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Policies and Procedures

Title: Real Property Leasing Officer and Lease Delegations of Authority

Number: 165.0 - ARS

Date: October 28, 2013

Originating Office: Real Property Management Branch
Facilities Division
Administrative and Financial Management
Agricultural Research Service

This Replaces: 165.0 – ARS, dated May 17, 2013

Distribution: Area Directors
Business Service Centers
Real Property Leasing Officers
Realty Specialists
Locations

This issuance adds a reference and updates the training requirements for new Real Property Leasing Officers requesting appointment after May 30, 2013, and those who are seeking to increase their warrant authority after October 1, 2013.

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1. Purpose

Only those warranted under the provisions of this issuance, in accordance with the authorities cited herein, and acting within the scope of their delegated real property leasing authority, may enter into, administer, amend, and/or terminate leases, or other real estate agreements.

2. Background

In 1996, the General Services Administration (GSA) Administrator granted all federal agencies conditional leasing delegations to procure their own space. The delegation required agencies to comply with all laws, Executive Orders (E.O.) and regulations governing GSA Lease Contracting Officers (LCO), also referred to as Contracting Officers (CO). It also required agencies to communicate with GSA regional offices prior to using the delegation. In late 2007, GSA modified the General and Special Purpose leasing delegation programs, centralizing delegation authorizations and oversight to address program deficiencies identified by the Government Accountability Office (GAO) and GSA's Office of the Inspector General (OIG). Federal agencies must demonstrate the organizational capacity to acquire and administer a lease and establish that it is cost-effective for GSA to authorize a lease delegation. Agencies using the General and Special Purpose lease delegations must comply with References (d) and (e). Special Purpose lease delegation authorization requests exceeding 2,500 square feet and all General Purpose lease delegation authorization requests are covered by the submittal requirements contained in Reference (e).

The Administrator, GSA, delegated certain authorities to the heads of Federal agencies, including the Secretary of Agriculture, as outlined in the Federal Management Regulations (FMR). These delegations include Categorical, General, and Special Purpose. The authority and responsibility vested in the Secretary of Agriculture by GSA to manage the Department of Agriculture's (USDA) leasing activities is re-delegated to USDA agencies as outlined in the Agricultural Property Management Regulations (AGPMR). In accordance with the above, USDA agencies wishing to use a Special Purpose lease delegation exceeding 2,500 rentable square feet of space or General Purpose delegation, must complete a *Lease Delegation Authorization Application (LDAA)*. The most current version is available on the Real Property Management Branch (RPMB) Sharepoint Site. Access to this site may be requested by calling RPMB at 301-504-1224.

The simplified acquisition level was raised to \$150,000 by Reference (h).

3. Policy

It is Agricultural Research Service (ARS) policy that only individuals with prescribed levels of knowledge, experience, training, and education necessary to exercise sound judgment in the interpretation and application of Federal laws and regulations pertinent to real property be delegated authority to perform the functions of a Real Property Leasing Officer (RPLO). The terms RPLO, LCO, and CO are used interchangeably pertaining to lease contract awards.

4. Responsibilities

Director, Facilities Division (FD) or his/her Designee will:

- Establish and/or maintain a RPLO Warrant Program within ARS.
- Serve as the Head of the Real Property Leasing Activity (HRPLA) for ARS
- Perform as the Recommending Official to the Department for appointing new RPLOs within the agency.
- Determine and make recommendations to Office of Procurement and Property Management (OPPM) regarding appointment of ARS employees as RPLOs at both the Business Service Center (BSC) and Headquarters (HQ) levels.
- Maintain a list of all ARS RPLOs who have been issued a *Certificate of Appointment (Warrant)* and provide updates to the master RPLO list maintained by the OPPM.

Chief, RPMB, FD will:

- Coordinate with BSC Management to monitor the implementation of this issuance.
- Disseminate information contained in this issuance to BSC Management and agency RPLOs.
- Forward pertinent information to agency RPLOs when received from OPPM or GSA.
- Coordinate review of recommendations for the appointment of ARS employees as RPLOs.
- Address questions from the Appointing Official within OPPM regarding agency RPLO delegations.
- Issue an *Appointment Memorandum* to accompany the *Warrant* for each RPLO within ARS to define the delegations of authority being granted.
- Maintain a file for each agency RPLO, on behalf of the ARS HRPLA. Each file will contain the following:

1. *Qualification Statement*
2. *Request for Appointment*
3. Training records and copies of training certificates
4. *Certificate of Appointment*
5. *Appointment Memorandum*

- Withdraw agency *Warrants* when necessary, advising the Appointing Official, and returning the original *Warrant* to OPPM.
- Inform the Appointing Official when a RPLO separates from the agency, returning the original *Warrant* to OPPM.

BSC Deputy Director (DD), Field Liaison and Customer Service will:

- Identify and make recommendations to the Director, FD or his/her Designee regarding RPLO appointments.
- Make certain that subordinate real property activities are adequately staffed by qualified personnel capable of performing the real estate functions assigned.

- Assure that the BSC has RPLOs who meet or exceed the required experience, knowledge, training, and applicable education requirements prior to appointment.
- Assure BSC RPLOs complete the required *Warrant* maintenance requirements.

BSC Chief, Facilities, Property, and Safety Branch will:

- Identify and make recommendations to the BSC DD regarding RPLO appointments.
- Coordinate with the BSC DD to address questions or concerns related to the RPLO program.
- Ensure his/her staff complies with the provisions of this issuance.
- Confirm that all personnel who are assigned or oversee RPLO functions meet the requirements to be appointed as a RPLO and exercise their delegated *Warrant* authorities in accordance with this issuance.
- Notify the Chief, RPMB upon separation of a BSC RPLO.

