Industry Day

Federal Triangle South

January 4, 2013

Overview of Transaction Authorities

- **Public Sale/Negotiated Sale:** 40 U.S.C. § 545 authorizes GSA to enter into contracts for the disposal of surplus property after public advertising for bids. As well, section (b)(8) of the statute authorizes negotiated sales to a public body.

- **Ground Lease:** 40 U.S.C. § 543 authorizes GSA to dispose of surplus property by lease (no term limitation).

- **Acquisition Exchange:** 40 U.S.C. § 3304(a) authorizes GSA to acquire by exchange any building/related site the Administrator decides is necessary to carry out his duties. As well, (b)/(d) authorize acquisition of sites by exchange.

- **Acquisition Exchange:** 40 U.S.C. § 581(c) authorizes GSA to acquire real estate and interests in real estate through, among other means, exchange. Through this authority, GSA may divest itself of property in consideration for the construction of a new building on other property under the custody and control of the agency. Practically, GSA would withhold conveyance of title of the divestment property until such time that the demolition/replacement asset is completed and accepted pursuant to GSA-specified conditions. An exchange entity may [1] demolish a GSA building (if necessary); [2] build/re-build a new building for a GSA/Federal tenant on the demolition (GSA-controlled) site, then; [3] upon the new building's completion and GSA acceptance; [4] take title to a different GSA property sought for private development.

- **Exchange for Services:** Section 412 of PL 108-447, 118 Stat. 2809, 3259 authorizes GSA to exchange GSA real property for in-kind consideration, including the performance of construction services on other GSA property.

- **Historic Property Outlease/Exchange:** 16 U.S.C. § 470h-3 authorizes GSA to lease or exchange an historic property owned by the agency and not needed for current or projected agency purposes if the lease/exchange will adequately insure the preservation of the historic property.