

## CARE FUNCTIONAL REVIEW

### FACILITIES MANAGEMENT, CONSTRUCTION, REAL PROPERTY AND SAFETY, HEALTH, AND ENVIRONMENTAL MANAGEMENT

#### 3.0 Facilities Asset Management

Reference: Executive Order (E.O.) 13327, *Federal Real Property Asset Management*; Bulletin 09-151, ARS Capital Project and Repair Plan (CPRP); Federal Real Property Council's *Guidance for Real Property Inventory Reporting*.

For information on the interpretation or clarification on the functional questions in this section, please contact Rommy Ignacio on 301 504-1191 and Serag Wahba on 301-504-1202.

##### 3.0-1 Long Range Facility Planning

- Determine how the Location identifies its current and long-range facilities needs? Does the Location periodically review its facilities to assess condition and needs? Does the Location have a long-range facility plan listing the current and anticipated facilities needs? Who provides direct input to the multi-year plan?
- Is the Location using the ARS Capital Project and Repair Plan (CPRP) process to guide the planning and budgeting of current and anticipated facilities needs? (Latest Bulletin on ARS CPRP).
- Is there a multi-year facilities plan developed for the Location? Is this plan updated to reflect the most current needs for the construction, restoration, acquisition, and management and disposition of Location real property assets? Is the Location aware that all facilities needs or projects costing \$25,000 or more must be reviewed and validated by the Agency and Area Asset Management Review Board? (Latest Bulletin on ARS CPRP)
- Does the Location maintain an up-to-date list of all AMRB-validated and approved facility projects at the Location?

##### 3.0-2 Pre-approval of Building Authority Projects

- Is the Location aware that an approval from Headquarters must be obtained to use construction authorities for new small buildings or alterations to existing facilities expected to exceed \$25,000? ARS construction authorities encompass the following construction programs: Ten Small Buildings (TSB), Unlimited Small Buildings (USB), Ten Percent Alteration (TPA), and Headhouse/Greenhouse (H/G). (Latest Bulletin on Facilities Construction Authorities).
- Is the Location aware that each building authority project should be assigned a

special accounting code and tracked using a unique Program Type code that corresponds to the appropriate construction authority as follows: 71 (USB), 72 (TSB), 73 (H/G), 74 (TPA)? (Latest Bulletin on Facilities Construction Authorities).

### 3.0-3 Facilities Operation and Maintenance

- Determine how the Location develops its annual budget for facilities operation and maintenance (O&M) needs? How are O&M costs identified with individual buildings or structures at the Location? Determine Location methodology for distributing O&M costs to the appropriate building or structure.
- Verify if a specific Location accounting code has been established in FFIS to facilitate the capturing and reporting of O&M costs for the Location. Determine if the Location O&M cost data is being captured throughout the year for reporting purposes. (Latest Bulletin on Capturing of Operations and Maintenance Costs)
- Determine if the Location has a formal O&M Program for accomplishing preventive and routine maintenance of its buildings and facilities. Does the Location have a system for prioritizing maintenance needs uniformly throughout the Location? Determine how historical data of completed maintenance work is recorded and maintained.
- 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).
- Determine if the Location uses specific performance measures to measure the effectiveness of its O&M program

### 3.0-4 Implementation of Project Design and Construction

- Determine Location's compliance with the National Environmental Policy Act (NEPA) requirements related to construction. Are required environmental assessments and all NEPA related documentation, including categorical exclusions, findings of no significant impacts, and records of decision on file?
- Assure that all realty interests associated with a project have been completed, including confirmation of Federal-ownership of the property or a lease agreement sufficient to cover the Federal Government's investment in the property. Ensure that easements, right-of-ways, or other land use agreements for roads and utilities in support of the projects have been executed.
- Assure Location project compliance with approved master plans, National Historic Preservation Act, and Threatened and Endangered Species Act.

- Determine if Location staff responsible for operating and maintaining the facility is involved and participates in the process of commissioning of building systems, final inspections, acceptance, and closeout of construction projects.

### 3.0-5 Post Construction, Warranty and Maintenance Work

- Verify the method used by the Location for accomplishing maintenance task upon completion of new construction and renovation. Determine if the Location has established a facilities maintenance program that encompasses preventive and routine maintenance of building systems and equipment.
- Does the Location have a process in place for accomplishing warranty work?
- Assure property records are established in CPAIS.

### 3.01 Energy Management

For information on the interpretation or clarification on the functional questions in this section, please contact Sandy Morgan on 301-504-4895.