HQ RPLOs will:

- Negotiate, prepare, and administer real estate agreements, within their delegated *Warrant* limits and in accordance with this issuance to safeguard the interests of the United States.
- Obtain all necessary approvals for real estate agreements in compliance with applicable laws, regulations, EOs, and issuances.
- Coordinate with the Office of General Counsel (OGC) Washington Office or Regional Office, as needed.
- Assure funds for payment of real estate obligations are available prior to executing a lease, ARS-268, *Lease Amendment* (available in e-Forms), or renewal option.
- Exercise care, skill, and judgment in the performance of their duties.
- Execute real estate agreements (leases, lease amendments, revocable permits, easements, and similar instruments) and ensure that the signature block on any executed documents is in the following format:

(Name)
 USDA Real Property Leasing Officer

- Monitor and coordinate with BSC or location personnel to examine lessor, grantee, or permittee performance.
- Initiate appropriate action to assure satisfactory lessor, grantee, or permittee performance in accordance with the realty interest obtained or granted.
- Comply with existing conflict of interest regulations; preparing and filing the appropriate forms, as required.
- Make all real property files available for audit upon request.
- Display his/her *Warrant* in his/her work area/workstation allowing the public and coworkers to be aware of the appointment.
- Prepare *LDAA* packages, as assigned by the Chief, RPMB, and review *LDAA* packages for BSC assigned actions.

BSC RPLOs will:

- Negotiate, prepare, and administer real estate agreements, within their delegated *Warrant* limits and in accordance with this issuance to safeguard the interests of the United States.
- Obtain all necessary approvals for real estate agreements in compliance with applicable laws, regulations, EOs, and issuances.
- Consult with RPMB prior to contacting OGC.
- Assure funds for payment of real estate obligations are available prior to executing a lease, lease amendment, or renewal option.
- Exercise care, skill, and judgment in the performance of their duties.
- Execute real estate agreements (leases, lease amendments, revocable permits, easements, and similar instruments) and ensure that the signature block on any executed documents is in the following format:

(Name)
USDA Real Property Leasing Officer

- Monitor and coordinate with location personnel to examine lessor, grantee, or permittee performance.
- Initiate appropriate action to assure satisfactory lessor, grantee, or permittee performance in accordance with realty interest obtained or granted.
- Comply with existing conflict of interest regulations; preparing and filing the appropriate forms, as required.
- Make all real property files available for audit upon request.
- Display his/her *Warrant* in his/her work area/workstation allowing the public and coworkers to be aware of the appointment.
- Prepare *LDAA* packages and coordinate with HQ RPLOs for BSC assigned actions and supply documentation, and coordinate with HQ RPLOs for HQ-assigned actions.

5. References

- a. United States Code (U.S.C.) Sec. 552a
- b. 7 U.S.C. § 2250a
- c. Office of Management and Budget, Circular No. A-11, August 2009
- d. FMR, Subchapter C
- e. FMR Bulletin 2008-B1, Federal Register/Vol. 72. No. 222; dated November 19, 2007
- f. Transitional Guidance for Real Property Leasing Warrants 1170 Series: GSA Contracting Officer Warrant Program Memorandum for Heads of Services and Staff Offices, Regional Administrators, and Regional Procurement Executives; dated February 21, 2008
- g. GSA Acquisition Manual, Part 501
- h. GSA Acquisition Letter V-06-06, Supplement 2, issued by Joseph A. Neurauter, Deputy Associated Administrator & Senior Procurement Executive, Office of Acquisition Policy (MV), dated November 10, 2010
- i. GSA Acquisition Letter V-06-06, Supplement 5, issued by Steven J. Kempf, Acting Senior Procurement Executive, Office of Governmentwide Policy, dated May 30, 2013
- j. AGPMR

- k. DR Number 5100-003, Real Property Leasing Officer Warrant System, dated March 1, 2012
- l. Real Property Leasing Officer Warrant Educational Requirements Memorandum issued by Todd H. Repass, Jr., Director, OPPM, dated January 15, 2010
- m. Continuous Learning Points for Real Property Leasing Officers Memorandum issued by Paul Walden, Chief, OPPM, dated September 6, 2012
- n. ARS Real Property Manual, as amended
- o. Policies and Procedures 244.0-ARS, Guidance and Instructions for the Collection and Use of Fees for Revocable Permits and Easements, dated January 21, 2004

6. Authorities

Categorical Space

Subject to the limitations cited in FMR 102-73.230 through 102-73.240, all Federal agencies are authorized to acquire the types of space listed in FMR 102-73.155 and, except where otherwise noted, may lease space for terms, including all options, of up to 20 years. **Prior approval from GSA is not required to exercise this delegated authority.** The **Categorical Space** delegation gives ARS the authority to enter into:

- Lease Agreements, up to 20 years, for the space identified Categorical Space. **The HRPLA typically recommends to the Appointing Official that BSC Level I RPLOs are delegated this authority for short-term lease terms of 10 years or less.**

General Purpose Space

The Administrator, GSA, has issued a standing delegation of authority to the heads of all Federal agencies to accomplish all functions relating to **leasing of up to 19,999 rentable square feet** of General Purpose Space for terms of **up to 20 years** and below prospectus level requirements, regardless of geographic location. **This authority has not been re-delegated to USDA agencies.**

Prior to instituting any new, succeeding, or superseding lease action under the delegated program, the HRPLA or his/her designee, must notify the appropriate GSA Assistant Regional Administrator for the Public Building Service in writing of the need for General Purpose Space and the agency's intent to exercise the authority granted by this delegation. Federal agencies can use the General Purpose Delegation of Authority to acquire space via lease agreements, up to 20 years, for buildings and space in buildings, up to 19,999 rentable square feet, regardless of geographic location provided **prior written LDAA approval is received from GSA for each lease action.**

The **General Purpose Space** delegation, as delegated from GSA to the Department, is for terms up to 20 years. **Provided a LDAA is submitted and prior approved is granted by GSA,** ARS BSC Level I RPLOs, in accordance with the authorities delegated under their *Warrant*, may negotiate and enter into General Purpose leases for up to 10 years provided the net annual rent,

including all options, is less than or equal to the simplified leasing threshold. ARS HQ Level I RPLOs may enter into General Purpose leases for up to 20 years, provided the net annual rent, including all options, is less than or equal to the simplified leasing threshold, subject to the authorities and limitations delegated. General Purpose Space is defined as space that does not fall under the definition of Categorical or Special Purpose.

