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Parking Acquisition

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1. Background

Historically, GSA's business practice has been to acquire official parking spaces associated with the Government's space requirements (meaning those parking spaces required to park Government vehicles, as further detailed in subparagraph 2(c)(1)(a), herein), through the lease contract as part of the rental consideration. By acquiring official parking spaces through the lease, GSA acquired exclusive rights to individual or multiple parking spaces in conjunction with the acquisition of leasehold interests in office, warehouse, or special space.

In its decisions, the U.S. Government Accountability Office (GAO) has found that commercial parking is generally considered a personal expense of the employee and that expenses considered personal in nature are not payable from appropriated funds absent specific statutory authority.[1] Therefore, GSA's practice has been to include a requirement in its leases that parking for employees be made available for purchase. Outside major metropolitan areas and in many suburban areas, it is common for parking that is mandated by local code requirements to be made available to lessees for employee use at nominal or no supplemental cost.

Client agencies have occasionally requested parking not associated with lease procurement or an existing lease contract. In response, GSA regions have typically acquired parking using various contracting methods, including the standard lease form, a service contract, or, in some instances, region-specific documents. Additionally, consistent with 41 C.F.R. § 102–73.240 of the Federal Management Regulation, agencies have used their own procurement authority to acquire parking by service contract. It is preferred that agencies acquire parking themselves, whenever suitable.

The number, type, timing, cost and location of official parking spaces required by the client agency may be an important factor in determining the appropriate acquisition method, type of legal contract instrument to use, type of warranted acquisition official necessary to acquire parking, funding source and billing method. This appendix will provide guidance on the appropriate acquisition approach to use to promote the effective and efficient use of program resources, and to comply with statutory, regulatory, and policy requirements.

[1] U.S. Government Accountability Office, U.S. Department of Housing and Urban Development—Rental of Parking Space, B-162021, July 6, 1977; U.S. Bureau of the Mint—Subsidized Parking for Employees, B-248247, March 15, 1993.

2. Operating Policies and Procedures

a. General

1. The authority to enter into a lease of a building or future improvement for the accommodation of a Federal agency is found at 40 U.S.C. § 585(a). GSA's authority to provide services for other agencies is found at 40 U.S.C. § 501.

2. Policies for reduction of greenhouse gas emissions are found in Executive Order 13514, "Federal Leadership in Environmental, Energy and Economic Performance" (October 5, 2009).

3. Policies on workplace strategies to eliminate wasteful spending, save energy and water, and to further reduce greenhouse gas pollution and energy consumption, are found in "Presidential Memorandum—Disposing of Unneeded Federal Real Estate" (June 10, 2010).

b. Applicability

This Appendix to the Leasing Desk Guide applies to all PBS personnel engaged in the acquisition and administration of official parking spaces and lease acquisitions delegated by GSA to other federal agencies.

c. Parking Characteristics

1.Types of Parking

The Request for Lease Proposals (RLP) must state the required number of parking spaces for official Government use. The Offeror must provide a plan and short narrative (as necessary) to explain how he/she will meet parking requirements and the annual cost (and any step increases) per space for both reserved and non-reserved, structured and surface parking spaces, to be included as part of the rental rate over the entire term of the lease, including the exercise of any renewal period.

In general, GSA's pricing policy defines parking or parking spaces as standalone parking structures, surface lots, and identified parking areas within structures designed and designated for the purpose of parking vehicles. Parking spaces located adjacent to the leased location are considered on-site parking and will share the same building number when entered into GSA's space management and billing systems. It is good practice to indicate whether the leased parking is "on-site" or "'off-site" according to the definitions listed below and to attach a copy of the parking plan to the lease.

a. Official Parking Spaces – are defined as 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. Official parking spaces are always to be listed and categorized in both GSA's space management systems and the Occupancy

Agreement as structured or surface spaces, and, if not included in shell rent, identify the separate rates that may be charged for parking spaces.

b. Unofficial Parking Spaces – are defined as employee and visitor parking spaces. Government employees and visitors are typically responsible for coordinating and funding their own parking arrangements. The Government will use the Offeror's parking plan and narrative to identify the number of available parking spaces for use by Government employees and visitors. Through negotiations, Leasing Specialists evaluate offers to ensure the cost of employee and visitor parking spaces is not subsidized by the offered rent, unless it meets the justification requirements outlined in paragraph 2.i, Justification Requirements for Parking (for other than Official Parking Spaces), below.

