 FR 24158, July 29, 1987]

§ 101-20.405 Schedules of use.

Nothing in these regulations shall prevent GSA from reserving certain time periods for use of public areas for official Government business; from setting aside certain time periods for maintenance, repair, and construction; or from permitting a previously approved use for official Government business.

§ 101-20.406 Hours of use.

Public areas may be used during or after regular working hours of Federal agencies, provided that such uses will not interfere with Government business. When public areas are used by permittees after normal working hours, all adjacent areas not approved for such use shall be locked, barricaded, or identified by signs, as appropriate, to restrict permittees' activities to approved areas.

§ 101-20.407 Services and costs.

(a) *Costs.* The space to be provided under these regulations is furnished free of charge. Services normally provided at the building in question, such as security, cleaning, heating, ventilation, and air-conditioning, shall also be provided free of charge by GSA. The applicant shall be requested to reimburse GSA for services over and above those normally provided. If the applicant desires to provide services, such as security and cleaning, this request must be approved by the GSA Regional Officer. GSA may provide the services free of charge if the cost is insignificant and if it is in the public's interest.

(b) *Alterations.* Permittees shall make no alterations to public areas except with prior approval of GSA. Such approval shall not be given unless GSA determines that changes in a building should be made to encourage and aid in

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the proposed use. Permittees making alterations must make provisions to ensure the safety of users and the prevention of damage to property.

(c) Permittees are responsible for furnishing items such as tickets, audiovisual equipment, etc., which are necessary for the proposed use.

§ 101-20.408 Conduct.

(a) Permittees are subject to all rules and regulations governing conduct on Federal property as set forth in subpart 101-20.3. In addition, a permittee shall:

(1) Not misrepresent his or her identity to the public;

(2) Not conduct any activities in a misleading or fraudulent manner;

(3) Not discriminate on the basis of race, creed, color, sex or national origin in conducting activities;

(4) Not distribute any item, nor post or otherwise affix any item, for which prior approval under § 101-20.401 has not been obtained;

(5) Not leave leaflets or other materials unattended on the property; and

(6) Not engage in activities which would interfere with the preferences afforded blind licenses under the Randolph-Sheppard Act (20 U.S.C. 107).

(b) Permittees engaging in the solicitation of funds as authorized by § 101-20.401 shall display identification badges while on Federal property. Each badge shall indicate the permittee's name, address, telephone number, and organization.

§ 101-20.409 Non-affiliation with the Government.

The General Services Administration reserves the right to advise the public through signs or announcements of the presence of any permittees and of their nonaffiliation with the Federal Government.

Subpart 101-20.5—Sidewalk Installation, Repair, and Replacement

§ 101-20.500 Scope of subpart.

This subpart contains the regulations governing the installation, repair, and replacement of sidewalks around buildings, installations, properties, or grounds under the control of executive

agencies and owned by the United States within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, by reimbursement to a State or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, or the territory or possession of the United States. They are issued with the approval of the Director of the Office of Management and Budget.

§ 101-20.501 Responsibilities.

Upon prior consent of the property-holding agency, the State in which the property lies may perform or arrange for the installation, repair, and replacement of sidewalks, and obtain reimbursement therefor from the property-holding agency, or, if mutually agreed upon, the property-holding agency may contract or otherwise arrange for and pay directly for such installation, repair, and replacement.

§ 101-20.502 Standards.

Sidewalks shall be installed, repaired, or replaced with due consideration to the standards and specifications prescribed by the State or political subdivision thereof. However, where the property-holding agency determines that it is necessary, in order to achieve or retain architectural harmony with the surroundings, the property-holding agency may prescribe other standards and specifications.

PART 101-21—FEDERAL BUILDINGS FUND

AUTHORITY: 40 U.S.C. 486(c); 40 U.S.C. 490(j) (The Federal Property and Administrative Services Act of 1949, as amended, Sec. 205(c) and 210(j), 63 Stat. 390 and 86 Stat. 219; (40 U.S.C. 486(c) and 40 U.S.C. 490(j), respectively).

SOURCE: 66 FR 23169, May 8, 2001, unless otherwise noted.

§ 101-21.000 Cross-reference to the Federal Management Regulation (FMR) (41 CFR chapter 102, parts 102-1 through 102-220.)

For information previously contained in this part, see FMR part 85 (41 CFR part 102-85).