

CARE FUNCTIONAL REVIEW
FACILITIES MANAGEMENT, CONSTRUCTION, REAL PROPERTY
AND SAFETY, HEALTH, AND ENVIRONMENTAL MANAGEMENT

For information on the interpretation or clarification on the functional questions in this section, please contact Rommy Ignacio on 301-504-1191

3.00-1 Repair and Maintenance

Determine if the Location annually earmarks at least 4 percent of its base funds to accomplish routine repair and maintenance (R&M) needs or has received a waiver in accordance with Agency policy. (ARMS Manual, ARS Manual 245.1, Chapter IX).

Verify that there is regular maintenance procedures in place. Are buildings and ancillary equipment inspected on a regular basis? Ensure that the Location is consulting with the Area Engineer for identifying/prioritizing repair and maintenance needs/projects.

Check to see if multi-year facility planning is in place. Ensure the Location's Facility Plan contained in the ARMP correlates with the annually updated ARS Facility Plan.

3.00-2 Energy Management

Determine if the Location is integrating energy conservation into its regular operations and maintenance activities per ARS Energy Management Plan (P&P 134.2).

When was the last energy audit performed? Have recommended energy conservation projects been implemented or included in the ARS Facility Plan? Does the ARS Facility Plan include future energy audits? Were energy projects recommended by the audits implemented?

Ensure that Location maintains consumption records/monitors energy consumption patterns so that any possible irregularities in utilities billing or estimating procedures can be identified quickly.

3.00-3 Facility Accessibility

Ensure Location facilities meet the needs of individuals with physical disabilities. Have professional surveys been done to assess physical accessibility needs to conform with the Uniform Federal Accessibility Standards (UFAS) or the Americans with Disabilities Act Accessibility Guidelines (ADAAG)? Does the Location have copies of the UFAS or ADAAG?

Is there an accessible route from the public way to building entrances?

Are there marked parking spaces and entrances for disabled individuals?

Are there accessible paths of travel to primary workstation, conference/training room, all purpose (gathering) areas?

Are there accessible elevators to all floors of facility?

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Is there one accessible rest room, on each floor of facility, with proper door width; toilet stall; sink basin; path of travel?

Are there accessible water fountains?

3.01 Architect-Engineering (A-E) Contracts

For information on the interpretation or clarification on the functional questions in this section, please contact Regina Herchak on 301-504-1179

3.01-1 A-E Contracts

Determine if the Location has A-E authority? If so, what is the threshold?

Determine if the Location obtains A-E Services. If they do, how do they acquire them?

Determine if the Location has any concerns with A-E services provided under Area/Headquarters contracts.

3.02 Construction Contracts

Determine if the Location has construction authority. What is the threshold?

Determine if site visits and pre-bid conferences are conducted as described in FAR 14.207. Are uniform agendas utilized? Are the events of these meetings documented?

Determine if large projects are being split to keep them within the Location's authority.

Determine if the Contracting Officer has delegated any authority or responsibility to personnel at the job site. If so, was a formal letter(s) of delegation as Contracting Officer's Representative (COR) or Contracting Officer's Technical Representative (COTR) issued that clearly describes the authorities, responsibilities, and limitations in accordance with FAR Part 42.202?

Are Davis-Bacon Act (DBA) requirements being monitored in accordance with FAR 22.4? For example, Posting of Wage determinations (FAR 22.404-10) and Submission and Review of Weekly Payroll Records (FAR 22.406-7), etc.

Determine how payments are made under construction contracts. Are payments made monthly based on a percentage of completion, lump sum, etc

Determine if change orders or contract modifications were executed. Were these actions documented for the file as follows:

- What was the contractual authority for the change (changes, differing site conditions, suspension of work, etc.)?
- Were these actions pre-priced or based on actual costs?
- Was the price determined fair and reasonable (FAR 13.106-3) (FAR 31.201-3)?

Determine if contract performance periods are appropriately monitored. If completion date passes, is some action taken to reestablish the completion date?

Are inspections conducted in accordance with FAR 46-312 and 46.1? If so, are files documented to show the results of the final inspection?

Are contracts closed out properly (FAR 4.804)?

Are formal written Notices to Proceed (NTP) issued to the contractor to establish the official commencement date of performance? Does the contractor sign it? Is a signed copy of the NTP maintained in the contract/purchase order file?

Are significant discussions and/or issues documented and copies maintained in the contract/purchase order file?

Is the Form ARS-371, Construction Progress and Payment Schedule, (or something similar) being used for individual projects involving multiple disciplines (HVAC, plumbing, electrical, etc.), larger dollar value projects, or lengthy projects? If so, is it being reviewed by the COR and approved by the CO; and is it also being used as a means of verifying contractor invoices?