It is common practice for official parking spaces to be designated as reserved parking spaces, in secured or unsecured locations in a designated area within the parking structure or surface lot, for the sole use at all times by the occupying agency. Unofficial parking spaces are designated as unreserved parking spaces randomly located throughout the parking structure or surface lot and parking is on a first come first served basis.

2. Location of Parking

Off-site Parking Spaces - an Offeror may provide off-site parking spaces for official government use if the Offeror can demonstrate proof of fee simple or leasehold ownership of the off-site parking spaces. If controlled by a leasehold interest, off-site parking spaces may be acceptable if the lessor's leasehold interest in the parking is either the same length of term (or longer) than the Government's lease for the associated primary space, including all of the Government's renewals. For the purposes of pricing policy and billing, GSA leasing associates should include off-site parking spaces on the same rent bill as the GSA lease for the associated office, warehouse, or special space.

d. Parking Pursuant to an Approved Prospectus Security Provision

1. When an approved prospectus indicates that the client agency's security requirements may necessitate control of the parking garage at the leased location, that agency is exempt from further justification requirements as outlined in paragraph 2.i, below. Control may be accomplished as a separate operating agreement with the lessor or as part of the Government's leasehold interest in the building.

2. Client agencies securing control of a parking garage pursuant to an enabling prospectus provision must sign an Occupancy Agreement containing an *ad hoc* clause that obligates the agency to pay for the parking for a period coterminous

with the space lease the parking serves. The following information must be included in the *ad hoc* clause:

- ✓ total number of parking spaces in the garage;
- ✓ number of parking spaces designated for official government vehicles;
- ✓ how the remaining balance is allocated for employee parking, visitor parking, or otherwise; and
- ✓ certification of agency responsibility for establishing, administering, and collecting employee reimbursement for all parking spaces made available for employee use.

e. Parking Requirements for GSA Child Care Centers in Leased Space

Child care centers in GSA-controlled leased space require official parking spaces to accommodate: (a) short-term parking for parents/guardians dropping off and picking up children and (b) emergency vehicles and child care transportation vans. These parking spaces are not considered "employee parking" and, therefore, are not subject to the justification requirements described in paragraph 2.i, below.

f. Methods of Acquiring Parking

The preferred method for acquiring parking spaces post-award is for the customer agency to use its own procurement authority to acquire parking by service contract if no suitable Government-controlled facilities are available (41 C.F.R. § 102-73.240)[2]. Customer agencies must make written inquiry to GSA regarding the availability of parking in Government-owned or leased facilities. The 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.

The following contracting methods are available to acquire parking spaces either pre- or post-award. The dollar amount of the transaction does not determine whether a service contract or a lease should be used. What matters is the interest to be obtained – either the exclusive use of a designated parking space or spaces or area in a garage or lot for a defined period of time (in which case a lease should be used) or a parking permit or license for any available space (in which case a service contract should be used). In addition, the total dollar value of the transaction (including option periods) governs the warrant level required for the contracting officer.

1. Service Contract – a service contract is a Government instrument used for the express purpose to furnish services and can be prepared and executed by GSA or the client agency to satisfy a purchase request for official parking spaces that cannot be added to an existing lease contract, or when use of the parking spaces

[2] General Services Administration, Federal Management Regulation, title 41 of the Code of Federal Regulations, chapter 102, subchapter C - Real Property, part 102-73 - Real Estate Acquisition, subpart B – Acquisition by Lease (2005).

is not going to be exclusive to the Government (such as non-reserved spaces). GSA Form 300, Order for Supplies and Services, is the appropriate form to use for parking spaces acquired using simplified acquisition procedures.

2. Lease Contract – a lease contract solely for official parking spaces gives the Government exclusive use of parking spaces in a parking garage structure or surface parking lot, and a lease contract or lease amendment must be used to procure such exclusive use spaces. Official parking spaces are classified as reserved parking spaces and must be secured and illuminated in accordance with the 2010 Interagency Security Committee Standards for facility security level requirements. Refer to LDG chapter 19, Security, for detailed guidance.