Special Purpose Space

USDA has been delegated the authority to lease the following types of Special Purpose Space for terms, including all options, of up to 20 years for land or space utilized in cooperation with State and local governments or their instrumentalities (extension services) where the cooperative State or local government occupies a portion of the space and pays a portion of the rent. **Unimproved land leased from other than a State or local government may be leased only on a fiscal year basis.** The **Special Purpose Space** delegation grants ARS the authority to enter into leases for the following provided **prior LDAA written approval is granted by GSA for each space lease action over 2,500 square feet:**

- Year-to-Year Lease Agreements for land. **The HRPLA typically recommends to the Appointing Official that ARS BSC and HQ Level I RPLOs are delegated this authority for short-term lease terms of 10 years or less.**
- Lease Agreements, up to 20 years, for space in State or University-owned buildings. The HRPLA typically recommends to the Appointing Official that Short-Term (10 years or less) Special Purpose leasing authority be delegated to BSC Level I RPLOs provided the net annual rent is less than or equal to the simplified leasing threshold identified on their *Warrant*. OPPM may delegate Long-Term (greater than 10 years) Special Purpose leasing authority to HQ RPLOs.

When applicable, RPLOs will submit a *LDAA* along with the associated *Lease Delegation Submission Requirements* to the RPMB for review. The BSC RPLO will upload the *LDAA* package into the GSA's delegation request system, including required post-award documentation. **Only after receipt of written authority from GSA, may the delegated authority be exercised.**

GSA will be responsible for General Purpose space above 19,999 square feet; leases for Special Purpose Space at or above 2,500 square feet; and leases above prospectus level. Should any such request be required, the RPLO will submit a *Standard Form-81, Request for Space*, to RPMB. RPMB, in turn, will request approval through OPPM to acquire a new GSA-assignment.

Space in Buildings for Nominal (\$1 per annum) or No Rent

In accordance with FMR §102-73-140, a RPLO may lease space in buildings and land incidental thereto may be leased for no rental, or for a nominal consideration of \$1 per annum, and is limited to terms not to exceed one year; however if the space is over 2,500 square feet and is to be wholly or predominantly utilized for the special purposes of the agency, an approved GSA *LDAA* is required prior to initiating the action.

ARS Long-Term Leasing

In accordance with AGPMR 110-73.45-5000, ARS will ensure permanent structures will not be located on other than Government owned land, except as prescribed by 7 U.S.C. 2250a or other law. Furthermore, in accordance with the Reference (j), Agency heads or their designees may execute leases citing 7 U.S.C. 2250a, subject to the following limitations: (1) building sites with State, County, or Municipal entities or nonprofit institutions must have an estimated fair market value of less than \$250,000, otherwise approval by the Assistant Secretary for Administration (ASA) is required; (2) leases with private corporations or individuals require approval of the ASA; and (3) if consideration is more than \$100 per annum, the following conditions must be met: (1) the land is determined to be the only suitable site; (2) funds are not available for purchase; and (3) the lease must contain an option for purchase of the land by the Government at any time during the lease term at a price agreed upon which will be computed by crediting annual payments on principal before the option to purchase is exercised. If these conditions cannot be met, then ASA approval is required prior to concluding negotiations for leasing building sites involving rental rates over \$100 per annum. Furthermore, in accordance with 7 U.S.C. 2250a., a long-term lease in support of construction must be for a term equal to the estimated life of the planned improvements and include the right to remove such improvements within a reasonable time after termination of the use or right to the land. The initial term may not exceed 20 years; however, renewal options may total another 20 years (i.e., two 10-year options; four 5-year options; or one 20-year option).

HQ RPLOs may be delegated authority to negotiate long-term land lease agreements. The ARS Administrator or his/her Designee executes such leases on behalf of the United States.

7. Procedures

The following procedures will be followed for RPLO appointments. Candidates will be recommended to the Director, FD by the BSC DD. A candidate's qualifications will be documented in a *Qualification Statement* (Exhibit 3) and submitted through the Chief, RPMB via a *Request for Appointment* (Exhibit 4). The Director, FD will determine the type and level of authority to be recommended to the Appointing Official at the Department. All *Warrants* will be subject to the limitations defined on the *Certificate of Appointment*. Examples of authorities delegated are listed within *Authorities Delegated to ARS Real Property Leasing Officers* (Exhibit 5). The Chief, RPMB will provide each warranted RPLO with an *Appointment Memorandum*, defining specific delegations of authority being granted.

For RPLO appointments, an individual's official position description should reflect the corresponding duties and responsibilities. If a *Warrant* is terminated or withdrawn, the position description will be amended to delete these duties and responsibilities. The Privacy Act of 1974, as amended, applies to the information collected during the selection and appointment of RPLOs, as well as documentation submitted to meet maintenance/continuous learning requirements.

RPLOs may exercise only that authority expressly delegated **in writing**. Delegated authority, with specified limitations on the scope of authority, including dollar limitations, will be specifically expressed on the *Warrant* and within the *Appointment Memorandum* issued by the

Chief, RPMB. *Warrants* must be displayed by the RPLO within his/her work area to allow the public and coworkers to be aware of the appointment.

The authorities delegated to a RPLO will only be exercised by the individual named on the *Warrant*. Further re-delegation is not permitted. Appointments will remain in effect only as long as appointee is in the position applicable to the *Warrant*, unless the *Warrant* is withdrawn.