3.03 Facility Security

For information on the interpretation or clarification on the functional questions in this section, please contact Terry Rupe on 301-504-1228.

Reference P&P 240.3

Ensure the Location has an Occupant Emergency Program (OEP) established and that each employee has a copy. The program should cover processes to be followed during emergencies, such as fire, explosions, bomb threats and natural disasters.

Ensure the Location is conducting physical security surveys.

Ensure the Location is reviewing its security operation and administrative procedures.

Ensure that there is some type of fire protection/prevention system (alarms, sprinklers) in place (ARS Manual 230).

Ensure that the Location is conducting annual "Emergency Disaster Drills" (ARS Manual 230)

3.03-1 Workplace Violence

Did the Location receive the orange "workplace violence handbook"?

Is there a plan in place to respond to workplace violence? Do managers/employees know what to do in the event of a violent situation?

Are employees aware of the Secretary's policy on the prevention of Workplace Violence?

3.04 Real Property

3.04-1 Lease Agreements -Land and Space

Reference Real Property Manual 245.1, Chapters I and VIII.

Ensure the Location has access to a copy of the Real Property Manual 245.1. If not, the Area can be contacted if assistance is needed.

Ensure that the LAO/T has a copy of any space or land lease, MOU, or supplemental agreement pertaining to the construction/placement of any ARS-owned buildings at the Location, so that the LAO/T is aware of the requirements and restrictions of those documents.

Ensure that the LAO/T is aware that ARS may not erect buildings or other structures on non-Federal lands, without obtaining the right to use the land (a lease) for the estimated life of or need for the improvement. (7 CFR '2250a)

Determine whether the Location made any capital improvements to space not covered by a lease. Since they are not permitted, if any occurred, please so indicate.

Ensure the Location is aware that Departmental Regulation 1620-2 establishes USDA policy on acquisition, management and disposition of office and related space for USDA owned, leased and GSA-controlled space, and that all USDA agencies must comply with this regulation. The Real Property Management Branch has under its direction a small group of space and building management specialists.

3.04-2 Government Quarters Rentals

Reference, Real Property Manual 245.1, Chapter V

If the Location has quarters, is the LAO/T aware of the responsibilities regarding quarters management? (P&P 245.2)

Ensure there is support documentation on file to demonstrate that Government living quarters (quarters) for ARS employees are properly managed and accounted for. Items on file could include:

- documentation of Consumer Price Index (CPI) adjustments
- documentation for Condition of Employment (COE), if there are any COE employees (must be renewed every 5 years)
- a copy of the most recent appraisal of the quarters, kept at the Location (note the date)

Ensure that Form ARS-494, Form ARS-4, Certificate of Acceptance, and/or equivalent QMIS documents are on file at the Location, signed by the Real Estate Warrant Officer (REWO) and the employee who is renting the government quarters.

Ensure there are periodic inspections & physical inventories being made of the quarters.

Review records of the rental receipts account to ensure its use is only for the maintenance and operations of the quarters.

3.04-3 Acquisition

Reference Real Property Manual 245.1, Chapter VI

Does the Location have an understanding of Agency policy regarding the acquisition of land and buildings, as well as non-ARS construction on ARS-owned property? (No acquisition shall be made unless provision is made in the applicable appropriation or other law.)

3.04-4 Utilization

Reference Real Property Manual 245.1, Chapter IX

Ensure that land and facilities are utilized in accordance with Agency policy.

How is the Location conducting its biannual inspection of real property holdings, to ensure the effective use of the property, in support of mission-related activities?

Ensure that the Accountable Property Officer maintains the following documents in accordance with his/her responsibilities:

- real property records to reflect custodial responsibility for the real property assigned to the Location;
- physical inventories and any recommendations for adjustments to the official real property records;
- ensure prevention of encroachments onto ARS lands;
- ensure construction projects are within legal limitations;
- complete and forward to the REWO: Form AD-107, "Report of Transfer or Other Disposition or Construction of Property;" Form AD-112, "Report of Unserviceable, Lost, Stolen, Damaged or Destroyed Property;" and Standard Form 118's, "Report of Excess Real Property."

3.04-5 Disposition

Reference Real Property Manual 245.1, Chapter II

Ensure the Location is aware that during the APMO's compiling of excess real property package, the Location will be asked to develop the "annual protection and maintenance cost" for protecting and maintaining the property while going through excess/surplus/disposal. Has this cost been developed for recent excess projects?