- Determine if the Location is integrating energy and water conservation and sustainability into its regular operations and maintenance activities per EO 13423, the Energy Policy Act of 2005 (EPACT 2005) and the Energy Independence and Security Act (EISA).
- Determine when an energy audit and recommissioning was last performed. Have recommended energy conservation projects been implemented or included in the Location's CPRP? Does the CPRP include future energy audits? If this is a covered facility, energy audits and recommissioning should be done every 4 years and energy projects that were recommended by the audits implemented within 2 years. (EISA)
- Determine if the Location has been evaluated for compliance with EPACT 2005, Section 103, which says by the end of FY 2012 each Federal building must have an advanced electric meter where cost effective, i.e., over 10,000 gross square feet, including advanced natural gas and steam meters where applicable by FY 2016. (EPACT 2005 and EISA)
- Ensure that the Location checks all utility bills and maintains consumption records/monitors energy consumption patterns so that any possible irregularities in utilities billing or estimating procedures can be identified quickly and corrected. (Latest P&P on Energy Management)
- Ensure that the Location maintains records of all utility consumption and cost for, as applicable, electricity, fuel oil, natural gas, LPG/propane, coal, purchased steam, purchased chilled water, renewable energy generated on Federal land including the

type and source, purchased renewable energy, water consumption including quantity and cost, and energy training including number trained and cost. (EO 13423)

- Determine if the Location uses employee incentive programs to reward exceptional performance for implementing. (EO 13423)
- Determine if the Location provides training and education in energy management requirements, promotion of Energy Star and other energy efficient and low standby power products, WaterSmart, EPEAT and purchasing recycled and biobased products for Federal purchase card holders, and contractors. (EO 13423 and EPACT 2005)
- Ensure that the Location has a recycling program, where available, including paper, cardboard, cans, bottles and toner/ink cartridges. (EO 13423)
- Is the Location aware of, and does it have a policy of enabling Energy Star features on all computers, equipment and systems? Is the Location aware of what energy saving features have been incorporated into their buildings? Are they functioning? (EO 13423, EPACT 2005 and EISA)
- Does the Location have an Energy and Water Management Plan? (Latest P&P on Energy Management)
- Does the Location have a green team? (Latest P&P on Energy Management)
- Is the Location manager, usually the AO, aware of the energy and water conservation features of their facilities and how well they are working? Does the Facilities Manager, including the Energy Manager, understand the energy and water conservation features of their facilities and ensure that they are performing optimally? (Latest P&P on Energy Management)

### 3.02 Facility Accessibility for People with Disabilities

For information on the interpretation or clarification on the functional questions in this section, please contact Serag Wahba on 301-504-1202.

- Determine if the Location is aware of the requirements associated with the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA) in 2004 Accessibility Guidelines. Does the Location have copies of the Uniform Federal Accessibility Standards (UFAS) or the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the ABA Accessibility Guideline? Guidelines can be found at <http://www.access-board.gov/ada-aba/index.htm>
- Are Location buildings and facilities accessible to people with disabilities? Have professional surveys been done to review and identify areas at the Location that do not meet ADA and ABA requirements? Are plans being developed to improve any

deficiencies? Are ADA and ABA requirements used as part of design process for new or renovation of facilities?

- 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 the facility?
- Is there one accessible rest room on each floor of the facility with proper door width, toilet stall, sink basin, and path of travel?
- Are there accessible water fountains?

### 3.03 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.

#### 3.03-1 A-E Contracts

- Determine if the Location has A-E authority. If so, what is the threshold?
- Determine if the Location has any concerns with A-E services provided under Area or Headquarters contracts.
- Determine how the Location obtains A-E Services: through their own A-E contracts utilizing the procedures in FAR Part 36.6, or through Area or Headquarters contracts.
- Verify that IAS (Integrated Acquisition System) is being used.
- If the Location acquires A-E services by issuing delivery/task orders against their own or Area or Headquarters A-E contracts, verify/determine the following:
  - That the requisition(s), justifications, and all other required backup documentation (Government estimate, specifications, sketches, drawings, etc.) is maintained in the file. (FAR 4.803)
  - Whether the delivery/task orders are issued in accordance with procedures for issuing delivery orders against established contracts which would include issuing a request for proposal that contains a statement of work to the A-E firm; evaluating the proposal and negotiating price, terms and conditions; as well as

documenting negotiations and the award rationale. (FAR16.505)