Each *Warrant* issued will have specific limitations based on the following guidelines:

- Level I (Simplified Acquisition). A Level I *Warrant* covers the basic functions of ARS' real estate authority with dollar limitations.
- Level II (Intermediate) RPLO. In addition to the functions above, a Level II *Warrant* covers the full scope of the FMR on real property leasing authority with dollar limitations.
- Level III (Senior) RPLO. In addition to the functions above, a Level III *Warrant* covers the full scope of the FMR on real property leasing authority without dollar limitations.

Upon being issued a *Warrant* the RPLO will register in The Federal Acquisition Institute Training Application System (FAITAS). As of September, 2013, FAITAS modules are under development; however, it will be mandatory for all Contracting Officers, including LCOs. The supervisor of each LCO must register prior to the LCO being able to register. Upon full implementation, training certificates must be uploaded into FAITAS.

Qualification Requirements

Upon receipt of a *Qualifications Statement*, supporting the applicant's experience, a *Request for Appointment*, and copies of the applicant's training certificates for satisfactorily completed training, the Chief, RPMB will review the submitted documents. He/she will make a recommendation to the Director, FD who will then formally make his/her recommendation to the Appointing Official. The Appointing Official will determine the scope of authority that is granted to any appointed RLPO via the *Certificate of Appointment*.

The following knowledge, experience, training and education requirements are identified for the Level I, II and III RPLOs.

Level I RPLO, Simplified Acquisition

Knowledge: Familiarity with Realty Services Letters (RSLs) and Lease Acquisition Circulars (LACs) issued by GSA. RSLs and the LACs transmit changes in realty policy and procedures; these issuances may be developed in response to initiatives such as new legislation, E.O.s, internal agency policy, audit findings, protest decisions, etc. Adherence to the policies and procedures contained in both RSLs and LACs is mandatory for agencies operating under delegations from GSA, when they implement laws, E.O.s, and regulations. These issuances also prescribe good business practices.

Experience: Progressively complex, specialized experience in the acquisition, management, and disposal of real property, including sufficient experience with real property leasing activities, to demonstrate ability to execute leases in accordance with Federal leasing procedures, and a working knowledge of the FMR, the AGPMR, and ARS Real Property Manual. At least two (2) years of current [within the last five (5) years] leasing experience, with progressively broader assignments.

Training: Successful completion of training in the following areas is required:

- Lease Acquisition Training (32 hours)
- Cost and Price Analysis of Lease Proposals (40 hours)
- Real Estate Law or Federal Real Property Lease Law (40 hours)
- Techniques of Negotiating Federal Real Property Leases (40 hours)
- Successful completion of the following training is strongly recommended for Disposal authority: Federal Real Property Utilization and Disposal

Level II RPLO, Intermediate

Knowledge: Same as Level I RPLO requirements.

Experience: Consecutive years of progressively complex, specialized experience in acquisition, management, and disposal of real property including responsible real property leasing experience involving negotiations, market surveys, appraisals, etc., or related staff/policy activity that demonstrates ability to execute leases in accordance with Federal leasing procedures, including the FMR, the AGPMR, and ARS Real Property Manual. At least three (3) years of current [within the last seven (7) years] experience with progressively broader assignments.

Training: Successful completion of training in the following areas is required:

- Lease Acquisition Training (32 hours)
- Cost and Price Analysis of Lease Proposals (40 hours)
- Real Estate Law or Federal Real Property Lease Law (40 hours)
- Techniques of Negotiating Federal Real Property Leases (40 hours)

Successful completion of the following training is strongly recommended for Disposal authority: Federal Real Property Utilization and Disposal.

Education requirements:

- Grades 5 through 12 must have completed a four year course of study leading to a bachelor's degree or 24 semester hours in one of the designated business fields below.
- Grades 13 and above must have completed a four year course of study leading to a bachelor's degree that included or was supplemented by at least 24 semester hours in any combination of the designated fields. The Senior Procurement Executive may waive

these requirements. The applicant must demonstrate significant analytical and decision-making capabilities, an acceptable job performance record, and qualifying experience.

The designated educational fields are: Accounting, Business, Finance, Law, Contracts, Purchasing, Economics, Industrial Management, Marketing, Quantitative Methods, Organization and Management. In accordance with the January 15, 2010, memorandum from Todd H. Repass, Jr., Director, OPPM, and those RPLOs warranted prior to June 1, 2012, in accordance with DR 5100-002 are considered to have met the educational requirements for their warrant.

Level III RPLO, Senior

Knowledge: Same as Level I RPLO requirements.

Experience: Consecutive years of progressively complex, specialized experience in acquisition, management, and disposal of real property including responsible real property leasing experience involving negotiations, market surveys, appraisals, etc., or related staff/policy activity that demonstrates ability to execute leases in accordance with Federal leasing procedures, including the FMR, AGPMR, and ARS Real Property Manual. At least four (4) years of current [within the last ten (10) years] experience with progressively broader assignments.

Training: Successful completion of training in the following areas is required:

- Lease Acquisition Training (32 hours)
- Cost and Price Analysis of Lease Proposals (40 hours)
- Real Estate Law or Federal Real Property Lease Law (40 hours)
- Techniques of Negotiating Federal Real Property Leases (40 hours)
- Real Estate Appraisal Principles (30 hours)

Successful completion of the following training is strongly recommended for Disposal authority: Federal Real Property Utilization and Disposal.

Education requirements:

- Grades 5 through 12 must have completed a four year course of study leading to a bachelor's degree or 24 semester hours in one of the designated business fields below.
- Grades 13 and above must have completed a four year course of study leading to a bachelor's degree that included or was supplemented by at least 24 semester hours in any combination of the designated fields. The Senior Procurement Executive may waive these requirements. The applicant must demonstrate significant analytical and decision-making capabilities, an acceptable job performance record, and qualifying experience.

The designated educational fields are: Accounting, Business, Finance, Law, Contracts, Purchasing, Economics, Industrial Management, Marketing, Quantitative Methods, Organization and Management.