Verify that SF-118's, Form AD-112, and Form AD-107 are used for all disposal actions, including disposal of ARS-owned buildings with a value of \$15,000 or less. Is the Location sending copies of the forms to the Area Office? (P&P 246.1-ARS)

3.04-6 Easements/Revocable Permits

Reference Real Property Manual 245.1, Chapters III & IV

Verify that easements and revocable permits are in place as required, and that they are periodically reviewed and have not expired.

Ensure that Section 106 of the National Historic Preservation Act (governed by regulations found in 36 CFR Part 800) is being addressed in all revocable permits and easements, when applicable.

Ensure that a revocable permit is used for (issued to) all entities utilizing ARS-owned space at the Location.

Ensure that the LAO/T carefully evaluates requests for the placement of commercial antennas on Federal property, in accordance with GSA Bulletin FPMR D-242, dated 6-11-97, and GSA Bulletin FPMR D-246, dated 2-25-98. Requests of this nature require the issuance of a revocable permit, not an easement.

Ensure the LAO/T is familiar with the new ARS Bulletin 99-250, 'Collection and Use Fees for Revocable Permits and Easements'.

When screening requests for easements, is the Location ensuring that:

- the request is a case of necessity,
- the amount of land requested does not exceed what is required for the purposes of the requested easement,
- the ARS property is not encumbered by other rights which would be incompatible with the proposed use,
- the proposed use would not conflict with current or projected ARS programs,
- the affected ARS property is not on the National Register of Historic Places, and
- the proposed action would not produce an environmental effect.

3.04-7 Property Management

Ensure that the Location is aware that compliance with Section 106 of the National Historic Preservation Act (governed by regulations found in 36 CFR Part 800) should be addressed in all design and study phases of R&M, modernization, and new construction projects, as well as building demolition, when applicable.

Ensure that proper authorization for the construction of buildings/facilities on ARS-owned land by non-Federal entities was granted prior to initiation of the design. In some cases, approval by Congress may be required.

3.05-1 Safety, Health, and Environmental Management

For information on the interpretation or clarification on the functional questions in this section, please contact Pete Jovanovich on 301-504-1243.

Ensure Locations have a written plan for Safety, Health, and Environmental Management (SHEM), which includes radiation, biological, and pesticide safety as applicable. The plan should include a policy statement and annual program goals and objectives for eliminating and/or minimizing losses as a result of accidents/incidents involving or producing injury, illness, and property/environmental damage in the ARS workplace. (ARS Manual 230, Chapters 9, 25, 26, and 30)

Ensure funding for safety, health, and environmental requirements are listed in the ARMPS. Costs for safety, health, and environmental requirements in excess of \$25,000 should be listed in the Procurement Plan of the ARMPS. Costs for safety, health, and environmental requirements less than \$25,000 may appear elsewhere in the ARMPS at the direction of the Area office. If the Location is using Hazardous Waste Cleanup funds, those funds should be listed in the HWC HPRL section of the ARMPS. (ARMPS Manual/Guidance and ARS P&P 230.1, Tracking Hazardous Waste Cleanup Funds)

Ensure applicable safety, health, and environmental laws, regulations, codes and guidance are present in a centralized

location available for reference by all employees at all times. Access through the Internet is acceptable if employees are provided with website addresses, a knowledge and/or training on how to use this source, and access to an on-line computer at all times. (ARS Manual 230, Chapter 8)

Ensure required SHEM related materials (i.e., Poster AD-1010, USDA Safety and Health poster; OSHA Form 200, Log and Summary of Occupational Injuries and Illnesses; CA-10, What a Federal Employee Should Do When Injured at Work; and local requirements) are posted on a bulletin board(s) in a conspicuous location(s). (ARS Manual 230, Chapter 16)

Ensure safety, health, and environmental requirements are taken into consideration during the design and construction process. Location and/or Area SHEM personnel must review designs to ensure they meet SHEM requirements. (ARS P&P 242.2, Facilities Construction)

Ensure that Locations have assigned personnel to manage and implement the SHEM program. At a minimum, each Location must have an assigned Collateral Duty Safety Officer. Locations with 15 or more full time employees must have a safety committee. The safety committee should be representative of the Location's employees. (ARS Manual 230, Chapter 17 and 29 CFR 1960, Occupational Safety and Health Programs for Federal Employees).

3.05-2 Safety, Health and Environmental Education/Training

Ensure appropriate personnel have viewed each of the six safety, health, and environmental management training videos as applicable. Is the training of the CDSO and Safety Committee listed in the Training Database?

Ensure safety, health, and environmental orientation sessions are conducted and documented for new or transferred employees. (ARS Manual 230, Chapters 13, 25, 26, 28 and 29).

Ensure all completed safety, health, and environmental training is documented. Documentation should be in a centralized location.

