

NATIONAL WEATHER SERVICE INSTRUCTION 30-4105

May 28, 2014

***Facilities Engineering
Facilities Management NWSPD 30-41***

REAL PROPERTY MANAGEMENT

NOTICE: This publication is available at: <http://www.nws.noaa.gov/directives/>.

OPR: OPS15 (M. Burkes)

Certified by: OPS1 (L. Cano)

Type of Issuance: Routine.

This Instruction implements Real Property Management areas contained in National Weather Service (NWS) Policy 30-41, Facilities Management.

SUMMARY OF REVISIONS: This instruction supersedes NWSI 30-4105, dated January 2, 2003 and recertified on December 18, 2008. Changes include:

Section 1, Background, was updated with a new mission statement and organization;

Section 2, Real Property Acquisition, was revised clarifying the Real Property role in acquisition;

Section 3, Real Property Management, was changed to Lease Administration and Lease Management, to include coordination requirements with the Office of Chief Administrative Office;

Section 4, Disposal, was changed to Real Property Disposal and Leasehold Terminations;

Section 5, Roles and Responsibilities, was updated with current roles and responsibilities.

Signed

May 14, 2014

Deirdre Reynolds Jones
Acting Director, Office of Operational Systems

Date

Real Property Management

<u>Table of Contents:</u>	<u>Page</u>
1. Background.....	2
2. Real Property Acquisition (leases, purchase, transfer, disposal, exchange).....	2-3
2.1 Acquiring Special Purpose Space.....	3
2.2 Acquiring Real Property from Another Federal Agency.....	3
2.3 Funding.....	3
3. Lease Administration versus Lease Management.....	4-5
3.1 NOAA and GSA Leases.....	4
3.2 Lease Management.....	4
3.3 Lease Management within NOAA Leased Properties.....	4
3.4 Lease Management Obligations.....	4
3.5 NOAA’s Owned or Leased Facilities.....	4
4. Real Property Disposal and Leasehold Terminations.....	5
4.1 Lease Termination.....	5
4.2 Out-Grant or Out-Lease.....	5
5. Roles and Responsibilities.....	6-7
5.1 Real Property Acquisition.....	6
5.2 Property Management of NOAA Owned Facilities.....	6
5.3 Real Property Inventory Management.....	6
5.4 Real Property Disposal or Lease Terminations.....	7
5.5 Summary.....	7

1. Background. The mission of the NWS, from its inception as the U.S. Weather Bureau Weather Bureau, has depended in great part on its ability to successfully acquire, use and maintain a varied inventory of real property. From the hot sun of the equator to the frozen tundra of the Arctic, from oceans, to mountains to deserts, to Forecast Offices in major metropolitan cities, to Service Offices in rural and remote locations, to Automated Surface Observing Systems (ASOS) and Upper Air Inflation Shelters at airports, to antennas, towers and equipment sites, to housing and technical special purpose operations centers like Tornado, Tsunami, Hurricane, Super Computing, and many others, the requirement for NWS real property is vast and critical to its operational success. NWS real property inventory extends from within the Continental United States to its Territories, including Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas. NWS works closely with the National Oceanic and Atmospheric Administration (NOAA) to manage its real property program.

Delivery of real property support to NWS has gone through considerable change over the years. Originally, NWS had its own real estate staff and it acquired, managed and disposed of its own real property. Then NOAA formed Regional Administrative Support Centers (ASCs) and the NWS realty staff was transitioned to NOAA where NWS real property support was aligned with NWS Regions and ASCs. NOAA provided authority to the ASC Regional Center Directors allowing them the opportunity to work directly with NWS Regional offices and jointly establish the level of support necessary to meet NWS needs. When NOAA reorganized under the Office of Chief Administrative Officer (OCAO) in 2004 the ASC concept was disbanded and the control and decision for real property support was moved from the Region to NOAA headquarters in Silver Spring, Maryland, where it currently remains. NOAA's OCAO formalized management of its real property program through its Real Property Management Division (RPMD).

2. Real Property Acquisition (lease, purchase, transfer, disposal, exchange): NOAA's OCAO is responsible for the acquisition of all NOAA/NWS real property. Real Property includes land, structures, facilities, and any real property fixtures attached to the land. In most cases, the Department of Commerce (DOC) does not possess direct authority to acquire real property by purchase or exchange without direct legislation from Congress. If the Secretary of Commerce receives real property acquisition authority, said authority is typically passed down to the OCAO for action. Approval of the real property acquisition often requires DOC approval, Office of Management and Budget (OMB) approval, Department of Justice approval along with appropriate General Services Administration (GSA) and Congressional notification. For acquiring most general purpose office and/or warehouse space requirements through lease contract, NOAA uses the GSA. Per the Public Buildings Act (as amended), the Administrator, GSA possesses authority to lease real property within the contiguous United States on behalf of the Executive Branch. The OCAO has designated personnel to coordinate NOAA requirements through the GSA.