Training courses of equivalent content may be substituted for **other than mandatory requirements** if the HRPLA or his/her designee determines that a particular course is equivalent in content. Substitute courses may be accomplished through, but not limited to the following: 80-credit hours from an accredited institution of higher learning in pre-law, real property management, and/or business administration.

Modification of Appointments

When the Appointing Official determines the need to change or limit a *Warrant*, or the HRPLA recommends such to the Appointing Official and he/she concurs, a new *Warrant* will be issued. In the case of changing an appointment to a higher level, the RPLO will need to meet applicable knowledge, experience, and training requirements and submit an updated application package through his/her supervisory chain to the Chief, RPMB for review and concurrence. The applicant's package will then be reviewed, a recommendation made, and the package forwarded to the Appointing Official for final determination.

Maintenance of Warrants

Level I, II, and III RPLOs are required to complete 80 hours of continuing education every two years¹. RPLOs are strongly encouraged to participate in periodic training courses which are pertinent to real property leasing. This type training can be accomplished through participation in workshops, seminars, symposiums, and informal and formal classroom training. A list of *Continuing Education for the Maintenance of Warrants* is maintained on the RPMB SharePoint site.

The following chart is a guide for tracking Continuous Learning Points (CLPs). Continuing Education Units (CEU) are converted at 10 points per CEU. For formal academic programs offered by educational institutions, each semester hour is equal to one CEU. A three-hour credit course would be worth three CEUs and 30 CLPs.

CREDITABLE ACTIVITIES	CLPs
<i>Academic Courses:</i>	
Quarter Hour	10 per Quarter Hour
Semester Hour	10 per Semester Hour
CEU	10 per CEU
Equivalency Exams	Same Points as awarded for the course
<i>Training Courses/Modules:</i>	
Defense Acquisition University Courses/Modules	10 per CEU
Awareness Briefing/Training – no testing/assessment associated	.5 point per hour of instruction
Continuous Learning Module-testing/assessment associated	1 point per hour of instruction
Other Functional Training	1 point per hour of instruction

CREDITABLE ACTIVITIES	CLPs
<i>Professional Activities:</i>	
Leadership or Other Training	1 point per hour of instruction
Equivalency Exam	Same points as awarded for the course
Professional Exam/License/Certificate	10-30 points
Teaching/Lecturing	2 points per hour; maximum of 20 points
Symposia/Conference Presentations	2 points per hour; maximum of 20 points
Workshop Participation	1 point per hour; maximum of 8 points per day and 20 points per year
Symposia/Conference Attendance	.5 point per hour; maximum of 4 points per day and 20 points per year
Publications (such as writing of posted issuances)	10 to 40 points

Note: Points may only be earned in the year accomplished, awarded, or published. Training certificates will be submitted to the Chief, RPMB for review within 30 days of completion of training. The Appointing Official will formally determine the value of the CLPs earned.

Review

RPLOs may be periodically reviewed by FD, RPMB, OPPM, GSA, GAO, OIG, etc. Reviews may include the evaluation of technical performance of individual RPLOs as to compliance with applicable laws and regulations in the exercise of their delegated real property authority, as well as real estate agreements and supporting documents, procedures, and practices. Review may result in recommendation to withdraw a RPLO appointment for failure to comply with applicable laws and/or regulations.

Termination or Withdrawal

A *Warrant* and associated delegations of authority may be withdrawn at any time by the Appointing Official. Termination will occur when, subsequent to notice and opportunity for reply, one or more of the following conditions or similar circumstances exist:

- Failure to comply with applicable laws and regulations
- Ethics misconduct
- Failure to complete maintenance training after the appointment
- Failure to maintain a fully successful performance rating
- Reassignment of the individual to a position that does not require a *Warrant*
- Discontinuance of the organizational need for the appointment
- Separation of the individual from the real property function or Agency

An employee's separation from the real property function will constitute an automatic termination of the individual's RPLO appointment. The termination or withdrawal of a RPLO appointment will be in writing except in the case of separation. If any employee transfers within USDA and remains in the real estate field, the employee's *Warrant* may be transferred. Coordination with OPPM will be required for such a transfer.

8. Definitions

Agreements (Real Estate) – Real estate documents which vest a property interest in the Government or in nongovernmental parties; documents which provide for temporary land, building, and/or structure occupancy by the Government or nongovernmental parties; and/or documents which dispose of Government real property through donation, demolition, transfer or abandonment.

Appointing Official – The USDA Departmental official who has the authority to issue a *Certificate of Appointment*. The Appointing Official is the Director, OPPM or his/her Designee.

Categorical Space – (FMR 102-73.155) Federal agencies can use the Categorical Space Delegation of Authority to acquire:

- Space to house antennas, repeaters, or transmission equipment;
- Depots, including, but not limited to, stockpiling depots and torpedo net depots;
- Docks, piers, and mooring facilities (including closed storage space required in combination with such facilities);
- Fumigation areas;
- Garage space (may be leased only on a fiscal year basis);
- Greenhouses;
- Hangars and other airport operating facilities including, but not limited to, flight preparation space, aircraft storage areas, and repair shops;
- Hospitals, including medical clinics;
- Housing (temporary), including hotels (does not include quarters obtained pursuant to temporary duty travel or employee relocation);
- Laundries;
- Quarantine facilities for plants, birds, and other animals;
- Ranger stations, i.e., facilities that typically include small offices staffed by one or more uniformed employees, and may include sleeping/family quarters, parking areas, garages, and storage space. Office space within ranger stations is minimal and does not comprise a majority of the space. (May also be referred to as guard stations, information centers, or kiosks);
- Recruiting space for the armed forces (lease terms, including all options, limited to 5 years);
- Schools directly related to the special purpose function(s) of an agency;
- Specialized storage/depot facilities, such as cold storage; self-storage units; and lumber, oil, gasoline, shipbuilding materials, and pesticide materials/equipment storage (general purpose warehouse type storage facilities not included); and
- Space for short-term use (such as conferences and meetings, judicial proceedings, and emergency situations).

