



GIFT ACCEPTANCE PROCESS FOR INTERESTED PARTIES

GSA Public Buildings
Service



Table of Contents

Introduction.....	2
Outline of Six Phase Acceptance Process	3
Documentation Development Process – Complex Projects	4
Phase Details.....	5
Phase I – Receipt of Interest, Concept Development.....	5
Phase II – Concept Review: Recommendation to Decline Proposal or Continue Development	7
Phase III – Design & Cost Estimation.....	8
Phase IV – Proposal Review: Rejection or Referral to Central Office.....	10
Phase V – Central Office Review & Commissioner Decision.....	12
Phase VI – Property Acquisition or Project Execution	14
Gift Proposal Evaluation Criteria.....	16
Donation Assessment Tool	17
Operational Evaluation Criteria.....	17
Non-Operational Evaluation Criteria.....	17
Checklist of Planning, Development and Execution Considerations.....	18
Definitions	19



INTRODUCTION

It is the policy of the U.S. General Services Administration (GSA) to consider all proposals to donate property or services to the Federal Government. GSA's Public Buildings Service (PBS), in consultation with its Federal customer agencies and other appropriate stakeholders, will determine whether an offered donation is in the interest of the Federal Government and the taxpayer. This document describes the policy and procedures associated with reviewing and accepting (or declining) gifts of property or services on behalf of the United States.

An offer of donation will be processed through the GSA region where the donation would occur to facilitate completion of all due diligence activities before the offer can be submitted to the GSA Administrator or the PBS Commissioner for acceptance.

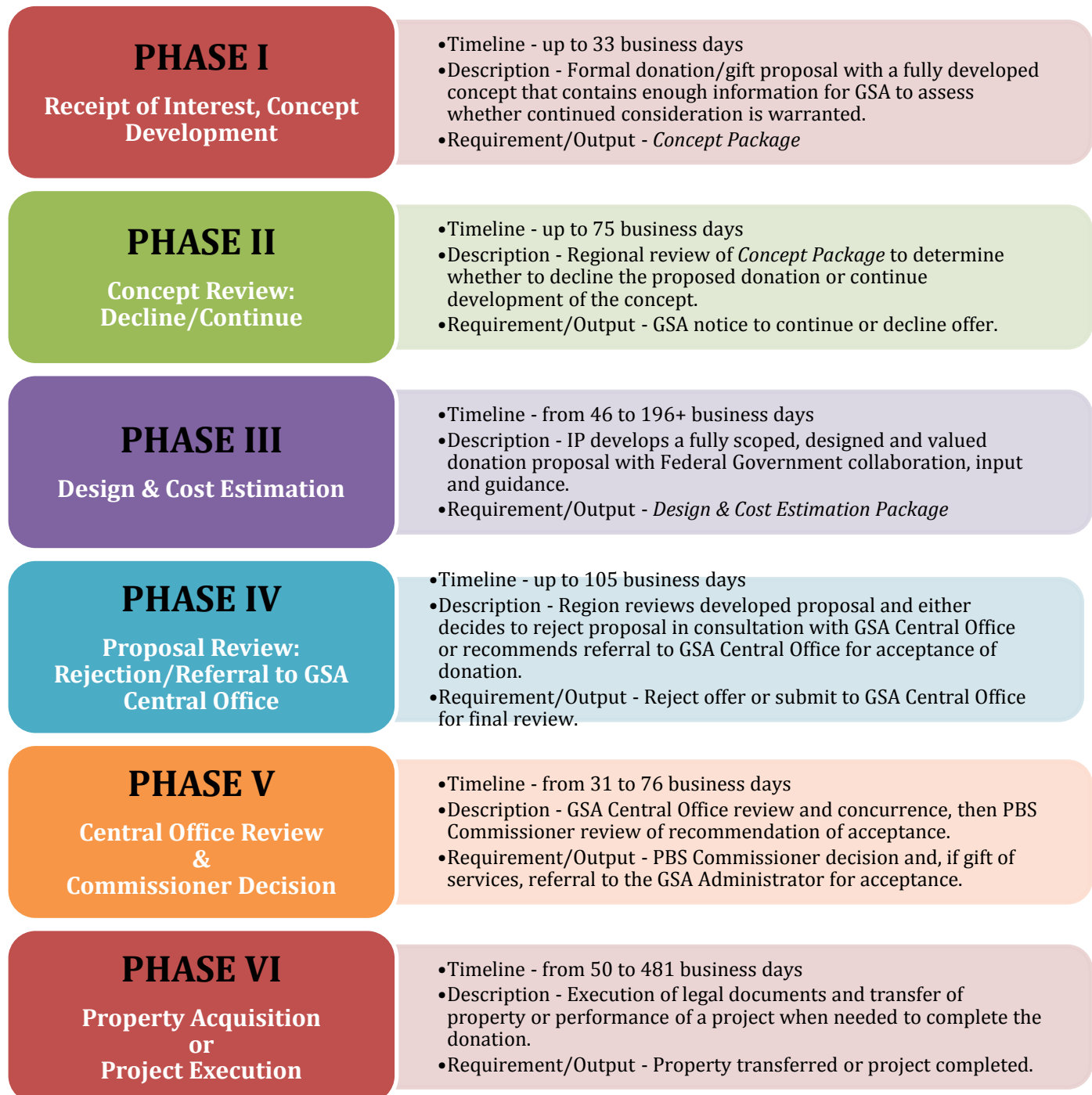
Any Interested Party (IP) that is considering a donation to GSA must take into account the following factors:

