



General Services Administration
Public Buildings Service
Washington, DC 20405



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MEMORANDUM FOR REAL PROPERTY LEASING ACTIVITIES
(PQRP DISTRIBUTION LIST)

FROM:

ROBERT J. DILUCHIO *[Signature]*
ASSISTANT COMMISSIONER
FOR REAL PROPERTY DEVELOPMENT - PQ

SUBJECT:

Uniform Federal Accessibility Standards
For Storage/Warehouse Leases - Certification/
Applicability

1. PURPOSE. To transmit instructions on the applicability of the Uniform Federal Accessibility Standards to storage and warehouse leases.

2. BACKGROUND. The question of the applicability of the Uniform Federal Accessibility Standards (UFAS) to leases of storage and warehouse space has been a recurring issue. This acquisition letter implements the handicapped accessibility procedures to be followed with regard to leasing of subject space.

The Architectural Barriers Act of 1968, as amended (42 USC 4151), requires that any building or facility leased by the government which is intended for public use, or which may employ physically handicapped persons be accessible to the physically handicapped. This applies unless the Administrator of General Services issues a waiver of the requirements, or if one of the exceptions in 41 CFR 101-19.604 applies. Our review of the provisions of the UFAS, however, discloses that it is inapplicable to storage space as defined in 41 CFR 101-17.003-2a(b). But, for those buildings or facilities which have mixed-use space, such as an office/warehouse, the office portion, including restrooms, doors, etc., must be fully accessible to handicapped persons. The warehouse portion need not be accessible if it is not intended for use by the general public, and handicapped persons will not be employed therein.

A related matter involves execution of the handicapped certification documentation. 41 CFR 101-19.606 requires that each contract file be documented with a statement regarding the applicability of the handicapped accessibility standards to the building or facility being leased. GSA Handbook PBS P 1600.1A,

"Acquisition of Leasehold Interests in Real Property" provides a certification format in chapter 2, appendix C. However, neither the handbook nor the CFR specifies the appropriate person to sign the certification. This is the central issue. In some regions, Realty Specialists execute the certification, while in other regions the Contracting Officer signs. This acquisition letter establishes the Contracting Officer as the official to execute the certification because the handicapped accessibility issue is particularly germane to the lease, and the Contracting Officer has the primary responsibility for ensuring that the leased space meets the requirements of the solicitation.

3. EFFECTIVE DATE/EXPIRATION DATE. The UFAS implementing instructions for storage and warehouse space leases is effective immediately upon receipt of this acquisition letter for new storage and warehouse space leases.

4. CANCELLATION. None.

5. COVERAGE. All real property leasing activities.

6. INSTRUCTIONS/PROCEDURES.

a. Storage and warehouse space which is not intended for, and is not open to use by the general public, and will not employ physically handicapped persons therein, does not have to meet the requirements of the UFAS, provided the client agency submits a signed statement confirming the above conditions prior to the Contracting Officer exercising any leasing action.

b. If the client agency fails to provide the required statement, the requested space must meet the UFAS criteria, unless either a waiver of the accessibility standards is obtained from the Administrator of General Services, or one of the exceptions in 41 CFR 101-19.604 applies.

c. Contracting Officers will sign the handicapped accessibility certification as provided for in chapter 2, appendix C of GSA Handbook PBS P 1600.1A, "Acquisition of Leasehold Interests in Real Property."