- Whether modifications to delivery/task orders are properly executed. Are these actions documented in the file and the following information included: reason for the change; the contractual authority and FAR clause cites for the change (exercise of option, changes, differing site conditions, suspension of work, etc.); how these actions were priced (pre-priced or based on actual costs); how the price was determined to be fair and reasonable? Do the modification documents include the appropriate FAR clause cite for the change(s)? (FAR 13.106-3, FAR 13.302-3, FAR 36.609, and FAR 43.204)
  - If contract deliverables and performance periods are appropriately monitored. (FAR 4.803)
  - That significant discussions and/or issues are documented and copies maintained in the contract/task order file. (FAR 4.803)
  - That delivery/task orders are closed out properly (FAR 4.804) and are maintained in accordance with FAR 4.805(b)(3) or, if the basic contract total value exceeds the simplified acquisition threshold in accordance with FAR 4.805(b)(2).
- If the Location has A-E authority and acquires their own A-E services, verify/determine the following:
    - That the requisition(s), justifications, and all other required backup documentation (Government estimate, specifications, sketches, drawings, etc.) is maintained in the file. (FAR 4.803)
    - That the evaluation criteria posted in FedBizOpps are the same criteria used to evaluate A-Es SF-330's (Architect-Engineer Qualifications). (FAR 36.601-1 and 36.602-1)
    - That an evaluation board was established, that it evaluated all SF-330's, and whether the board's chairperson submitted a report to the Contracting Officer (CO) that contained the names of the three highest qualified (ranked) firms in accordance with FAR 36.602. Determine if, once the report is received, negotiations are conducted with the highest ranked firm in accordance with FAR 36.606.
    - That award is made to the highest qualified (ranked)/most preferred firm in accordance with FAR 36.606.
    - Whether modifications are executed properly. Are these actions documented in the file and the following information included: reason for the change; the contractual authority and FAR clause cites for the change (exercise of option, changes, differing site conditions, suspension of work, etc.); how these actions are priced (pre-priced or based on actual costs); how the price is determined to be

fair and reasonable. Do the modification documents include the appropriate FAR clause cite for the change(s)? (FAR 13.106-3, FAR 13.302-3, FAR 36.609, and FAR 43.204)

- If contract deliverables and performance periods are appropriately monitored. (FAR 4.803)
- That significant discussions and/or issues are documented and copies are maintained in the contract/purchase order file. (FAR 4.803)
- That delivery/task orders/contracts are closed out properly (FAR 4.804) and are maintained in accordance with FAR 4.805(b)(3) or FAR 4.805(b)(2).
- Verify that all contracts/delivery/task orders for A-E services have been entered in the FPDS-NG system. ( FAR 4.603(a))
- Are invoices processed in accordance with the Prompt Payment Act (FAR 32.904-c)?

#### 3.04 Construction Contracts

- Determine if the Location has construction authority. If so, what is the threshold?
- Verify that IAS is being used.
- Determine whether projects are being split to keep them within the Location's authority.
- Determine if commercial item procedures (FAR Part 12), rather than construction procedures (FAR Part 36), are being used for small dollar, uncomplicated tasks, such as installation of a hot water heater, replacement of one or two windows, small painting projects, routine carpet purchase and installation, replacement of small areas of drywall, simple electrical or plumbing tasks (e.g., replacement and/or installation of a light fixture or a water faucet), and similar small and noncomplex services. Refer to the Office of Federal Procurement Policy (OFPP) Memo, Applicability of FAR Part 12 to Construction Acquisitions, dated July 3, 2003.
- Verify that the requisition(s), justifications, and all other required backup documentation (Government estimate, specifications, sketches, drawings, etc.) is maintained in the file. (FAR 4.803)
- Verify that construction requirements with an estimated cost between \$10,000 and \$25,000 are posted in a public place or on the Location's Web site (FAR 5.101(a)(2)). Verify that requirements with an estimated cost greater than \$25,000 have been publicized in FedBizOpps in accordance with FAR 5.101(a)(1).

