

**AGRICULTURE PROPERTY MANAGEMENT REGULATIONS
CHAPTER 110-72 DELEGATION OF AUTHORITY**

SUPPLEMENTING

**FEDERAL MANAGEMENT REGULATION
SUBCHAPTER C – REAL PROPERTY
PART 102-72—DELEGATION OF AUTHORITY**

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Subpart A—General Provisions

§102-72.5—What is the scope of this part?

The real property policies contained in this part apply to Federal agencies, including GSA's Public Buildings Service (PBS), operating under, or subject to, the authorities of the Administrator of General Services.

§102-72.10—What basic policy governs delegation of authority to Federal agencies?

The Administrator of General Services may delegate and may authorize successive redelegations of the real property authority vested in the Administrator to any Federal agency.

Subpart B—Delegation of Authority

§102-72.15—What criteria must a delegation meet?

Delegations must be in the Government's best interest, which means that GSA must evaluate such factors as whether a delegation would be cost effective for the Government in the delivery of space.

§102-72.20—Are there limitations on this delegation of authority?

Federal agencies must exercise delegated real property authority and functions according to the parameters described in each delegation of authority document, and Federal agencies may only exercise the authority of the Administrator that is specifically provided within the delegation of authority document.

§102-72.25—What are the different types of delegations of authority?

The basic types of GSA Delegations of Authority are—

- (a) Delegation of Leasing Authority;
- (b) Delegation of Real Property Management and Operation Authority;
- (c) Delegation of Individual Repair and Alteration Project Authority;
- (d) Delegation of Lease Management Authority (Contracting Office Representative Authority);
- (e) Delegation of Administrative Contracting Officer (ACO) Authority;

- (f) Delegation of Real Property Disposal Authority;
- (g) Security Delegation of Authority; and
- (h) Utility Services Delegation of Authority.

§102-72.30—What are the different types of delegations related to real estate leasing?

Delegations related to real estate leasing include the following:

(a) Categorical space delegations and agency special purpose space delegations (see 102-73.140 of this title).

(b) The Administrator of General Services has issued a standing delegation of authority (under a program known as “Can’t Beat GSA Leasing”) to the heads of all Federal agencies to accomplish all functions relating to leasing of general purpose space for terms of up to 20 years and below prospectus level requirements, regardless of geographic location. This delegation includes some conditions Federal agencies must meet when conducting the procurement themselves, such as training in lease contracting and reporting data to GSA.

(c) An ACO delegation, in addition to lease management authority, provides Federal agencies with limited contracting officer authority to perform such duties as paying and withholding lessor rent and modifying lease provisions that do not change the lease term length or the amount of space under lease.

110-72.30 USDA Delegated Leasing Authority.

The authority and responsibility vested in the Secretary of Agriculture by GSA to manage USDA’s leasing activities are delegated through the Assistant Secretary for Administration (7CFR 2.24). This authority includes but is not limited to the following:

(a) Agencies of the Department may acquire real property by lease to the extent that the Department is authorized to do so by FMR 102-72.30 (Can’t Beat GSA Leasing), GSA Bulletin FMR 2005-B1, and the USDA Leasing Handbook. Such acquisitions will only be made by persons to whom, or the incumbents or positions to which, space acquisition authority has been delegated by the agency head. (See [Departmental Regulation 5100-2](#), USDA Real Property Leasing Officer Warrant System).

(b) Prior to instituting any new, succeeding, or superseding lease action under the delegated program called “Can’t Beat GSA Leasing”, the Head of the Real Property Leasing Activity (or his designee) must notify in writing the appropriate GSA, Assistant Regional Administrator for Public Buildings Service (ARA/PBS) of USDA’s need for general purpose space and the agency’s intent to exercise the authority granted in this delegation. The name of the Real Property Leasing Officer (RPLO) conducting the procurement, as well as a limited acquisition plan for the procurement shall be included in the notice to GSA. A

sample limited acquisition plan can be found in the USDA Leasing Handbook.

- (c) Written notification must be received from the appropriate ARA/PBS confirming that suitable Government-controlled space cannot be provided by GSA prior to beginning any space action.*
- (d) As part of the “Can’t Beat GSA Leasing” program, the Administrator of GSA extended to the Secretary of Agriculture the option of leasing in major metropolitan areas. This authority has not been redelegated to the agencies within the Department. All requests for leasing in major metropolitan areas must receive the approval of the Director, OPPM, or his designee. Agencies should fax a copy of correspondence from GSA acknowledging the lack of vacant space under Government control to the Property Management Division (PMD), OPPM. The PMD fax number is 202-720-3339.*
- (e) Upon lease award, USDA agencies must provide notification to the appropriate GSA Regional Office of the award date and location of the property, including documentation that the negotiated rental rate is within the prevailing market rental rate for the class of building leased in the delegated action.*
- (f) USDA agencies must provide 18 months advance notice of lease expiration if there is a continuing need for the space and the agency wishes to use the delegation again to satisfy the requirement.*
- (g) Agencies may lease special purpose space as described in FMR 102-73.140 - 165. Approval is required by the appropriate GSA regional office before initiating any special purpose space lease action over 2,500 square feet.*
- (h) Those agencies that have statutory authority and exercise that authority are not subject to these regulations.*

§102-72.35—What are the requirements for obtaining an ACO delegation from GSA?

