



Environmental Management Consolidated Business Center (EMCBC)

Subject: Real Property Implementing Procedure

Policies, Procedures
and Plans

APPROVED: (Signature on File)
EMCBC Director

1.0 PURPOSE

The purpose of this procedure is to establish Environmental Management Consolidated Business Center policies and procedures for the acquisition, use, inventory, and disposal of real property interests.

2.0 SCOPE

This procedure applies to the acquisition, use, inventory, or disposal by the Environmental Management Consolidated Business Center of any real property or interests therein, whether or not the underlying land is owned by the Government or a third party.

3.0 APPLICABILITY

These provisions apply to the Environmental Management Consolidated Business Center and the sites (CBC) that we support and all contractors and subcontractors performing work for the CBC whose contracts may involve the acquisition, use or disposal of real property or interests therein, and where the contractor will be reimbursed for the cost.

4.0 REQUIREMENTS and REFERENCES

4.1 Requirements:

The following references are useful or necessary to perform the functions covered by these procedures. There are additional historical references included in the text for general information or for research purposes and not all of the historical references have been completely extinguished or replaced for operating purposes.

- 4.1.1 41 CFR 101 and 102, Federal Property Management Regulations
- 4.1.2 49 CFR 24, Environment
- 4.1.3 10 CFR Part 770, Energy, *Transfer of Real Property at Defense Nuclear Facilities for Economic Development*
- 4.1.4 42 USC § 2201(g), *Acquisition of Real and Personal Property*
- 4.1.5 50 USC § 2811, *Transfer of Real Property at Certain DOE Facilities*
- 4.1.6 FAR, as applicable
- 4.1.7 DEAR 917.74, *Acquisition, Use and Disposal of Real Property*
- 4.1.8 DOE O 430.1B *Real Property Asset Management (RPAM)*, dated 9-24-03
- 4.1.9 DOE P 430.1, *Land and Facility Use Planning*, dated 7-9-96

4.1.10 DOE P 580.1, *Management Policy for Planning, Programming, Budgeting and Operation, Maintenance, and Disposal of Real Property*, dated 5-20-02

4.2 Reference:

4.2.1. DOE *Real Estate Process-Desk Guide for Real Estate Personnel*, June 2001 Facility Information Management System (FIMS) *User's Guide, Training Manual and Reporting Guide*, Web Site: <http://fims.hr.doe.gov>

5.0 DEFINITIONS

- 5.1 Certified Realty Specialist (CRS): A DOE EMCBC employee who is certified in one or more of four specialty areas: acquisition, non-General Services Administration (GSA) leasing, GSA leasing, and land management and disposal. Employees so certified are authorized to prepare, execute, and implement real property contracts and actions within the certified specialty areas. Detailed guidance and procedures for becoming a CRS are found in the DOE *A Desk Guide for Real Estate Personnel*.
- 5.2 Contracting Officer (CO): A Departmental official who is authorized to execute and administer non-real property contracts under delegated contracting authority.
- 5.3 Disposition Plan: A planning document that identifies a site's disposition strategy program requirements and priorities, and links these to real property asset requirements. Real Property asset requirements must be consistent with program missions, budgets, and planning estimates. Planning employs costing efficiencies, eliminates excess buildings, consolidates operations where applicable, and disposal of facilities to reach the final end state.
- 5.4 Excess Real Property: Land, improvements to land, or both, including interest therein, which is not required for the Department's needs or the discharge of its responsibilities. For the purposes of reporting deferred maintenance, excess real property is an asset that is on the path for disposal.
- 5.5 Facility: Land, buildings, and other structures, their functional systems and equipment, and other fixed systems and equipment installed therein, including site development features outside the plant, such as landscaping, roads, walks, parking areas, outside lighting, and communications systems, central utility plants, utilities supply and distribution systems, and other physical plant features. These include any of the EM-custody, -leased, or -controlled facilities, and they may or may not be furnished to a contractor under a contract with EM.
- 5.6 Fixture: Personal property or equipment so attached to the building or structure as to become a part thereof, and which cannot be removed without significantly damaging the property to which it is affixed.