- Verify that a full copy of the Request for Quote (RFQ)/Invitation for Bid (IFB)/Request for Proposal (RFP) (for all construction projects that exceed \$2,000), with the appropriate clauses and wage determination, is maintained in the file. (FAR 4.803, FAR 13.101, FAR 13.302-1, and FAR 36.213-3).
- Verify that site visits (FAR 36.210) and/or optional pre-bid conferences (FAR 14.207) are conducted. Are uniform agendas utilized? Are the proceedings of these meetings documented and distributed to all parties? Verify that a copy is maintained in the file.
- Verify that the rationale for award is documented in the file and includes a statement that the award amount was determined to be fair and reasonable and the basis for such a determination. (FAR 13.106-2, FAR 13.106-3 and FAR 31.201-3)
- Verify that all purchase orders and contracts for construction, as well as modifications, have been entered in the FPDS-NG system. (FAR 4.60(3)(a))
- Verify that formal written Notices of Award are issued to contractors (FAR 36.213-4). Verify that formal Notices to Proceed (NTP) are issued to the contractors to establish the official commencement date of performance. Verify that a signed copy of the NTP is maintained in the contract/purchase order file. (FAR 14.408, FAR 36.212, and FAR 36.213-4)
- Verify, for projects between \$25,000 and \$100,000, that a valid Payment Bond (from an acceptable individual surety or from a surety that is listed on the Department of Treasury Circular 570 - Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and Acceptable Reinsuring Companies) or alternative type of payment protection has been submitted and is in the file. (FAR 28.102-1(b) and FAR 28.102-1(c))
- Verify, for projects over \$100,000, that a valid Bid Bond from an acceptable individual surety or from corporate surety that is listed on the Department of Treasury Circular 570 was submitted by the successful offeror and is maintained in the file. (FAR 28.101 and FAR 28.2)
- Verify, for projects over \$100,000, that the Performance and Payment Bonds submitted by the successful offeror are from an acceptable individual surety or a corporate surety that is listed on the Department of Treasury Circular 570. (FAR 28.202)
- Verify that the documents submitted by the successful offeror's individual surety as a pledge of assets for bid, performance and/or payment bonds were reviewed by the Office of General Counsel and determined adequate and acceptable. (FAR 28.203(f))
- Verify, for projects over \$100,000, that valid performance and payment bonds (from

acceptable corporate listed on the Department of Treasury Circular 570 or individual sureties), and certificates of insurance are submitted by the successful offeror prior to the issuance of a Notice to Proceed and are maintained in the file. (FAR 28.102 and FAR Subpart 28.2)

- Verify that Davis-Bacon Act (DBA) requirements (for projects exceeding \$2,000) are being monitored in accordance with FAR Subpart 22.4. For example, wage determinations and DOL Form WH-1321 must be posted by the contractor (FAR 22.404-10) and weekly payroll records must be submitted and reviewed by the Contracting Officer (FAR 22.406-6 and FAR 22.406-7), etc.
- Verify that significant discussions and/or issues are documented and copies maintained in the contract/purchase order file. (FAR 4.803)
- 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 or appointment as Contracting Officer's Representative (COR) or Contracting Officer's Technical Representative (COTR) issued that clearly describes the authorities, responsibilities, and limitation in accordance with FAR Part 42.202?
- Determine if change orders or contract modifications were properly issued (FAR 43.204). 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 and FAR 31.201-3)?
- Determine if contract performance periods are appropriately monitored. If the completion date passes, what action was taken?
- Are inspections conducted in accordance with FAR 46.1, FAR 46.2, and FAR 46.4? If so, are files documented to show the results of the final inspection?
- 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?
- Are invoices processed in accordance with the Prompt Payment Act (FAR 32.904(d))?

- Are contracts/purchase orders closed out properly and maintained in accordance with FAR 4.804 and FAR 4.805(b)(4)?

### 3.05-1 Facility Security (Occupant Emergency Program, Fire Prevention, Conduct on Federal Property)

For information on the interpretation or clarification on the functional questions in this section, please contact Terry Rupe on 301-504-1224.

References: ARS Real Property Manual 245.1, Chapter 9, *Accountability and Control* and ARS Manual 230.

- Verify that the Location has an Occupant Emergency Program (OEP). Verify that the Location has records of distribution. (Each employee should have a copy.) (Federal Management Regulations, 41 CFR, Subchapter C, Part 102-74.230.)
- Verify that the Location prepares incident reports or obtain copies of such from local authorities and forward such to the Area Office.
- Verify that there is some type of fire protection/prevention system (alarms, sprinklers) in place.
- Verify that the Location is aware of the policy regarding consumption of alcoholic beverages on ARS property. Verify that the Location submits requests for exceptions for the serving of alcohol at special events to the Area Office for approval of the Area Director.
- Verify that the Location coordinates with the Information Staff regarding the use of photographs of ARS facilities?
- Determine how often the Location reviews its administrative procedures.