2.1 Acquiring Special Purpose Space: For acquiring special purpose spaces and categorical spaces, the GSA has delegated limited leasing authority described in 41 CFR § 102-73.140 through 41 CFR § 102-73.165 to all federal agencies along with specific leasing authority granted to the DOC through 41 CFR § 102-73.175. Said authority is typically passed down to the OCAO for action. The OCAO has warranted real property Contracting Officers on staff able to procure commercial lease contracts.

2.2 Acquiring Real Property from Another Federal Agency: Acquiring real property from another federal agency via federal transfer requires DOC approval. The DOC must seek approval from the GSA and OMB, along with providing notification to the appropriate Congressional stakeholders. The requirements to acquire real property through federal transfer are similar to the requirements to dispose real property provided in 41 CFR § 102-75. The OCAO has designated personnel to advise and coordinate transfer packages from NOAA to the DOC.

2.3 Funding: Regardless of the method of acquisition, funding is necessary and may be required for various studies during the acquisition process.

3. Lease Administration versus Lease Management: Lease administration occurs after lease award and includes: i) any lease modifications or terminations; ii) issues regarding payments whether base rent, operating cost escalations, and/or tax pass-throughs; and/or iii) novations or other changes to the terms, conditions, or legal parties reflected within the lease contract.

3.1 NOAA and GSA Leases: If a NOAA lease, the OCAO has Realty Specialists and warranted real property Contracting Officers on staff able to review and modify the NOAA lease contract(s). If a GSA lease, the OCAO has designated personnel to coordinate said changes to the lease contract through GSA.

3.2 Lease Management: Lease management is the continuous review and evaluation of a lessor's performance per the lease contract. Lease management is performed by: 1) conducting regular walkthroughs and inspections of the leased property; 2) documenting, both good and bad findings [example forms include GSA Form 1181A or GSA Form 220 (because all documents are discoverable always use objective, constructive language)]; 3) keeping time and dated photographs of findings and conditions for records; 4) maintaining documentation and records in a well-organized and accessible file; along with, 5) seeking advice from the GSA Building Manager, if a GSA leased property, or the designated NOAA real property representative within the OCAO.

3.3 Lease Management within NOAA Leased Properties: Lease management within NOAA leased properties requires constructive occupant/tenant logistics and support. While RPMD has authorized personnel to handle a wide variety of lease management issues, the NWS occupant/tenant may be the only 'eyes and ears' available to inspect, document, and report on findings and conditions at the leased premises.

3.4 Lessor Lease Management Obligations: If the Government: 1) alters building systems, lessor equipment, lessor mechanical systems, and/or accesses lessor telephone and electrical closets the act of interfering or touching the Lessor's property may void any Lessor lease management obligations; 2) installs its own dedicated equipment [humidification system, HVAC,...] it may or may not be the Lessor's obligation to maintain or repair unless specified and funded through the lease agreement or through a separate service contract; and, 3) purchases dedicated equipment through the lessor and the lessor installs the equipment, the Lessor may not have any lease management responsibility to perform repair or maintenance work on the equipment unless specified and funded through the lease agreement or through a separate service contract.

3.5 NOAA's Owned or Leased Facilities: Property management within NOAA's operated or owned facilities, may be coordinated with the OCAO's Facilities Operations Division (FOD). The FOD is comprised of three (3) Building Management branches (National Capital Region, Boulder, CO, and Seattle, WA), and two building managers (Norfolk and Kansas City) that oversee facility administrative services delivered at various corporate complexes across the country, along with the development and implementation of automated building management systems. Specific to the National Capital Region, the FOD - NCR is located at the Silver Spring Metro Center IV, 1305 East-West Highway, Silver Spring, Maryland. The Branch provides a number of services related to the maintenance of the facilities for NOAA offices in the National Capital Region. The FOD can assist with space management logistics, utilization of space matters, reconfiguration of office environments, and general facility services and logistics, on a case-by-case basis. Requests for office services must be submitted using a NOAA Form 41-1, with a description of the services required. Based upon the request, location, and requirement, the FOD can make a determination as to the recommended course of action.

4. Real Property Disposal and Leasehold Terminations: The act of declaring a federal property excess may require many steps including obtaining a valuation of the property, a survey of the property, a title report of the property, along with performing a hazardous materials survey and a phase one environmental assessment. The process typically requires NWS funding and may take many fiscal years during which the federal property is "mothballed", secured to prevent vandalism, and decommissioned while the necessary steps to excess then dispose are taken. If hazardous materials are identified, funds may be required to remediate and remove the hazardous materials prior to disposition of the property. Disposing of real property is similar to acquiring real property through federal transfer. The OCAO has designated personnel to advise and coordinate disposals through NOAA, DOC and the GSA. As with acquisitions, notification of OMB and our Congressional stakeholders is required.