- 5.7 Improvements: Buildings, structures, utility systems, transportation systems, etc. constructed upon the land.
- 5.8 Real Estate: Land and anything permanently affixed to the land such as buildings, fences, and those things attached to buildings such as light fixtures, plumbing, and heating fixtures, or other such items, which would be personal property if not attached.
- 5.9 Real Property: The interest, benefits, and rights inherent in the ownership of real estate. It is the bundle of rights with which the ownership of real estate is endowed. Real Property is further defined by 41 Code of Federal Regulations, Chapter 102-71.20.
- 5.10 Real Property Actions: Documents and activities related to acquisition, management, and disposal of real property interests (e.g., easements, leases, fee title, public domain, withdrawals, and mineral rights). This includes, but is not limited to, land-use permits; land surveying; appraisals; market surveys; acquisitions; in-granting; out-granting; management directives; utilizations surveys; encroachment; disposal of any real estate interests; disposal of Department improvements without the underlying land; and establishment of use restrictions, easements, and similar institutional controls.
- 5.11 Real Property Asset: Any interest in land, together with improvements, facilities, structures, and fixtures located thereon, including prefabricated moveable structures and appurtenances thereto, under the control of EM. All real property owned by or leased to the Government or acquired by the Government under the terms of the contract. It includes both government-furnished property and contractor-acquired property as defined in Federal Acquisition Regulation 45.101. EM-owned, -used, and -controlled land, land improvements, structures, utilities, installed equipment, and components, are included.
- 5.12 Real Property Asset Management: The corporate, holistic, and performance-based approach to real property life-cycle asset management that links real property asset planning, programming, budgeting, and evaluation to program mission projections and performance.
- 5.13 Real Property and Real Estate: Land and rights in land, ground improvements, utility distribution systems, and buildings and other structures.
- 5.14 Real Property Representative or Realty Specialist: The person who will answer for the appropriateness of real property actions in that organizational element.
- 5.15 Structure: Any improvement that is not a building or a utility constructed on or in the land. Examples of structures include bridges, antenna towers, tanks, fixed cranes, roads, and sidewalks.

6.0 RESPONSIBILITIES

6.1 Director, Office of Management, Budget and Evaluation/Chief Financial Officer
(under DOE Delegation Order No. 00-008.20.02)

6.1.1 Delegates to the Director, Consolidated Business Center, authority to take all necessary action by purchase, lease, or otherwise acquire real property interests; take necessary additional action following the initiation of condemnation proceedings and the execution of declarations of taking; and exercise all authority of the Secretary regarding the management and disposal of Departmental real property, excluding the acceptance by donation of real property.

6.2 Director, Consolidated Business Center

6.2.1 Re-delegates this authority to Certified Realty Specialists

6.3 Assistant Director, Office of Logistics Management

6.3.1 Ensures the CBC has qualified Certified Realty Specialists on staff.

6.3.2 Establishes accountability and responsibility of the Certified Realty Specialists by performance plan, review and appraisal.

6.3.3 Ensures that all real property approvals are signed by a Certified Realty Specialist.

6.4 Certified Realty Specialists (CRS)

6.4.1 Serve as CBC official point of contact relating to inventory, acquisition, use, or disposal of real property.

6.4.2 Coordinate and establish procedures to implement policies and principles relating to the inventory, acquisition, use, and disposition of real property owned, controlled or supported by EM through the CBC.

6.4.3 Formulates and establishes criteria relating to the quantification of need for, and method of acquisition of real property for the CBC.

6.4.4 Cooperates with Headquarters Elements as required in the review and approval of studies submitted to Headquarters justifying the need for real property including land improvements.

6.4.5 As part of the overall budget process, makes recommendations to the CBC Director regarding compliance with this procedure for all real property actions.