   The lease contract must be a written agreement between the lessor and the Government. The lessor must either own the property in fee simple or possess a leasehold interest that can accommodate all of the Government's requirements by a sublease, including granting possession and use for the entire length of time the Government may lease the associated office, warehouse or special space. Requests for official parking spaces included with requests for general use, warehouse, or special space requirements may be satisfied using any one of the lease models for the primary space. Alternatively, requests for official parking spaces not included with a space request will often be done as a lease amendment to an existing lease, but, if that approach is not applicable, then generally a Form 3626, or a service contract, would be used. Lease amendments for additional parking spaces below the simplified acquisition threshold require the Lease Contracting Officer to document the file to justify the need for additional spaces, and, at a minimum, to demonstrate that no other leased locations for parking spaces are feasible.

3. GSA Form 3626, U.S. Government Lease for Real Property (short form) - Leasing Specialists will generally use GSA Form 3626 and related attachments when solely procuring parking, without a corresponding office, warehouse, or special space requirement, under the simplified acquisition threshold. Leasing Specialists must use the appropriate lease reform model that applies to all lease requirements, not just parking, when exceeding the simplified acquisition threshold. Leasing Specialists must use a separate lease contract that is tracked under its own lease and building numbers. All lease reform models can be found at: https://insite.gsa.gov/portal/category/517338.

4. Lease Amendment – requests for official parking spaces required during the term of the lease must be procured by lease amendment, provided the current lessor has acceptable available parking spaces (either on-site or off-site) that can be acquired at acceptable rates under the Government's existing lease contract. If the current lessor does not have additional parking spaces available, then a new lease contract is required.

g. Allocation of Parking Spaces

The Federal Management Regulation (Parking Facilities - §§ 102-74.265 through 102-74.310) identifies policies and procedures for the management and allocation of parking spaces in GSA-controlled space. PBS Operational Guidance Regarding Official Parking, dated November 3, 2009, provides further clarification of the regulation on how parking spaces are allocated for official use.

Lease Administrative Managers are required to follow the operational guidance in the allocation of parking and ensure that parking allocations for persons with disabilities comply with the requirements in the Architectural Barriers Act Accessibility Standard. Appendix E of the Leasing Desk Guide provides comprehensive guidance on the requirement for GSA to meet accessibility requirements for persons with disabilities in leased space.

Note: When GSA is the client agency, GSA must comply with GSA Instructional Letter OAS IL-13-2, dated August 5, 2013, "Paid Parking for GSA Employees in Facilities Under the Jurisdiction, Custody or Control of GSA," or GSA Instructional Letter OAS IL-12-1, "Paid Parking for GSA Employees in the National Capital Region," dated February 3, 2012, as applicable. All GSA employees who park in these facilities must pay for their parking unless they qualify for one of the exceptions set forth in the applicable instructional letter.

h. Roles and Responsibilities

1. GSA – Leasing Specialists and Lease Contracting Officers

New lease procurement or requests for lease expansion or lease reduction - PBS associates responsible for gathering agency requirements must coordinate with Leasing Specialists to identify the number of parking spaces required for the agency's official vehicles. The Request for Lease Proposal includes language that states that the parking-to-square foot ratio available on site must at least meet current local code requirements, or, in the absence of a local code requirement, on-site parking must be available at a ratio of one space for every XX rentable square feet of space. Moreover, if there is a reduction in space, Leasing Specialists must make agencies aware that there may be a corresponding reduction in the number of parking spaces available for their use.

Leasing Specialists are reminded that requirements for official parking spaces are based upon specific operational needs and not building ratios or municipal codes. Therefore, a reduction of leased space also should trigger a review of the client agency's continuing requirement for official parking spaces.

- After occupancy - Leasing Specialists will satisfy any further requests for official parking spaces from the current lessor, provided the additional spaces can be acquired under the Government's existing lease and can be obtained for the entire term of the Government's occupancy.

2. GSA – Lease Administration Managers

- Lease Administration Managers will coordinate with GS-1102, Contract Specialists, or, if a warranted official, will acquire official parking spaces for the Government's exclusive use under a service contract using GSA Form 300, Order for Services and Supplies, when all of the following conditions occur:

  - ✓ the client agency is unable to obtain parking under its own independent authority;
  - ✓ there are no available parking spaces within GSA's federal inventory;
  - ✓ the number of official parking spaces required cannot be satisfied at the agency's current leased location;
  - ✓ the cost of parking does not exceed the simplified threshold; and
  - ✓ the client agency must fund the request for parking using a recurring reimbursable work authorization or through the Occupancy Agreement tool.

i. Justification Requirements for Parking (for other than Official Parking Spaces)