4.1 Lease Termination: To terminate a lease, the Government must vacate the premises including all personal property, local area network and telecommunication wiring, temporary structures/trailers, government poured concrete, and government dedicated equipment, unless otherwise negotiated with the Lessor. By leaving personal property, government equipment, and/or abandoning structures, trailers, on or in the Lessor premises, the Lessor can claim the Government is still occupying the premises. Planning, programming, and funding the vacation of leased premises are of the utmost importance. The OCAO has designated personnel to support and advice on the vacation of leased premises. If the property is a NOAA real property lease, the OCAO has warranted real property Contracting Officers on staff able to terminate the NOAA lease contract. If a GSA real property lease, GSA will handle, accordingly.

4.2 Out-Grant or Out-Lease: An out-grant or out-lease is a form of temporary disposal. The DOC has little to no authority allowing non-federal entities to use DOC property. DOC authority is typically through the GSA. Any requests to out-grant or out-lease should be coordinated with RPMD along with the DOC and Office of General Counsel.

5. Roles and Responsibilities: NOAA's OCAO is responsible for the implementation and oversight of the Department and NOAA wide policies concerning all aspects of real property acquisition, management and disposal. OCAO's RPMD develops NOAA wide real property policies pertaining to building delegation, space management, lease management, facility and

asset management, procurement contracting, security, legal, safety/environmental/energy programs, as well as offering a wide variety of services to NOAA employees.

RPMD initiates the real property action (acquisition, management or disposal) requested by NWS on its Real Property questionnaire. RPMD coordinates with the Department, NOAA, GSA and others as necessary. RPMD Real Property Contracting Officers (RPCO) will conduct site visits, property inspections, and market surveys and meet with property owners in an attempt to negotiate the appropriate real property interest. When NWS reports real property Excess to RPMD it will report the NWS excess property in accordance with Federal Property Management Regulations, Chapter 101-47.202

NOAA's directive accomplishing these tasks is "Accounting for Real Property, Policies and Internal Control Procedures.

NWS determines its real property requirements and provides them to RPMD by completing the Real Property Space Questionnaire and/or other approved form(s) NWS certifies that funds are available to complete the requested real estate action. NWS conducts project planning and programming and ensures RPMD participation. NWS provides management approval and documented decision authority, if required.

Within NWS, the Office of Operational Systems, Facilities Management Branch (FMB) / OPS15 is responsible for accomplishing assigned tasks resulting from NOAA policies and directives for real property acquisition, management, and disposal. These responsibilities include:

5.1 Real Property Acquisition:

- a. Maintain property files until Beneficial Occupancy.
- b. Coordinate real estate actions between NWS Regions/Centers and RPMD.
- c. Coordinate/develop the annual Service Level Agreement (SLA), or other annual prioritization methods.
- d. Meet at least monthly (or as needed) with RPMD to address SLA/priorities progress/issues.
- e. Coordinate with NOAA's Safety and Environmental Compliance Office (SECO).

5.2 Property Management of NOAA Owned Facilities:

- a. Perform periodic condition assessments to ascertain deferred maintenance status.
- b. Meet at least monthly (or as needed) with RPMD management to address SLA (or other prioritized action list) progress and issues.
- c. Coordinate with NOAA's Safety and Environmental Compliance Office (SECO).
- d. Coordinate space management logistics, utilization of space matters, reconfiguration of office environments, and general facility services with RPMD, as necessary.

5.3 Real Property Inventory Management:

- a. Coordinate the annual (or as needed) property records validation.
- b. Report real property and personal property investments in accordance with NOAA financial policies and internal control procedures.
- c. Perform real property and personal property validation and review in accordance with
- d. NOAA policy, protocol, and procedures.

5.4 Real Property Disposal or Lease Terminations:

- a. Assist RPMD in planning, programming and preparing for real property disposals and/or lease terminations.
- b. Support RPMD in preparation of disposal file preparation and documentation in completing the GSA Form 118, Report of Excess Property.
- c. Coordinate/develop the annual Service Level Agreement (SLA) or other agreed upon prioritization method.
- d. Meet at least monthly (or as needed) with RPMD management to address SLA (or other agreed upon prioritized action list) progress/issues.
- e. Vacate the premises including all personal property prior lease expiration or property disposal for inspection and relinquishment of space.
- f. Coordinate with NOAA's SECO regarding any hazardous material clean-up along with any decommissioning requirements.

NWS, with coordination with NOAA's Safety and Environmental Compliance Office (SECO) and RPMD, will ensure protection of human health and the environment by identifying and documenting the condition of any real property to be acquired, transferred, leased, sold, or otherwise conveyed under the provisions of any authority

5.5 Summary: The OCAO initiates the real property action (acquisition, management and/or disposal) requested by NWS. The OCAO typically represents NOAA to DOC and the GSA. NWS will provide the OCAO with planning, funding, and programming support, as necessary. On an as-needed basis, FMB will request Regional input to performing the above responsibilities. This instruction will be expanded to include any specific recurring inputs.