Certificate of Appointment or Warrant - An instrument of delegation which defines the extent of authority vested in an individual to enter into, administer, amend, and/or terminate leasehold interests in real property and real estate agreements; specifically, the signatory authority of an individual to obligate funds and contractually commit ARS to the performance of certain actions related to real property.

Easement – A right of way giving persons, other than the owner, access to or over a property.

Firm-Term Lease – A set period for which a tenant will be obligated to the conditions of the lease agreement without termination rights.

General Purpose – (FMR 102-72.30(b)) Space other than that defined under Categorical or Special Purpose definitions. The Administrator, GSA, has issued a standing delegation of authority (under the program known as “Can’t Beat GSA Leasing”) to the heads of all Federal agencies to accomplish all functions relating to leasing of up to 19,999 rentable square feet of general purpose space for terms of up to 20 years and below prospectus level requirements, regardless of geographic location. Prior approval via a *LDAA* is required. By this delegation, Federal agencies may consider leases of private owned land and buildings only when needs cannot be met satisfactorily in Government-controlled space and one or more of the following conditions exist:

- Leasing is more advantageous to the Government than constructing a new building or more advantageous than altering an existing Federal building.
- New construction or alteration is unwarranted because demand for space in the community is insufficient or is indefinite in space or duration.
- Federal agencies cannot provide for the completion of a new building within a reasonable time.

GSA’s Delegation Request System – a system developed by the GSA Office of Real Estate Acquisition, Center for lease delegations and the Office of the Public Buildings Service (PBS) Chief Information Officer to support online submission and approval of leasing delegation requests. The system provides the ability for: (1) agencies to submit their requests; (2) PBS to approve, return, or reject requests; (3) agencies to submit lease awards; (4) PBS to review and approve award documentation; and (5) both PBS and agencies to track the status of submitted requests.

HRPLA – The official or designee who has overall responsibility and delegated authority for management of an agency’s real property activity. The HRPLA for ARS is the Director, FD.

Improved Land – Land that has been developed for some use by the construction of improvements such as buildings or structures, either by the Lessor, or the Lessee.

Land Use Agreement – An access agreement to permit ingress and egress to a parcel of land for the purpose of conducting research, monitoring conditions, collecting insects or specimens, permitting equipment to remain on site, etc. This instrument is only utilized when there are not improvements being made to the property or crops being cultivated.

Lease – A contract by which an individual, or group of individuals (landlord/lessors), convey(s) possession, generally on an exclusive basis, of land, buildings, or structures to another (tenant/lessee) for a defined period of time. It may include services provided by the landlord such as heating, air conditioning, utilities, custodial services, etc.

Lease Amendment – This real estate agreement is negotiated and prepared by a RPLO to correct, revise or modify an existing, active lease. A Lease Amendment might be used to add renewal options or add or remove a parcel of land.

Net Annual Rental – Gross annual rental paid to a landlord minus the landlord’s operating cost. The following supplies and services are considered operating costs that can be subtracted from the gross annual rental to determine the net annual rental:

- Utilities
- Janitorial services
- Building systems repair of a minor nature (not including major replacement)
- Building systems maintenance
- Property protection
- That portion of management costs devoted to the above items

OPPM – is located within USDA’s Departmental Administration and serves the Secretary and Departmental agencies with policy, advice and coordination in acquisitions, procurement and management of real and personal property.

Real Property – Land and those things affixed thereto including buildings, structures, fences, landscaping, etc., and all interests therein.

Real Property Leasing Officer – An individual appointed according to this issuance with the authority to enter into, administer, amend, and/or terminate real property leasehold contracts and real estate agreements in accordance with Federal acquisition and property laws and regulations.

Real Estate Interest – A degree or level of ownership in land, buildings, and appurtenances (fee simple, easement, leasehold, etc.).

Renewal – A renewal option, so long as exercised prior to the date of the option period passing and so long as exercised in accordance with renewal terms within the original lease, or lease amendment, allows the Government to continue occupancy of the leased premises without a competitive procurement. A renewal option is a unilateral right of the Lessee to extend the contract for the pre-negotiated renewal term (a specified period usually defined in years), at a specified price for the renewal option. Leases or lease amendments must include a specified time period to exercise any option periods as well as the negotiated notification of exercising such. An *ARS-24, Notice of Renewal* (available in e-Forms), is the mechanism used to exercise a renewal option conditioned by Congress passing funding and subject to the availability of funds. If a renewal option is not exercised in a timely fashion, prior to the expiration of the initial lease or any exercised option period, any remaining option will be lost.

Revocable Permit – This form is prepared and issued by a RPLO. Typically this is issued to State entities or other Federal agencies occupying ARS-space. This form is used in lieu of a lease because ARS does not have out-leasing authority. A Revocable Permit is also to be issued for the occupancy and use of Government-Owned Quarters, bird watching on Federal property, or other uses of Federal land (gleaning) or short-term space use (conference room use by non-profit entities). See Reference (n), Revocable Permits Chapter.

Special Purpose Space – USDA is delegated the authority to lease the following types of Special Purpose Space for terms, including all options, of up to 20 years subject to the

limitations on annual rental amounts, lease terms, and leases on parking spaces cited in FMR 102-73.230 through 102-73.240; however, prior approval via a *LDAA* along with the submission of preauthorization and post award requirements must be submitted for any new, succeeding, extension or superseding lease for a Special Purpose space action involving 2,500 or more square feet to include the following (FMR 102-73.170):

- Cotton classing laboratories (lease terms, including all options, limited to 5 years).
- Land (if unimproved, may be leased only on a fiscal year basis).
- Miscellaneous storage by cubic feet or weight basis.
- Office space when required to be located in or adjacent to stockyards, produce markets, produce terminals, airports, and other ports (lease terms, including all options, limited to 5 years).
- Space for agricultural commodities stored in licensed warehouses and utilized under warehouse contracts.
- Space utilized in cooperation with State and Local governments or their instrumentalities (extension services) where the cooperative State or Local government occupies a portion of the space and pays a portion of the rent.