### 3.05-2 Homeland Security

For information on the interpretation or clarification on the functional questions in this section, please contact Jeff Hayes on 301-504-1182.

References: P&P 240.3, June 2000, Physical Protection, Security and Conduct While on REE Facilities; P&P 243.4, January 2004, Issuing and Controlling ARS ID Badges.

- Ensure the Location is conducting physical security surveys. Does the Location perform these in conjunction with ARS Homeland Security Staff (ARSHSS)?

- Identify if Location has any Physical Security Countermeasure projects planned or under consideration. If yes, are they aware of ARSHSS design and review role?
- Does Location know to contact ARSHSS (301-504-4831) for the following: all possible OIG investigations; vandalism to, or theft of, mission critical assets; workplace violence activities; and workplace death events?
- Does the Location maintain a current roster and call list of local and Federal law enforcement contacts?
- Does the Location have any security related MOU's in place? If yes, with what agency and for what specific service?
- Is the Location aware of the ARSHSS Web site [<http://arsnet.usda.gov/HSS/>]
- Does the Location provide security awareness training (annual or other time frame)?
- Are first responders (police, fire, EMS) familiar with the Location and are they aware of hazards (bio or other) that may affect appropriate response?
- Does the Location rely on any outbound third-party security alarm monitoring and response equipment or services? If yes, who and what type?

Examples:

- Door contact alarms monitored and responded to by campus police between hours of 1800 – 0700 7 days a week.
- Greenhouse temperature alarms that automatically page a Location employee who decides on appropriate response.
- Intrusion detection systems monitored by a third-party service that notifies a pre-determined entity (campus police, local police, contract guard services, Location employee, etc.).
- How often does the Location review its security operation?
- Is the Location issuing ID Badges in accordance with P&P 243.4?
- Does the Location have a certified Human to Human Pandemic Influenza Plan in place? Does the Location do any testing of its' Plan? If so, what kind?
- Does the Location know to contact their Area Office when they intend to host a foreign national?

- Does the Location know that a Form ARS-230 needs to be submitted for any foreign national who will be conducting any ‘hands-on’ work in the facility (no matter how short the duration)?
- Is the Location aware that it needs the ARSHSS Director’s written approval for access to any bio-containment area for anyone not already approved (in writing) for such access?
- Does the Location know that all requests for (financial) maintenance or issuance of a DS-2019 must have the Director’s written approval before FAS or the USFS will act on it?

### 3.06 Acquisition (Purchase, Donation, Exchange, Transfer or Leasing) of Real Property

For information on the interpretation or clarification on the functional questions in this section, please contact Terry Rupe on 301-504-1224.

References: ARS Real Property Manual 245.1, Chapter 1, Acquisition; 7 United States Code 2250(a).

- Verify that asset files are established and maintained at the Location for each constructed asset. There should be copies of acquisition documents, including final record of payments, purchase card transactions, deeds, leases, transfer documents, surveys, environmental support documentation, State Historic Preservation Office (SHPO) concurrence, etc.
- Has the Location acquired land in the last 5 years? If yes, verify that the Location has a copy of the applicable appropriation or law authorizing the land acquisition within the asset file.
- Verify that newly constructed buildings and structures are identified in the Corporate Property Automated Information System (CPAIS). Secure copies of acquisition documents/contracts for newly constructed buildings and structures not in CPAIS for forwarding to the Area Property Management Office and FD.
- Verify if the Location is preparing its requests for the establishment of a Unique Asset Identifier (UAI) for all new/planned capitalized assets and forwarding to the Area Property Management Office.

#### 3.06-1 Utilization, Accountability, and Control of Real Property

Reference: ARS Real Property Manual 245.1, Chapter 9, *Accountability and Control*; FMR 102-84.55; Section 106 of the National Historic Preservation Act and AGPMR 110-85.55, 104-51.105, and 104-51.106.