- Proposals that rely on the "full faith and credit" of the Federal Government will not be considered. The Federal Government's financial guarantee cannot be used to finance a proposed donation.
- Proposals that require GSA to enter into a lease or that involve making improvements to leased property generally will not be considered.
- Proposals that contemplate a concurrent or subsequent GSA contribution (*e.g.*, a proposed donation of land upon which GSA would then construct a building) may be considered, but only to the extent that project planning and development activities align with PBS's and its customer agencies' priorities and the Federal budget cycle.

It is recommended that any party considering making a donation to GSA should contact the PBS Portfolio Management Division in its region with any questions or to initiate the process.

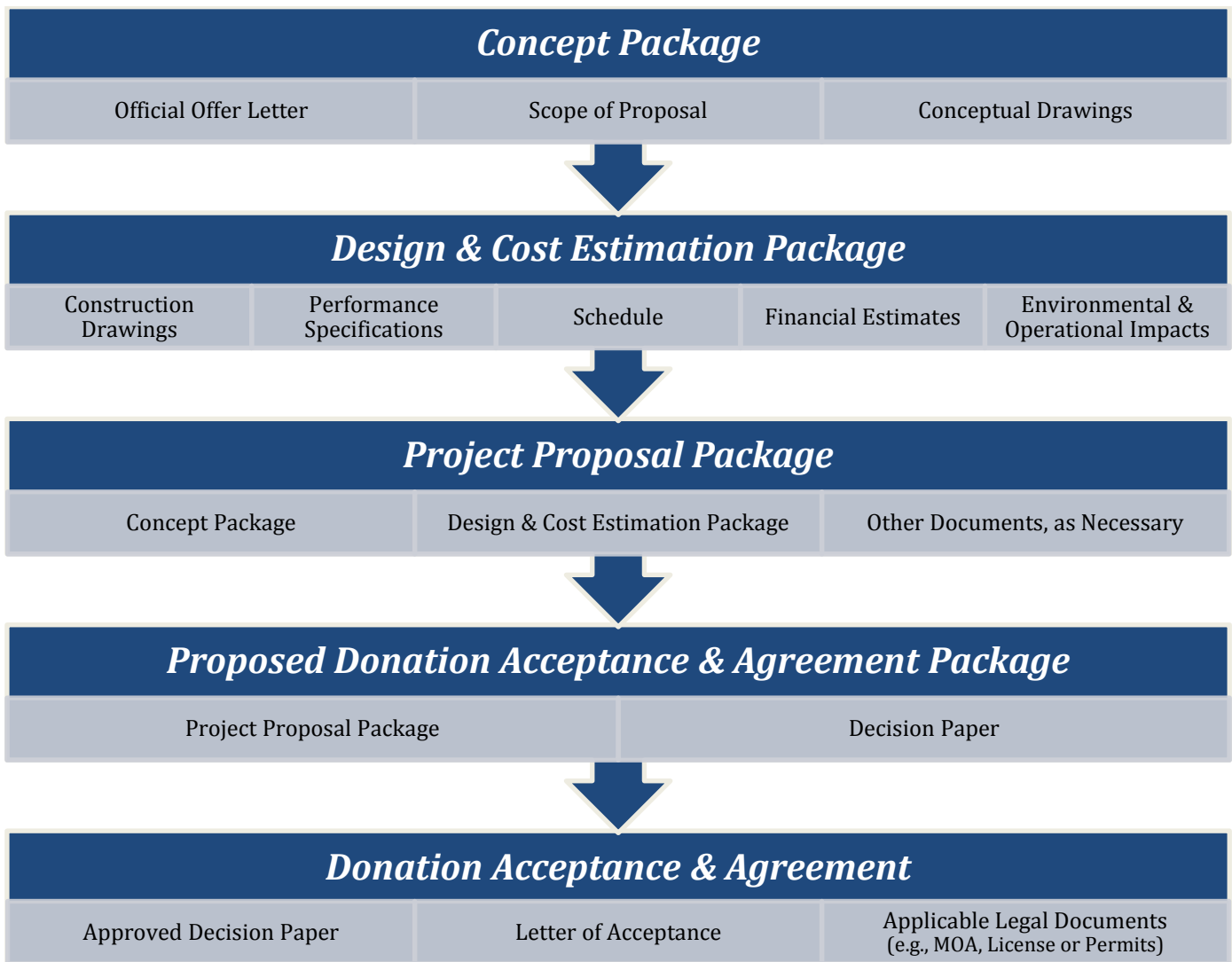
OUTLINE OF SIX-PHASE ACCEPTANCE PROCESS

The outline below describes the six phases that GSA will use to evaluate gift proposals submitted for consideration, the estimated timeline for each phase and the required documentation (output) to proceed to the next phase.