When Federal agencies do not exercise the delegation of authority for general purpose space mentioned in 102-72.30(b) of this part, GSA may consider granting an ACO delegation when Federal agencies—

- (a) Occupy at least 90 percent of the building’s GSA-controlled space, or Federal agencies have the written concurrence of 100 percent of rent-paying occupants covered under the lease; and
- (b) Have the technical capability to perform the leasing function.

§102-72.40—What are facility management delegations?

Facility management delegations give Executive agencies authority to operate and manage buildings day to day, to perform individual repair and alteration projects, and manage real property leases.

§102-72.45—What are the different types of delegations related to facility management?

The principal types of delegations involved in the management of facilities are—

- (a) Real property management and operation authority;
- (b) Individual repair and alteration project authority; and
- (c) Lease management authority (contracting officer representative authority).

§102-72.50—What are Executive agencies’ responsibilities under a delegation of real property management and operation authority from GSA?

With this delegation, Executive agencies have the authority to operate and manage buildings day to day. Delegated functions may include building operations, maintenance, recurring repairs, minor alterations, historic preservation, concessions, and energy management of specified buildings subject to the conditions in the delegation document.

§102-72.55—What are the requirements for obtaining a delegation of real property management and operation authority from GSA?

An Executive agency may be delegated real property management and operation authority when it—

- (a) Occupies at least 90 percent of the space in the Government-controlled facility, or has the concurrence of 100 percent of the rent-paying occupants to perform these functions; and
- (b) Demonstrates that it can perform the delegated real property management and operation responsibilities.

110-72.55 USDA delegation of lease management authority.

USDA agencies must supply the Office of Procurement and Property Management (OPPM) with the name of an individual (nominee) to assume the COR duties. OPPM will send the request for delegation and the name of the nominee to the appropriate GSA regional office.

§102-72.60—What are Executive agencies’ responsibilities under a delegation of individual repair and alteration project authority from GSA?

With this delegation of authority, Executive agencies have the responsibility to perform individual repair and alterations projects. Executive agencies are delegated repair and alterations authority for reimbursable space alteration projects up to the simplified acquisition threshold, as specified in the GSA Customer Guide to Real Property.

§102-72.65—What are the requirements for obtaining a delegation of individual repair and alteration project authority from GSA?

Executive agencies may be delegated repair and alterations authority for other individual alteration projects when they demonstrate the ability to perform the delegated repair and alterations responsibilities and when such a delegation promotes efficiency and economy.

§102-72.70—What are Executive agencies' responsibilities under a delegation of lease management authority (contracting officer representative authority) from GSA?

When an Executive agency does not exercise the delegation of authority mentioned in 102-72.30(b) to lease general purpose space itself, it may be delegated, upon request, lease management authority to manage the administration of one or more lease contracts awarded by GSA.

§102-72.75—What are the requirements for obtaining a delegation of lease management authority (contracting officer representative authority) from GSA?

An Executive agency may be delegated lease management authority when it—

- (a) Occupies at least 90 percent of the building's GSA-controlled space or has the written concurrence of 100 percent of rent-paying occupants covered under the lease to perform this function; and
- (b) Demonstrates the ability to perform the delegated lease management responsibilities.

§102-72.80—What are Executive agencies' responsibilities under a disposal of real property delegation of authority from GSA?

With this delegation, Executive agencies have the authority to utilize and dispose of excess or surplus real and related personal property and to grant approvals and make determinations, subject to the conditions in the delegation document.

§102-72.85—What are the requirements for obtaining a disposal of real property delegation of authority from GSA?

While disposal delegations to Executive agencies are infrequent, GSA may delegate authority to them based on situations involving certain low-value properties and when they can demonstrate that they have the technical expertise to perform the disposition functions. GSA may grant special delegations of authority to Executive agencies for the utilization and disposal of certain real property through the procedures set forth in Part 102-75, subpart F of this chapter.

§102-72.90—What are Executive agencies' responsibilities under a security delegation of authority from GSA?

Law enforcement and related security functions were transferred to the Department of Homeland Security upon its establishment in 2002. The Homeland

Security Act authorizes the Secretary of Homeland Security, in consultation with the Administrator of General Services, to issue regulations necessary for the protection and administration of property owned or occupied by the Federal Government and persons on the property. Notwithstanding the foregoing, GSA retained all powers, functions and authorities necessary for the operation, maintenance, and protection of buildings and grounds owned and occupied by the Federal Government and under the jurisdiction, custody, or control of GSA.

§102-72.95—What are the requirements for obtaining a security delegation of authority from GSA?

An Executive agency may request a security delegation from GSA by submitting a written request with the detailed basis for the requested delegation to the Assistant Regional Administrator, PBS, in the region where the building is located. A request for multiple buildings in multiple regions should be directed to the Commissioner of PBS. The delegation may be granted where the requesting agency demonstrates a compelling need for the delegated authority and the delegation is not inconsistent with the authorities of any other law enforcement agency.

§102-72.100—What are Executive agencies' responsibilities under a utility service delegation of authority from GSA?

With this delegation, Executive agencies have the authority to negotiate and execute utility services contracts for periods over one year but not exceeding ten years for their use and benefit. Agencies also have the authority to intervene in utility rate proceedings to represent the consumer interests of the Federal Government, if so provided in the delegation of authority..

§102-72.105—What are the requirements for obtaining a utility services delegation of authority from GSA?

Executive agencies may be delegated utility services authority when they have the technical expertise and adequate staffing.