- Verify that the Location is aware of the dollar threshold(s) for accountability (all property) and capitalization (25K). At the Location, who is responsible for monitoring utilization of land and facilities and ensuring utilization, is in accordance with Agency policies?
- Verify that the Area Office is providing copies of inventory printouts, for verification and update, every 5 years.
- Verify that changes to the physical inventory, conducted in 2007, have been updated in CPAIS.
- Verify that physical inventories are being conducted upon the death, resignation, retirement, transfer, reassignment, or extended absence of an employee charged for property on the accountable records.
- Determine if CPAIS is being used at the Location to capture space utilization, including the number of workstations, number of personnel or SYs within all space usage types as required by Federal Real Property Profile reporting.
- Verify that the Location is capturing University space covered under a Memorandum of Understanding, Special/Cooperative Agreements, etc. and the utilization of this space in CPAIS.
- Verify that records are established and maintained with the following:
  - Custodial responsibility for the real property assigned to the Location and Location worksites.
  - Physical inventories signed by the Accountable Property Officer along with documented recommendations for adjustments.
  - Identification of Historical properties/sites and related Historic Preservation Plans. Are copies provided to the Area Office and Headquarters?
  - Acquisition files containing copies of short- and long-term leases, supplemental agreements environmental surveys, property descriptions, construction-related materials including “as built” and floor plans, donation or transfer documents, and AD-107’s for formal documentation for FDMIS/CPAIS updates, etc.
  - Disposition files containing AD-107’s, AD-112’s, SF-118’s, SF-118a,b,c’s
- Verify if the Location determines that a Design/Construction project is an undertaking as defined in Section 106 of the National Historic Preservation Act. Verify that the Location contacts the SHPO with its findings as to the undertakings potential effects on historic properties, if present.

- Determine if the Location has established an Animal Damage Control and/or Hunting Program. If so, verify that the Location maintains records and files pertaining to the established program.

### 3.06-2 Leasing Real Property – Land and Space – and Agreements

References: Real Property Manual 245.1 Chapters 1, *Acquisition*, and 3, *Long-Term Leasing*; USDA Leasing Handbook; Departmental Regulation 1620-2, USDA, Space Management Policy; 7 United States Code 2250(a)

- Verify that the Location keeps copies of space or land leases, Memorandum of Understanding, Unfunded Cooperative Agreements, Supplemental Agreements, Land Use Agreements, etc., on file. Agreements may cover space in non-ARS-owned buildings, land for field plots, and the construction or placement of ARS-owned buildings.
- Determine if procedures are in place for the periodic review of the above documents.
- Verify that the Location has not erected buildings or other structures on non-Federal lands without first obtaining the right to use the land through a lease or other document granting realty interest in the land for the estimated life of or need of the improvement as described in 7 U.S.C.2250(a).
- Determine if the Location has made any capital improvements (\$25,000 or more) to space not covered by a realty interest. If this has occurred, such actions should be immediately brought to the Area Office's attention so that a realty document can be prepared and executed.
- Determine how the Location assures that it is complying with Departmental Regulation 1620-2 which establishes USDA policy on acquisition, management and disposition of office and related space for USDA-owned, leased and GSA- controlled space.
- Verify that new leases contain energy efficiency and sustainability provisions. (EO 13423)

### 3.06-3 Grants of Easement and Revocable Permits

References: Real Property Manual 245.1 Chapters 5, *Easements*, and 6, *Revocable Permits*; P&P 244.0-ARS, September 2003, Guidance and Instructions for the Collection and Use Fees for Revocable Permits and Easements.

- Verify that easements and revocable permits are in place as required for use of Government property. (Provide random samples.)

- Verify that the Location screens requests for easements or permits and ensures that the request is a case of necessity and that the land or space requested does not exceed what is required.
- Verify that procedures are in place to ensure that rights are not granted to ARS property that would be incompatible with the proposed use or encumber use of the property.
- Verify that inspections are performed of tenant space to ensure compliance with terms and conditions of the permit to occupy the space. (Provide inspection reports.)
- Verify that requests for the installations of antennas are evaluated and coordinated with the REWO to ensure that requests do not impact or interfere with existing research programs, future land development plan, “Referral Agencies”, human exposure limits, etc.
- Verify that the Location is complying with P&P 244.0, Guidance and Instructions for the Collection and Use Fees for Revocable Permits and Easements.

#### 3.06-4 Quarters Rentals

References: Real Property Manual 245.1 Chapter 7, *Quarters*; and Department of Interior Department Quarters Handbook 400 DM

- If the Location has quarters, is the Location aware of the responsibilities regarding quarters management? How are rental fees collected and used in accordance with regulations?
- If quarters files are maintained at the Location, verify that files contain the following documentation:
  - Documentation of annual Consumer Price Index (CPI) adjustments, any waiver or supporting documentation.
  - Copies of the most recent appraisal and/or regional quarters rental surveys along with any background documentation.
  - Documentation of Condition of Employment (must be reviewed every 5 years) or Convenience of the Government appointment.
  - Forms ARS-494’s, ARS-4’s, REE-16’s and/or REE-17’s.
  - Sampling results from any screening tests performed (i.e., lead, asbestos, mold, etc.)

