



Client Enrichment Series

Welcome to today's presentation on:

Advanced Topics in Leasing – Parking Acquisition Policy
the presentation will start at *2:00 pm ET*

Note: Phones are automatically muted during the presentation. You have the ability to send questions to the host and presenters through your questions pane. They will answer as many of the questions as possible throughout and at the end of the presentation. All questions will be captured, and answers sent to all participants prior to the next presentation.



Client Enrichment Series

Advanced Topics in Leasing – Parking Acquisition

Hosted by: Dawn Warner,
Regional Account Manager, Region 8



Presented by:
Raffaella Battiloro, Branch Chief, Realty Support Branch,
Leasing Division, Region 2



Douglas Dooling, Supervisory Realty Specialist, Region 3



GSA Public Buildings Service

KEY OBJECTIVES

- Identify influences and historical perspectives that shaped parking acquisition.
- Define parking characteristics, justification requirements, and related exemptions.
- Identify when it's appropriate to use a service contract versus a lease contract to acquire parking, and who contracts for the parking.
- Identify funding sources for parking acquisition.

BACKGROUND/HISTORICAL PERSPECTIVE

PBS 7030.2C, Vehicle Parking Facilities, April 1970
(former GSA order)

GAO Decisions:

- B-162021, July 1977
- B-248247, March 1993
- B-322337, August 2012

41 CFR 102-73.240

GENERAL AUTHORITIES

Federal Property Administrative Services Act

- 40 U.S.C. §501
- 40 U.S.C. §585(a)

Executive Order 13514, “Federal Leadership in Environmental, Energy and Economic Performance” (October, 2009)

“Presidential Memorandum-Disposing of Unneeded Federal Real Estate” (June, 2010)

APPLICABILITY

- All PBS personnel engaged in the acquisition and administration of official parking spaces.
- All Federal Agencies Operating under GSA's Delegation of Lease Acquisition Authority (Federal Management Regulation (FMR) 102.72 – Delegation of Authority as amended by FMR Bulletin 2008-B1).

PARKING CHARACTERISTICS

- Location of Parking
 - On-Site
 - Off-Site
- Types of Parking
 - Official
 - Unofficial

JUSTIFICATION REQUIREMENTS

- Required: Determination and Findings
 - Applies Only to Employee Parking if the cost is to be included as part of the rental consideration.
 - A client agency may only use appropriated funds for parking if it determines that a lack of parking will result in significant impairment to its operational efficiency.
 - Required signatory approval for significant impairment: Head Agency Official and CFO must both sign.

JUSTIFICATION REQUIREMENTS



Exemptions

EXEMPTIONS – JUSTIFICATION REQUIREMENTS

- Employee parking does not require a Findings and Determination when:

The cost of employee parking spaces are not subsidized by the offered rent. This is common in suburban areas and rural areas where there is a nominal cost for parking and the offeror is unable to separately charge for parking privileges. These employee parking spaces can be identified in the lease.

EXEMPTIONS – APPROVED PROSPECTUSES WITH SECURITY PROVISION(S)



- Security requirements
- Control
- Signed Occupancy Agreement

EXEMPTIONS – LESS THAN PROSPECTUS LEVEL SECURITY PROVISION(S)

Key Driver: ISC Security Standards

Security is motivator and not employee parking

The agency needs to control the onsite parking for security reasons in accordance with ISC criteria

In such situations, GSA will acquire the parking, which is accomplished by lease agreement.

- Security requirements
- Control
- Signed Occupancy Agreement

EXEMPTIONS – CHILDCARE CENTERS



- Short-term parking
- Emergency vehicles and child care transportation vans



Knowledge review!

Knowledge Review 1

What is GSA's definition of official parking spaces?

- a. Parking spaces that are owned by the private sector, designated as parking, paved or unpaved.
- b. Parking spaces for senior government officials, located adjacent to the leased premises.
- c. Parking spaces provided for agency employee vehicles.
- d. Parking spaces provided for official government vehicles owned or leased on behalf of the Government or privately owned vehicles designated for official use in the performance of the client agency's mission.

Knowledge Review 2

What is GSA's definition of official parking spaces?

- a. Parking spaces that are owned by the private sector, designated as parking, paved or unpaved.
- b. Parking spaces for senior government officials, located adjacent to the leased premises.
- c. Parking spaces provided for agency employee vehicles.
- d. Parking spaces provided for official government vehicles owned or leased on behalf of the Government or privately owned vehicles designated for official use in the performance of the client agency's mission.

Knowledge Review 3



GSA has no authority to acquire unofficial parking spaces.

- a. True
- b. False

METHODS OF ACQUIRING PARKING

- **Agency Authority**
- **Lease Contract**
- **Service Contract**

AGENCY AUTHORITY

Written inquiry to GSA: Preferred Method

- To determine the availability of parking in Government-owned or leased facilities.
- PBS regional office will notify the customer agency if no suitable parking spaces are available.
- Only then may an agency use its own procurement authority to acquire parking by service contract.

LEASE CONTRACT

Use when:

- Parking is incorporated into request for office, warehouse or special space.
- Government requires exclusive use.
- Parking needs to be secured in accordance with the Interagency Security Committee (ISC).

LEASE CONTRACT - CONTINUED

- Parking can be added to an existing lease contract.
- Lease Contract is a written agreement between the Lessor and the Government.
- Executed by warranted officials.
- Payment for the parking is covered under the rental payments through Budget Activity (BA) 53.
- Parking Term must be coterminous with the Lease.
- Lessor must show proof of parking control.