Federal appropriations law is clear that, under normal circumstances, employee parking is considered a personal expense of the employee and that appropriated funds are generally not available for the purpose of expenses considered personal in nature.[3] However, GAO has determined that agencies may use appropriated funds to provide parking to its employees when necessary to avoid a "significant impairment to the agency's operating efficiency." [4] For GSA to provide employee parking, agencies must provide an administrative determination (see Attachment D in this chapter) of significant impairment to its operating efficiency, signed by the head of the agency or another agency official authorized to act for the head of the agency, that considers the following factors:

1. The requirement that executive agencies actively promote the use of ridesharing (carpools, vanpools, privately leased buses, public transportation, and other multi-occupancy modes of travel) to conserve energy, reduce congestion, improve air quality, and provide an economical way for federal employees to commute to work.

2. The requirement that federal agencies located in Washington, D.C. implement a transit subsidy fringe benefit pursuant to 5 U.S.C. § 7905 to further the public

[3] GAO-04-261SP - *Principles of Federal Appropriations Law* - Volume I, Chapter 4, Availability of Appropriations: Purpose, section 13(j), Personal Expenses and Furnishings, Miscellaneous Personal Expenses.

[4] U.S. International Trade Commission—Use of Appropriated Funds to Subsidize Employee Parking Permits, #B-322337 (August 3, 2012).

policy of discouraging commuting by single-occupancy vehicle to improve air quality and reduce traffic congestion.

3. The requirement that executive agencies make use of their authority to offer flexible arrangements through telework (5 U.S.C. § 6502) or flexible work schedules (5 U.S.C. § 6122).

4. Assess the impact on recruitment and retention in the face of a smaller pool of eligible workers.

5. The extent to which parking is subsidized in like circumstances in the non-federal workplace.

6. Additional GSA factors to consider:

   - The daily hours of employment;
   - The amount of overtime work likely to be necessary;
   - Frequency of public transportation during peak periods;
   - The cost of public transportation;
   - The location of the residences of the majority of employees in relation to their place of employment and the estimated time required for travel between home and work;
   - The amount of parking available in the area; and
   - Any other relevant factors, including those concerning the safety of the employees using public transportation.

3. Documents

Following is a list of documents for use in the acquisition of parking spaces. The attached sample letters and the Parking Determination and Findings document are included with this chapter under Attachments. GSA Form 300, Order for Supplies and Services, and GSA Form 3626, U.S. Government Lease for Real Property (Short Form), are maintained in the GSA Forms Library.

a. Sample Letter – Written Response to Request for Vacant Available Federally Controlled Space under 41 C.F.R. § 102-73.240

b. Sample Letter – Written Response to Request for Vacant Available Federally Controlled Space Associated With A Replacement Lease under 41 C.F.R. § 102-73.240

c. Sample Letter – Written Response to Request for Employee Parking

d. Parking Determination and Findings Document

e. GSA Form 300, Order for Supplies and Services – use to acquire official parking spaces under a service contract.

f. GSA Form 3626, U.S. Government Lease for Real Property (Short Form) – use to acquire official parking spaces at a cost that is less than or equal to the simplified acquisition threshold.

4. Attachments

Attachment A: Sample Letter - Written Response to Request for Vacant Available Federally Controlled Space (41 C.F.R. § 102-73.240)

Date

Agency Contact:
Federal Agency
1234 Address Street
Anytown, State 99999

Dear Mr./Ms. Agency Contact:

This letter is in response to your request dated XXXX, for the acquisition of XXX parking space(s). This request is made on behalf of (Federal Agency or Bureau Name) currently located at XXXX. You have informed GSA that there is a requirement for additional Government-controlled parking for official government use.

41 C.F.R. § 102-73.240 states: "If no suitable Government-controlled facilities are available, an agency may use its own procurement authority to acquire parking by service contract."

Upon review of our Government-controlled owned and leased space inventory, we have determined that there are no available parking spaces that would fulfill this requirement. Therefore, as provided in 41 C.F.R. § 102-73.240, the (insert name of Federal Agency) may proceed with this transaction. You must acquire the parking spaces by service contract and the parking spaces must be acquired and used in accordance with all applicable laws, rules and regulations, including the required determination that the parking is required to avoid significant impairment to the agency's operating efficiencies (see U.S. International Trade Commissioner—Use of Appropriated Funds to Subsidize Employee Parking Permits, B-322337, August 3, 2012), if applicable.

Please note this letter only applies to the additional parking spaces required for the (Federal Agency or Bureau Name) currently located at XXXX. Please feel free to contact me if you have any questions or concerns, or if GSA may be of further assistance.