- Lead disclosure statements provided to residents for homes constructed prior to 1970.
- Verify that rents are set by using the Quarters Management Information System.
- Determine if the Location brings any rental collection problems incurred to the attention of the REWO.
- Verify that CPI adjustments are made annually. Provide a sample notification letter. Verify that employees are provided with a minimum of 30 days advance notice of such adjustments.
- Verify that the Quarters Rental Surveys and Sample Plans that are prepared by the Department of Interior are reviewed by the Location to ensure that the information provided is correct, such as the nearest established community.
- Determine how the Location ensures the inventory and accountability of furnishings provided in quarters.
- Verify that a physical inspection is performed of the quarters prior to occupancy and a condition report prepared and signed by the inspecting official and employee who is renting the quarters.
- Verify that periodic physical inspections (annual at a minimum) are performed to identify maintenance, repair and safety and health conditions that need correction. How are items identified formally documented and what tracking mechanism is in place to ensure these are corrected?

### 3.06-5 Disposal of Real Property

Federal Real Property Council's *Guidance for Real Property Inventory Reporting and ARS Real Property Manual 245.1*, Chapter 8, *Disposal*.

- Briefly explain the Location's approach for identifying and disposing of unneeded real property asset. Are Location personnel aware of procedures for disposing of real property assets?
- Does the Location maintain disposal data and track actual disposal actions, preparing associated paperwork and submitting through the Area REWO within a timely manner? Does the Location perform CPAIS updates or coordinate with the Area Office to ensure updates, including disposition data, are entered within CPAIS?
- Verify that the Location completes a disposal package for real property assets identified for disposal, in accordance with Manual 245.1. Verify that the disposal

package includes AD-107's, AD-112's, SF-118's, etc. which include ARS-owned buildings, lands and structures.

- Verify that these documents are forwarded to the Area Office upon completion. Are copies of completed/processed actions returned to the Location for inclusion in the asset file?
- Determine if a CERCLA 120 (h) environmental sites assessment and any follow-up investigation and/or cleanup work is accomplished prior to disposal of real property.
- Verify that the following screening surveys are being addressed at the Location during the disposal process:
  - Threatened and endangered species
  - Hazardous building components such as lead, asbestos
  - Associated underground or above ground storage tanks
  - Environmental impact
  - McKinney-Vento Homeless Assistance Act
  - Section 106 review and consultation
  - Site-specific requirements
- Verify that annual protection and maintenance costs for real property assets to be incurred during the excess/surplus/disposal process are prepared.

### 3.07 Safety, Health, and Environmental Management

For information on the interpretation or clarification on the functional questions in this section, please contact Terry Roark on 301-504-1248.

- Verify the Location has assigned personnel to manage and implement the Safety, Health, and Environmental Management (SHEM) program. Each Location must have an assigned Safety Representative or Collateral Duty Safety Officer and an Environmental Management System (EMS) Coordinator. (ARS Manual 230 Chapters 18 and 38)
- Verify the Location has an EMS Committee; and, if the Location has 15 or more full-time employees, a Safety Committee. The Location may choose to have a single Committee combining the requirements. (ARS Manual 230, Chapters 18 and 38)
- Verify the Committee(s) meets on a recurring basis not less than quarterly. (ARS Manual 230, Chapters 18 and 38)
- Verify the Location has written annual safety, health, and environmental goals and objectives, and, an EMS policy statement. (ARS Manual 230, Chapters 10 and 38)

- Verify the Location has access to current applicable Federal, State, and local SHEM laws, regulations, codes, standards, policies, etc., available in paper, electronic, or other media formats. (ARS Manual 230, Chapter 8)
- Verify required SHEM related materials (i.e., Poster AD-1010, USDA Safety and Health poster; CA-10, What a Federal Employee Should Do When Injured at Work; EMS Policy Statement; and OSHA Form 300A, Summary of Work-Related Injuries and Illnesses (from February 1 through April 30) are posted on a bulletin board(s) in a conspicuous location(s) accessible to all employees. (ARS Manual 230, Chapter 17)
- Verify safety, health, and environmental requirements are taken into consideration during the design and construction process. (ARS Manual 230.0, Chapter 19; ARS Manual 242.1, Facilities Design Standards, and ARS Manual 242.4, Major Facilities Construction)