- 6.4.6 Maintains an inventory of real property in custody, leased, or controlled by CBC projects by site contractors within the Facility Information Management System (FIMS).
- 6.4.7 Reviews, comments on, and implements, as requested by HQ and as appropriate, OMB issuances, Federal Management Regulations (FMR), Executive Orders, and legislation which affect the real property responsibilities of the CRS.
- 6.4.8 Designates representatives to serve on various committees and task forces pertaining to the CBC's real property management and the responsibilities of the CRS.
- 6.4.9 Maintains liaison with DOE Office of Engineering and Construction Management (OECM) concerning real property matters as they relate to the responsibilities of the CRS.
- 6.4.10 When deemed appropriate, issues directives or memoranda necessary to clarify these procedures and grants exception or modifications to the requirements of these procedures.
- 6.4.11 Review CBC contractor practices relating to the acquisition and management of real property for conformity with RPAM and these procedures, including assurance that continuing plans for utilization of EM-custody, -controlled, or -leased real property are made with consideration of economy, efficiency, and programmatic need for the work to be done.
- 6.4.12 Ensure that documented studies and proposals to acquire real property and continuing plans for utilization of EM-custody, -controlled, or -leased real property are made with full consideration of economy, efficiency, programmatic needs (both current and future), and all applicable laws and regulations.
- 6.4.13 Ensure that all reports and information disseminated are consistent with the information contained in the Facility Information Management System (FIMS).
- 6.4.14 Ensure that the policies and procedures for efficient and economical management of EM property, including the utilization and disposal of excess real property, are applied to the management of real property.
- 6.4.15 Submit to EM HQ, any reports required by procedure or policy and other special reports as may be required.
- 6.4.16 Ensure that FIMS is maintained as a sufficient current data base for the CBC by assuring that:

- a. All real property under their cognizance is reported in accordance with the FIMS Guidance and Policy.
- b. Data are updated at least quarterly.
- c. CBC contractors with cognizance regarding real property maintain valid data elements in FIMS.
- d. All users of the system within their organization and at sites under their cognizance are familiar with the system operating details and understand the current FIMS User's Guide.
- e. Financial data in FIMS are consistent with that recorded in the Financial Information System used at the supported site and reconciled annually.

7.0 PROCEDURE

- 7.1 All real property holdings shall be planned, developed, and managed efficiently, economically, and safely, and in compliance with all applicable rules and regulations governing real property;
 - 7.1.1. Site Planning for real property assets must be consistent with DOE P 430.1, *Land and Facility Use Planning*, dated 7-9-96 (reference o), be based on accepted planning principles and industry wide practices, and must;
 - i. assess current real property assets against delineated program mission requirements and
 - ii. identify the specific real property asset projects and activities required to meet program mission projections.
- 7.2 Closure sites must develop a disposition plan for all real property assets.
 - 7.2.1. The plan must address the site's plan to meet program missions, budgets, planning estimates, and performance outcomes within the program's budgetary and out-year fiscal projections.
 - 7.2.2. An assessment of the current status of the site real property assets against delineated program missions including discussions of condition assessments, maintenance, and repair plans, space utilizations, real estate, excess facilities disposition, long term stewardship, and unique site issues.
 - 7.2.3. Prioritized real property asset projects and activities required to meet program missions, budgets, and planning estimates. These include any acquisition projects, elimination of excess property projects and activities, maintenance and recapitalization plans, disposition projects, and long term stewardship requirements.