Sincerely,

GSA Representative Name
Title
PBS, Division/Branch

Attachment B: Sample Letter - Written Response to Request for Vacant Available Federally Controlled Space Associated With A Replacement Lease (41 C.F.R. § 102-73.240)

Date

Agency Contact:
Federal Agency
1234 Address Street
Anytown, State 99999

Dear Mr./Ms. Agency Contact:

This letter is in response to your request for the acquisition of XXX parking space(s), submitted with a (insert space request or other source document) for XXX square feet of (insert office, warehouse, or special) space for (insert Bureau Name if applicable). This (Federal Agency or Bureau Name) is currently located at XXXX. The procurement GSA is conducting for replacement space will not include parking spaces other than those required for official Government vehicles. You have informed GSA that there is a requirement for additional Government-controlled parking for employee or visitor parking to be housed at the replacement location.

41 C.F.R. § 102-73.240 states: "If no suitable Government-controlled facilities are available, an agency may use its own procurement authority to acquire parking by service contract."

Upon review of our Government-controlled owned and leased space inventory, we have determined that there are no available parking spaces that would fulfill this requirement. Therefore, as provided in 41 C.F.R. § 102-73.240, the (insert name of Federal Agency) may proceed with this transaction. You must acquire the parking spaces by service contract and the parking spaces must be acquired and used in accordance with all applicable laws, rules and regulations, including the required determination that the parking is required to avoid significant impairment to the agency's operating efficiencies (see U.S. International Trade Commissioner—Use of Appropriated Funds to Subsidize Employee Parking Permits, B-322337, August 3, 2012), if applicable.

Please note this letter only applies to the additional parking spaces required for the procurement of XXX square feet for XXX, currently located at XXX. Please feel free to contact me if you have any questions or concerns, or if GSA may be of further assistance.

Sincerely,

GSA Representative Name
Title
PBS, Division/Branch

Attachment C: Sample Letter - Written Response to Request for Employee Parking

Date

Agency Contact:
Federal Agency
1234 Address Street
Anytown, State 99999

Re: (Insert Name of Source Document) – Response to Parking Requirement Request

Dear Mr./Ms. Agency Contact:

Thank you for your letter (or source document) dated (XXXX), requesting that GSA acquire employee parking spaces as a component of (current or future) lease procurement(s). The U.S. Government Accountability Office (GAO), under certain exceptions, authorizes appropriated funds to be used to pay for employee parking, where the parking is required to avoid a significant impairment to the agency's operating efficiency.

We have reviewed your documentation (or request) and still require further justification as outlined in the GAO decision on the acquisition of employee parking. Such justification must be in the form of a Determination and Findings document (guidance attached) and must be accompanied by an identified source of funding included in your appropriation and signed by the appropriate agency official. In addition, as with any document obligating agency funds, it must be certified by the Chief Financial Officer. The appropriate agency official and the Chief Financial Officer, as parties to the Determination and Findings certification of the availability of funds, would thereby acknowledge that your agency's appropriated funds may be used to acquire employee parking.

Below is an excerpt from the GAO decision that is a guide to justify the agency's need for parking (taken from U.S. International Trade Commission—Use of Appropriated Funds to Subsidize Employee Parking Permits, B-322337 (August 3, 2012)):

> *... the GSA factors in former order PBS 7030.2C are certainly relevant for the Commission's consideration. We note, however, that there are other factors, not existent 40 years ago, that the Commission should consider. For example, it does not appear that the Commission considered the impact of its determination on Washington, D.C., air quality and traffic congestion. Improving air quality, conserving energy and reducing traffic congestion are public policy initiatives that underlie two Executives Orders:*
>
> - *The requirement that executive agencies actively promote the use of ridesharing (carpools, vanpools, privately leased buses, public transportation, and other multi-occupancy modes of travel) to conserve*

energy, reduce congestion, improve air quality and provide an economic way for federal employees to commute to work. See Exec. Order No. 12191, Federal Facility Ridesharing Program, 45 Fed. Reg. 7997 (Feb. 1, 1980).