#### 3.07-1 Safety, Health, and Environmental Education/Training

- Verify safety, health, and environmental training is provided as part of the ARS Employee Orientation Program for new and transferred employees. (ARS Manual 230, Chapter 14)
- Verify the Location has assessed the workplace and identified appropriate job-specific safety, health, and environmental training for all employees. (ARS Manual 230, Chapters 14 and 26)
- Verify completed training is documented and kept in a centralized location.
- Verify that training that has not yet been completed is documented in the employee's Individual Development Plans (IDP), ARS Form 48, or equivalent. Employees should not engage in an activity until they have received appropriate training. (ARS Manual 230, Chapter 14)
- 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, Chapter 15)

#### 3.07-2 Safety Management

- Verify the Location provides written notification of potentially hazardous conditions to employees. (ARS Manual 230, Chapter 22 and 26)

- Verify that the Location has a comprehensive SHEM Inspection Program using ARS Form 404, or equivalent. Ensure inspections have been conducted annually and reports kept on file for 5 years. (ARS Manual 230, Chapter 22)
- Verify the Location has a comprehensive SHEM Abatement Program to correct deficiencies identified by employees and during annual inspections. Check to verify deficiencies are abated within 30 calendar days. If a deficiency was not abated within 30 calendar days, check to verify the facility developed a written abatement plan with milestones as well as interim steps to protect employees from injury as a result of the unsafe or unhealthful working condition. (ARS Manual 230, Chapter 22)
- Verify the Location has an Accident/Illness Reporting, Investigation, and Analysis Program in place (i.e., the Location must have a file for accident reports and the ensuing investigations.) Ensure the Location has documented the measures taken to prevent recurrence of accidents/incidents. (ARS Manual 230, Chapters 11 and 20)
- Verify OSHA Form 300 is maintained. (29 CFR 1960.67)

### 3.07-3 Industrial Hygiene

- If chemical, biological, or radiological agents are used, verify the Location has a written Hazard Communication Program and Chemical Hygiene Plan; and, that training has been provided for these programs. (ARS Manual 230, Chapters 14, 26, and 33)
- Verify the Location maintains an inventory of chemical, biological, or radiological agents, and that the inventory is updated at least annually. (ARS Manual 230, Chapter 26)
- Verify that Material Safety Data Sheets (MSDS) are retained and that they are orderly and easily assessable to employees who need them. (ARS Manual 230, Chapter 26 and 33)
- Verify all hazardous areas and areas containing hazardous materials are clearly posted and secured. (ARS Manual 230, Chapter 26)
- Verify applicable Personal Protective Equipment (PPE) is available and its use mandated. Each employee's 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; and
  - Ensuring that employees utilize the equipment.
 (ARS Manual 230, Chapters 33 and 34)

- In the absence of professional medical attention in near proximity to the workplace (i.e., 3-4 minutes), verify the Location has a person(s) trained to render first aid on all shifts and that adequate first aid supplies are on-hand. (29 CFR 1910.151 and ANSI Standard Z308.1)

#### 3.07-4 Environmental Management

- Verify the Location considers safety, health, and environment in its procurement practices. (ARS Manual 230, Chapter 49)
- Verify the Location has procedures for determining if a waste is a regulated hazardous waste and, for the satellite accumulation of hazardous waste. Verify that personnel who generate hazardous waste have been trained on these procedures. (ARS Manual 230, Chapter 57 and 40 CFR 260)
- Verify the Location maintains records on the quantity and types of hazardous waste generated each month. The Location utilizes this information to determine and document their generator classification (i.e. conditionally exempt small quantity, small quantity, and large quantity). (ARS Manual 230, Chapter 57 and 40 CFR 260)
- Verify the Location has filed EPA Form 8700-12, “Notification of Hazardous Waste Activity” with the EPA or State, if applicable. The EPA does not require conditionally exempt small generators to file; however, the State may require the Location to file. (ARS Manual 230, Chapter 57 and 40 CFR 260)
- Verify the Location has written procedures for the temporary storage of hazardous wastes including management, handling, and disposal. (ARS Manual 230, Chapter 57 and 40 CFR 260)
- 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, Chapter 57 and 40 CFR 260)
- Verify 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 only for documenting the types and quantities of waste (i.e., manifest copies are not required). (ARS Manual 230, Chapter 57 and 40 CFR 260)