- 7.2.4. The site disposition plan must be submitted either concurrently with responses to the field budget call, or as directed to be consistent with Planning, Programming, Budgeting, and Evaluation System.
- 7.3 All real estate actions to acquire, manage, and dispose of real property assets must be reviewed and approved by a DOE Certified Realty Specialist (CRS) before execution of the action.
- 7.4 A CRS must be involved in planning, acquisitions, utilization surveys, excess declarations, and disposal by demolition or sale of real property assets. These actions are to be performed in accordance with requirements in 41 CFR, Chapters 101 and 102, Federal Property Management Regulations, (reference d), and DOE real property authorities. These actions will be reflected in either the Ten Year Site Plan (TYSP) or Site Disposition Plan.
- 7.5 Sites must develop land-use planning that is consistent with DOE P 430.1 (reference o). The land-use plan must provide a clear view of the land-use issues, capabilities, opportunities, and limitations of the sites. It will identify all land that is needed to support the site mission through annual utilization surveys. The plan must be kept current and support development identified in the TYSP or disposition plan. The identified uses must be consistent with a Record of Decision's anticipated future or end-point use. Land-use planning and management must be established through one or more of the following:
 - 7.5.1. Disposition plans and long term stewardship plans at cleanup or closure sites.
 - 7.5.2. Implementation of a site-wide National Environmental Policy Act document that addresses land-use or resource management.
 - 7.5.3. A Land-Use Control Action Plan under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
 - 7.5.4. Administrative mechanisms to assign use to areas that support implementation of the TYSP or disposition plan.
- 7.6 Real property assets not fully utilized or excess to mission needs must be identified to facilitate reuse or disposal as follows:
 - 7.6.1. Sites must annually identify all project/program missions terminations. This is normally accomplished in program planning documents.
 - 7.6.2. Site/Field Managers must annually declare as excess the real property not utilized and not needed to support their program mission. These formal declarations must be transmitted to OECM no later than December 31st of each year and a copy must be sent to the CRS.

- 7.6.3. OECM will conduct screening to determine if the property is excess to all programs in the Department.
- 7.6.4. If not accepted by another program, the site must plan and program the elimination of excess real property through reuse, demolition, disposal, transfer, or sale based on reducing risks and minimizing life-cycle costs. The acquisition, development, utilization, and disposal of facilities and land will be in accordance with an approved Disposition Plan. This plan is meant to include the rehabilitation of, major modification of, or additions to existing facilities, as well as disposal to reach the final end state or the site;
- 7.7 Each site must have a maintenance program to maintain each real property asset, including plant, property, and equipment, in a condition suitable for its intended use. The maintenance program will include condition assessments of real property assets, a work control system, management of deferred maintenance, a method to prioritize maintenance projects, and cost accounting systems to budget and track maintenance expenditures.
- 7.8 Condition assessments must be performed on all real property assets at least once during any 5-year period using inspection methods in accordance with industry standards. The reports are to be completed by site/field managers or their designees. Some real property assets, such as those that are mission critical or safety related, may require a more frequent inspection cycle as determined by the site/field manager.
- 7.9 When real property assets are identified as no longer required for current program missions, a disposition baseline must be developed to assess and prepare the asset for disposition. Technical, programmatic, and regulatory information is to be used in developing the disposition baseline that becomes the basis for the disposition plan.
- 7.10 FIMS data fields must be kept current by the site/field managers. FIMS information regarding real property assets that have been disposed of, including all related institutional controls, must be archived. If a site does not have the technical knowledge and staff to keep FIMS information current, the CBC can provide this support.

8.0 RECORDS MAINTENANCE

The following documents generated as a result of implementing this procedure will be processed in accordance with IP-243-03, Filing and Maintaining Records when reports are issued:

- Site Disposition Plan or Ten Year Site Plan (Update required annually)
- Land-use plan (Update required annually)
- Program Planning documents identifying excess buildings

- Records necessary for Long Term Stewardship must be identified, reviewed and retained per applicable DOE Directives and Federal Regulations
- A final report demonstrating that specific end-point criteria have been met must be developed.

9.0 FORMS USED - None

10.0 ATTACHMENTS - None

EMCBC RECORD OF REVISION

DOCUMENT

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- I Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- I Placing the words GENERAL REVISION at the beginning of the text.

Rev. No.	Description of Changes	Revision on Pages	Date
1	Initial Procedure	All	07/23/07