Unimproved Land - Vacant land or raw land that lacks the essential improvements (utilities or irrigation) required to make it useful.

9. Glossary

AGPMR	-	Agriculture Property Management Regulations
ARS	-	Agricultural Research Service
ASA	-	Assistant Secretary for Administration
BSC	-	Business Service Center
CEU	-	Continuing Education Unit
CLP	-	Continuous Learning Point
CO	-	Contracting Officer
DD	-	Deputy Director Field Liaison & Customer Service
E.O.	-	Executive Order
FAITAS		Federal Acquisition Institute Training Application System
FAR	-	Federal Acquisition Regulation
FD	-	Facilities Division
FMR	-	Federal Management Regulations
GAO	-	Government Accountability Office
GSA	-	General Services Administration
GSAM	-	General Services Administration Acquisition Manual
HRPLA	-	Head of the Real Property Leasing Activity
LAC	-	Lease Acquisition Circular(s)
LCO	-	Lease Contracting Officer
LDAA	-	Lease Delegation Authorization Application
OGC	-	Office of General Counsel
OIG	-	Office of the Inspector General
OMB	-	Office of Management and Budget

- OPPM - Office of Procurement and Property Management
- PBS - Public Buildings Service
- RPLO - Real Property Leasing Officer
- RPMB - Real Property Management Branch
- RSL - Realty Services Letter(s)
- U.S.C. - United States Code

/s/

NINO L. FLERI
Director
Facilities Division

Date

Exhibits

1. *Lease Delegation Submission Requirements*
2. *Post-Award Submission Requirements*
3. *Qualifications Statement*
4. *Request for Appointment*
5. *Authorities Delegated to Real Property Leasing Officers*

Lease Delegation Submission Requirements

Lease Delegation Submission Requirements

A request for authorization to use either the General Purpose delegation or Special Purpose lease delegation, involving 2,500 or more square feet must be submitted by the RPLO prior to initiating a lease action (new, succeeding, extension, or superseding). General Purpose delegation requests should be made no less than 18 months in advance of lease expiration, if there is a continued need. The request will include:

1. A detailed narrative, including cost estimates, explaining why the granting of the request is in the best interests of the Government and how the agency's use of the delegated authority is cost-effective for the Government;
2. The name of the warranted RPLO conducting the procurement; such individual must fully meet the experience and training requirements of the (Lease) CO Warrant Program as specified in section 501.603-1 of the General Services Administration Acquisition Manual (GSAM);
3. An acquisition plan for the procurement in accordance with the requirements specified by Subpart 507.1—Acquisition Plans of the GSAM.
4. Justification for the delineated area in accordance with applicable laws and E.O., including the Rural Development Act of 1972, as amended (7 U.S.C. 2204b-1), E.O. 12072, "Federal Space Management" and E.O. 13006, "Locating Federal Facilities on Historic Properties in Our Nation's Central Cities";
5. A floodplain check in accordance with E.O. 11988, "Floodplain Management;";
6. An organizational structure and staffing plan to support the delegation, which identifies trained and experienced warranted agreement staff, post-occupancy lease administration staff, real estate legal support, and technical staff to ensure compliance with all applicable laws, regulations and GSA directives governing lease acquisitions and administration of lease contracts
7. A plan for meeting or exceeding GSA's performance measures (lease cost); GSA's performance measures can be found on Office of Management and Budget (OMB) website at: <http://www.whitehouse.gov/omb/expectmore/detail/10001157.2005.html> .
8. The total amount of space required, any special requirements, and any associated parking requirements; and
9. A completed *GSA LDAA*.

***Lease Delegation Submission Requirements
(Continued)***

10. The *LDAA* request package will be initiated by the RPLO. It must be forwarded to the Chief, RPMB for review and preparation of a cover memorandum to GSA through OPPM. In no instances will the General Purpose delegation be requested to enter into a lease exceeding 19,999 rentable square feet.

11. Only after being granted written authority from the GSA Director, Real Estate Acquisition Division, Public Buildings Service, may the leasing action be exercised. The response from GSA must include a notice that suitable GSA-controlled, Federally-owned or Federally-leased space is not available to meet the space need and authorization for the lease procurement. Once authority is granted by GSA, if a decision is made not to exercise such authority, written notice must be sent to GSA via RPMB and OPPM.

RPLOs must keep in mind that agencies are expected to acquire space at charges consistent with prevailing market rates for comparable facilities in the community. Based on the average annual rental of the lease, subsequent submission requirements may be required.

Post-Award Submission Requirements

Post-Award Submission Requirements

If the awarded lease is for an average annual rental of \$150,000 or less, including option periods and excluding the cost of operational services, the Real Property Leasing Officer must submit the following documents or evidence of compliance through the Real Property Management Branch. This documentation will be submitted to GSA's Director for the Real Estate Acquisition Division, Public Buildings Service through the delegation request system:

1. The fully-executed lease document and all attachments.
2. If a sole source contract, a Justification for Other Than Full and Open Competition in accordance with section 6.303 of the Federal Acquisition Regulation (FAR) and sections 502.101 and 504.803 of the GSAM.
3. The market survey data identifying properties considered in connection with the space need, including historic buildings considered in accordance with E.O. 13006.
4. The final scoring evaluation in accordance with OMB Circular A-11 (2002), Criteria and Scoring Ramifications for Operating and Capital Leases.
5. The Price Negotiation Memorandum, prepared in accordance with section 570.307 of the GSAM and section 15.406-3 of the FAR.
6. Copy of the Post-Award Synopsis posted in FEDBIZOPS, if/as required.
7. The small business subcontracting plan, if required, in accordance with section 19.702 of the FAR.
8. Documentation that the Excluded Parties List (also known as the Debarred Bidders List) was checked.
9. A Funds Availability Statement signed prior to lease award by a budget official with the requesting agency.
10. Federal Real Property Profile Reporting Requirements which will be rolled up via Corporate Property Automated Information System, including all required data elements.
11. Additional information, as requested.