LEASE CONTRACT - CONTINUED

Separate Operating Lease

- Stand-alone, separate from lease contract.
- Unique Lease and Building Numbers.
- Depending on dollar value, use Lease Contract or US Government Lease for Real Property Short Form (3626).

SERVICE CONTRACT

Use when:

- Request for official parking spaces cannot be added to an existing lease contract.
- Parking is not for the exclusive use of the government (non-reserved spaces).

SERVICE CONTRACT - CONTINUED



- Contract vehicle is GSA Form 300, Order for Supplies and Services.
- Executed by warranted officials.

LEGAL INSTRUMENTS & WARRANT AUTHORITY



Warrant

- Required Warrant level based on total dollar value of the transaction (including option periods).



Lease Contract

- Secured designated area in a parking garage or lot.
- Owner's interest is fee simple.



Service Contract

- GSA's preference: contract instrument for parking acquisition should not exceed the simplified threshold.

GENERAL GUIDANCE

Allocation of Parking

- Federal Management Regulation (Parking Facilities - §§ 102-74.265 through 102-74.310)
- PBS Operational Guidance Allocation of Parking, dated November 3, 2009
- Architectural Barriers Act Accessibility Standard



SCENARIOS

SCENARIO ONE

- The Government's lease, which includes 100 parking spaces, will expire in 30 months.
- The agency requires 5 additional official parking spaces for government-owned vehicles; the parking spaces must be located within 2 blocks of their current location. There are no available parking spaces in the building.
- The client agency has procurement authority and is willing to fund this new parking request with an RWA.

Scenario 1 - Knowledge Review

What is the most appropriate way to acquire the five additional parking spaces in this situation?

- a. The Leasing Specialist will prepare a justification to amend the existing lease.
- b. The Lease Contracting Officer will acquire off-site parking.
- c. The Leasing Specialist will check GSA's vacant space inventory; if no suitable Government-controlled facilities are available then an agency may use its own procurement authority.
- d. The Contract Specialist will issue a service contract to satisfy this requirement.

SCENARIO TWO

- The Government's lease, which includes 100 parking spaces, will expire in 60 months.
- The agency requires 30 additional official parking spaces to house government-owned vehicles within 2 blocks of their current location. There are no available parking spaces in the building.
- The client agency's preference is to include the cost of this requirement into the rent. However, the client agency has procurement authority and is willing to fund this new parking request with a reimbursable work authorization (RWA).

Scenario 2 - Knowledge Review

What way(s) may be used to acquire the thirty (30) additional parking spaces in this situation? (more than one may apply).

- a) The Leasing Specialist will prepare a justification to amend the existing lease.
- b) The Lease Contracting Officer will acquire off-site parking.
- c) The Leasing Specialist will check GSA's vacant space inventory; if no suitable Government-controlled facilities are available then an agency may use its own procurement authority.
- d) A Warranted Official will issue a service contract to satisfy this requirement.

SCENARIO THREE

- This GSA lease is in a large city's central business district. It includes 100 parking spaces and will expire in 60 months.
- The agency requires 30 additional parking spaces for employees within 2 blocks of their current location. There is a sufficient number of parking spaces available within the building. The client agency requested the additional employee parking spaces be included in the annual rent.
- This request is in response to the establishment of a client agency investigative task force chartered for 18 months.

Scenario 3 - Knowledge Review

What is the first step that must be taken to acquire 30 additional employee parking spaces in this situation:

- a. The Leasing Specialist will prepare a justification to amend the existing lease.
- b. The client agency will provide a signed Parking Determination and Findings document prior to the Leasing Specialist proceeding to satisfy the requirement.
- c. The Lease Contracting Officer will acquire off-site parking.
- d. The Leasing Specialist will check GSA's vacant space inventory; if no suitable Government-controlled facilities are available then an agency may use its own procurement authority.



REFERENCE MATERIAL

REFERENCES: LDG APPENDIX H

Sample Letters:

- Written Response to Request for Vacant Available Federally Controlled Space under 41 C.F.R. § 102-73.235
- Written Response to Request for Vacant Available Federally Controlled Space Associated With A Replacement Lease under 41 C.F.R. § 102-73.235
- Written Response to Request for Employee Parking

Sample Forms and Instruments

- GSA Form 300, Order for Supplies and Services
 - Use to acquire official parking spaces under a service contract.
- GSA Form 3626, U.S. Government Lease for Real Property (Short Form) – use to acquire official parking spaces at a cost that is within the simplified acquisition threshold.
- Lease Contract
- Operating Agreement
- Lease Amendment

REFERENCES: AGENCY SPECIFIC GUIDANCE

Client Agency Guidance

- Veterans Administration Parking Demand & Design Model
- Client Agency Union Agreements
- Agency Design Guide(s)
- Standardize Agency specific requirements



Questions?
&
Thank you!



Thank you for joining us today for a discussion on
**Advanced Topics in Leasing –
Parking Acquisition Policy**

- **Future sessions**

- August 13, 2015 – Introduction to Occupancy Agreements
- September 17, 2015 – Advanced Topics in Workplace Strategies: Updates to FIT (Furniture and Information Technology) Program

www.gsa.gov/ces

ClientEnrichmentSeries@gsa.gov