- *The requirement that federal agencies located in Washington, D.C., implement a transit subsidy fringe benefit pursuant to 5 U.S.C. § 7905 to further the public policy of discouraging commuting by single-occupancy vehicle in order to improve air quality and reduce traffic congestion. See Exec. Order No. 13150, Federal Workforce Transportation, 65 Fed. Reg. 24613 (April 21, 2000).*

The Commission's determination of significant impairment also should address other factors relevant to today's federal workplace:

- *The requirement that executive agencies establish a telework program (5 U.S.C. § 6502).*
- *The authority of agencies to offer employees flexible work schedules (5 U.S.C. § 6122).*
- *As the aging civil service workforce retires, the impact on recruitment and retention in the face of a smaller pool of eligible workers.*
- *The extent to which parking is subsidized in like circumstances in the nonfederal workplace.*

Please note that a Determination and Findings document is required not only for this request but for any subsequent procurements that may include employee parking requirements.

GSA is ready to satisfy your procurement request once the matter of the employee parking requirement is resolved. Please provide a Determinations and Findings justification by (Date). If you have any questions, please contact me on XXX-XXX-XXX. Thank you for your attention to this matter.

Sincerely,

GSA Representative Name
Title
PBS, Division/Branch

Attachment D: Parking Determination and Findings Document

The Determination and Findings (D&F) document is written approval by an authorized official that is required by GSA policy as a prerequisite to taking certain contract actions for employee parking. The determination is a conclusion or decision supported by the findings. The findings are statements of fact or rationale essential to support the determination and is guided by the U.S. Government Accountability Office decision in the matter of the U.S. International Trade Commission—Use of Appropriated Funds to Subsidize Employee Parking Permits, B-322337 (August 3, 2012).

Content

The D&F must set forth enough facts and circumstances to clearly and convincingly justify the specific determination made. At a minimum, each D&F must include, in the prescribed GSA format, the following information:

(a) Identification of the agency and of the contracting activity and specific identification of the document as an administrative D&F.

(b) Nature and description of the action being approved.

- An agency must make a determination of significant impairment of the agency's operating efficiency to use appropriated funds to provide employee parking.

(c) Citation of the appropriate statute or regulation, or both, upon which the D&F is based.

- The requirement that executive agencies actively promote the use of ridesharing (carpools, vanpools, privately leased buses, public transportation, and other multi-occupancy modes of travel) to conserve energy, reduce congestion, improve air quality, and provide an economic way for federal employees to commute to work. *See* Exec. Order No. 12191, *Federal Facility Ridesharing Program*, 45 Fed. Reg. 7997 (Feb. 1, 1980).

- The requirement that federal agencies located in Washington, D.C. implement a transit subsidy fringe benefit pursuant to 5 U.S.C. § 7905 to further the public policy of discouraging commuting by single-occupancy vehicle to improve air quality and reduce traffic congestion. *See* Exec. Order No. 13150, *Federal Workforce Transportation*, 65 Fed. Reg. 24613 (April 21, 2000).

- The Agency's determination of significant impairment also should address other factors relevant to today's federal workplace:

  - ✓ The requirement that executive agencies establish a telework program. 5 U.S.C. § 6502.
  - ✓ The authority of agencies to offer employees flexible work schedules. 5 U.S.C. § 6122.
  - ✓ As the aging civil service workforce retires, the impact on recruitment and retention in the face of a smaller pool of eligible workers.
  - ✓ The extent to which parking is subsidized in like circumstances in the nonfederal workplace.

(d) Findings that detail the particular circumstances, facts, or reasoning essential to support the determination. Necessary supporting documentation must be obtained from appropriate requirements and technical personnel.

- The agency's Chief Financial Officer must provide the citation of the specific statutory authority and certification upon which the agency may use its appropriation to pay for employee parking.

(e) An administrative determination based on findings that the proposed action is justified when considering seven additional factors in making the determination of significant impairment to the agency's operating efficiency:

(1) Daily hours of employment;
(2) Amount of overtime work likely to be necessary, number of persons working during overtime periods and the adequacy of public transportation during regular and overtime periods;
(3) Frequency of public transportation during peak periods;
(4) The cost of public transportation;
(5) The location of the residences of the majority of employees in relation to their place of employment and the estimated time required for travel between home and work;
(6) The amount of parking available in the area, and the possible impact of increased demand on cost and availability of such existing parking if government parking is not provided; and
(7) Any other relevant factors including those "involving the safety of employees" using public transportation.

(f) Expiration date of the D&F. Authority to act under this D&F expires when it is exercised through the award of a contract.

(g) The signature of the head of the agency or agency official authorized to act for the head of the agency authorized to sign the D&F and the date signed.