Determine if the Location has an Incentive Awards Program for recognizing SHEM performance. While not required, many Locations use such methods to encourage participation in SHEM programs. (ARS Manual 230, Section A, Chapter 14)

3.05-3 Safety Management

Ensure the Location has standard operating procedures in place and implemented for high-risk operations. (ARS Manual 230, Chapter 26)

Ensure the Location provides written notification of potentially hazardous conditions to employees. Management must inform employees about any workplace hazards. (ARS Manual 230, Chapters 25)

Ensure that the Location has a comprehensive Inspection/Abatement Program using ARS Form 404, or similar method. Inspections must be conducted annually by Area or Location safety personnel (ASHMs, CEPSs, CDSOs, and/or Safety Committee members). If a Union is present, ensure a representative has the opportunity to participate in the inspection. (ARS Manual 230, Chapter 21)

Ensure annual inspection reports and abatement activity documentation is present in a centralized location available for reference by all employees. Inspection reports must be kept on file for five years. Deficiency/abatement notices generated during the inspection must be posted near the hazard until it is corrected. (ARS Manual 230, Chapter 21).

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Ensure the Location has an Accident/Incident Investigation and Reporting Program in place. The Location must have a file for accident reports and the ensuing investigations. Check for OSHA 301 incident reports and CA-1 forms.

3.05-4 Industrial Hygiene

If chemical, biological, or radiological agents are used, ensure the Location has a written Hazard Communication Program. Employees must also receive Hazard Communication Program training. (ARS Manual 230, Chapters 13 and 25)

Ensure the Location has an industrial hygiene program to recognize hazards in the workplace.

Ensure the Location maintains an inventory of chemical, biological, or radiological agents, and that the inventory is updated at least annually. The inventory must indicate if the material is hazardous or nonhazardous and be available to employees. (ARS Manual 230, Chapter 25)

Ensure all hazardous areas and areas containing hazardous materials (i.e. chemical, biological, and radiological agents) are clearly posted and secured. (ARS Manual 230, Chapters 25 and 29)

Ensure that Material Safety Data Sheets (MSDS) are retained and that they are orderly and easily assessable to employees who need them. MSDS are required for all materials that may be harmful to humans such as laboratory chemicals, pesticides, insecticides, cleaning agents, biological agents, radiological agents, etc. (ARS Manual 230, Chapter 25)

Ensure applicable Personal Protective Equipment (PPE) is available and its use mandated. Each employees immediate supervisor is responsible for:

- assessing the need for PPE;
- providing appropriate PPE to employees;
- developing standard operating procedures for PPE;
- training employees on proper use and care;
- ensuring that employees utilize the equipment (ARS Manual 230, Chapters 21 and 30)

Ensure Location personnel are qualified in first aid and are available on all shifts.

3.05-5 Environmental Management

Ensure the Location considers safety, health, and the environment in its procurement practices. Specifically, the Location should review AD-700's for hazardous substances to determine if:

- materials are already in stock and available
- a less hazardous substance can be substituted
- minimal quantities are being ordered (ARS Manual 230, Chapter 52 and Executive Order 13148)

Ensure the Location has records of hazardous waste determinations for generated wastes and waste analysis on file for unknown wastes. In order to properly document waste disposal, records of waste determinations should be on file for each type of hazardous waste generated. (ARS Manual 230, Chapter 45)

Ensure the Location maintains records on the quantity and types of hazardous waste generated each month. The Location must utilize this information to determine and document their generator classification (i.e. conditionally exempt small quantity, small quantity, and large quantity).

Ensure the Location has filed EPA Form 8700-12, "Notification of Hazardous Waste Activity", with the EPA or State, if

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applicable. The EPA does not require conditionally exempt small generators to file, however, the State may require the Location to file. (ARS Manual 230, Chapters 40, 46 and 49, CFR 261.5 and 262.12)

Ensure the Location has written hazardous waste management procedures. This includes procedures for the accumulation of hazardous wastes and the management, handling, and removal of containers. (ARS Manual 230, Chapters 46 and 49)

Determine if the Location maintains a log of hazardous wastes inspections. Weekly inspections of hazardous waste storage areas must be conducted for large quantity generators. Small quantity and conditionally exempt small quantity generators are not required to perform such inspections but are encouraged to do so. (ARS Manual 230, Chapters 46 and 49)

Ensure Hazardous Waste Manifests are on file and orderly (a returned signed copy from the disposal or treatment facility receiving the waste is required). Locations that utilize University resources to dispose of waste are responsible for documenting only the types and quantities of waste (copies of manifests are not required). (ARS Manual 230, Chapters 46 and 49)