Note: Failure of an agency to timely or fully provide adequate information may result in GSA's revocation of a delegation to the agency.

Qualifications Statement

Qualifications Statement

1. Name
2. Title, Series, Grade
3. Office
4. Relevant Experience: (Begin with current position and include a minimum of four relevant positions. Information on each position should be included.)
 - a. Name of Employer
 - b. Dates Employed
 - c. Title of Position
 - d. Kind of Business/Organization
 - e. Description of Work
5. Other Relevant Special Qualifications, Certifications, or Skills
6. Relevant Honors, Awards, or Fellowships Received
7. Education
 - a. Highest Level Completed
 - b. Name of High School
 - 1) Dates attended
 - 2) Diploma received
 - c. Name of College/University
 - 1) Dates attended
 - 2) Years completed
 - 3) Number of semester or quarter hour credits earned and Course Titles
 - 4) Type and year of degree
 - 5) Chief undergraduate college subjects
 - 6) Major field of study at highest level of college work
8. Real Property Related Training
 - a. Name of Course
 - b. Name of School
 - c. Dates Attended _____

Request for Appointment

Request for Appointment

1. There is a need to appoint a Real Property Leasing Officer at the (Level) for the following reasons:

2. The Real Property Leasing Officer: (Name, Title, Series, Grade)

3. The Real Property Leasing Officer candidate will occupy the organizational level described below:

4. The candidate's Qualification Statement is enclosed. The candidate's experience and training meet the qualification standards identified herein.

5. The candidate's current conflict of interest disclosure statement is on file in the appropriate personnel office or is attached.

6. In addition to any limitations established by the applicable laws and regulations, and by the USDA RPLO Program, the following *Warrant* limitations are imposed:
 - a. Dollar Threshold: _____
 - b. Other Limitations: _____

REQUESTING OFFICER:

(Signature)

(Date)

(Typed Name and Title)

APPROVED:

(Head of the Real Property Leasing Activity)

(Date)

Authorities Delegated to ARS RPLOs

Authorities Delegated to ARS RPLOs

Listed below are the examples of the typical authorities delegated under each RPLO Warrant level.

Level I (HQ)

- Negotiate and administer long-term land leases in support of major construction projects.
- Negotiate, execute, and administer year-to-year leases with a net annual rent for the total contract award that is less than or equal to \$150,000.
- Negotiate, execute, and administer space leases for up to 10 years, including Consumer Price Index adjustments for leases with a net annual rental less than or equal to \$150,000 per individual action.
- Prepare, execute, and administer Revocable Permits (not to exceed 5 years) with fair market rental value, fees in accordance with Reference (o) or Indirect Research Costs less than or equal to \$50,000.
- Execute building and structure disposals, including all component units of the property(s), with a fair market value less than or equal to \$50,000.
- Execute easements or right-of-ways (not to exceed 10 years) and land use agreements.

Level I (BSC)

- Negotiate, execute, and administer year-to-year leases with a net annual rent for the total contract award that is less than or equal to \$150,000.
- Negotiate, execute, and administer space leases with a term of up to 10 years, including Consumer Price Index adjustments for leases with a net annual rental less than or equal to \$150,000 per individual action.
- Prepare, execute, and administer Revocable Permits (not to exceed 5 years) with a fair market value, fair market rental value, fees in accordance with Reference (o) or Indirect Research Costs less than or equal to \$50,000.
- Execute building and structure disposals, including all component units of the property(s), with a fair market value less than or equal to \$50,000.
- Execute easements or right-of-ways (not to exceed 10 years) and land use agreements.

Level II (BSC)

- Negotiate and administer long-term land leases in support of major construction projects.
- Negotiate, execute, and administer year-to-year leases with a net annual rent for the total contract award that is less than or equal to \$10,000,000.
- Negotiate, execute, and administer space leases for up to 20 years, including Consumer Price Index adjustments for leases with a net annual rental less than or equal to \$10,000,000 per individual action.
- Prepare, execute, and administer Revocable Permits (not to exceed 5 years) with a fair market rental value, fees or Indirect Research Costs less than or equal to \$50,000.

- Execute building and structure disposals, including all component units of the property(s), with a fair market value less than or equal to \$50,000.
- Execute easements or right-of-ways and land use agreements.

Level II (HQ)

- Negotiate and administer long-term land leases in support of major construction projects.
- Negotiate and administer long-term land leases in support of major construction projects.
- Negotiate, execute, and administer year-to-year leases with a net annual rent for the total contract award that is less than or equal to \$10,000,000.
- Negotiate, execute, and administer space leases for up to 20 years, including Consumer Price Index adjustments for leases with a net annual rental less than or equal to \$10,000,000 per individual action.
- Prepare, execute, and administer Revocable Permits with a fair market rental value, fees or Indirect Research Costs less than or equal to \$50,000.
- Execute building and structure disposals, including all component units of the property(s), with a fair market value less than or equal to \$50,000.
- Execute easements or right-of-ways and land use agreements.

Level III

- Negotiate and administer long-term land leases in support of major construction projects.
- Negotiate, execute, and administer year-to-year leases without limitations as to the dollar value.
- Negotiate, execute, and administer space leases for up to 20 years, including Consumer Price Index adjustments for leases without limitations as to the dollar value.
- Prepare, execute, and administer Revocable Permits with a fair market value, fair market rental value, fees in accordance with Reference (o) or Indirect Research Costs less than or equal to \$50,000.
- Execute building and structure disposals, including all component units of the property(s), with a fair market value less than or equal to \$50,000.
- Execute easements or right-of-ways and land use agreements.