DOCUMENTATION DEVELOPMENT PROCESS – COMPLEX PROJECTS

The most complicated proposals require the following packaged information for consideration and approval. The packages are expected to be developed sequentially when the IP has nothing more than an idea about gifting. Simpler proposals (*e.g.*, a gift of personal property, such as furniture) would entail less robust documentation than a complex donation that requires an executed project to complete the gift. The chart below outlines the documents and supporting information that comprise each package.





PHASE DETAILS

Phase I – Receipt of Interest, Concept Development

This phase has several objectives. First, it is used to educate and provide an IP with ample information regarding proposal evaluation and approval procedures, timelines and other pertinent information about the overall donation acceptance process. IPs may, in turn, use this information to gauge their potential willingness and ability to engage with PBS and its customer agencies and enhance the overall viability of their proposal submission.

Second, this phase documents or tracks initial interest by IPs and, to the extent they wish to move into a more formal and committed stage, assist the IP in creating a formal *Concept Package* that allows PBS and its customer agencies to determine Federal interest in the IP's proposal. It is important for the IP to understand that development of the concept at this phase in no way implies approval of the offer to any degree. Concept development simply allows PBS to identify and quantify the offer so that it can be assessed for approval or rejection by the Federal Government.

For donations of personal property other than cash or of real property that only includes land or land and existing improvements, the *Concept Package* should include the following information and documentation:

- Official offer letter to GSA with:
 - Detailed description of the real or personal property donation (*e.g.*, land, buildings and equipment). Proposals for land also should include a legal description and a detailed site plan;
 - Estimated cost or valuation of the gift (if known);
 - Justification or reason for proposal; and
 - Statement of unconditional gift to GSA (if donated under 40 U.S.C. § 3175) or identification of any conditions associated with GSA acceptance of the donation (if donated under 40 U.S.C. §§ 581 or 3304).

For donations of personal property in the form of cash or of real property that includes the construction of new improvements, the *Concept Package* should include the following information and documentation:

- Official offer letter to GSA with:
 - Detailed description of the proposed project;
 - Estimated cost or valuation of the gift (if known);
 - Justification or reason for proposal;
 - Statement of whether the IP proposes to execute the project or seeks PBS to do so; and
 - Statement of unconditional gift to GSA (if donated under 40 U.S.C. § 3175) or identification of any conditions associated with GSA acceptance of the donation (if donated under 40 U.S.C. §§ 581 or 3304).
- Scope of proposed project.
- Conceptual drawings or plans (if applicable).

A complex proposal might include elements of both personal and real property and an element of services. The *Concept Package* must include enough information and documentation to allow for a decision to either continue development or recommend declining the proposal in Phase II.

Upon receiving a complete *Concept Package*, PBS will submit the package to impacted customer agencies to determine preliminary interest in the proposal and whether continued development of the proposal is desired. If there are no impacted customer agencies, PBS conducts this phase without customer agency involvement.

The Regional PBS Portfolio Management Division will act as the primary point of contact to receive, coordinate, guide, and develop proposals through this process. Table 1 describes high-level Phase I procedures.

Table 1 - Phase I Procedures

Receipt of Interest, Concept Development				
Step	Lead Component	Coordinating Components	Timeline (business days)	Procedures
1	Region	None	1 day	Region begins Phase I upon receipt of expression of interest from IP to make a donation of property.
2	Region	IP	30 days	Region guides IP to turn interest into an official proposal through the development of a <i>Concept Package</i> .
3	IP	Region	1 day	IP submits completed <i>Concept Package</i> to the region.
4	Region	None	1 day	Region accepts completed <i>Concept Package</i> from IP, ending Phase I.

Total Timeline	33 days
-----------------------	----------------

Phase II – Concept Review: Recommendation to Decline Proposal or Continue Development

The purpose of this phase is to submit the *Concept Package* developed in Phase I to PBS’s customer agencies who may be impacted by the donation and request that they review it along with internal PBS stakeholders (such as regional program offices) to determine interest in or concerns about the proposal. The region must notify PBS Central Office of the proposal, so it is aware and can notify other national program offices, as necessary.

At this point, PBS is only seeking customer agency agreement and participation (where needed) to continue development of the proposal. However, a customer agency could reject the concept for any number of reasons, including operational impacts to its mission or possible conflicts with planned projects or other mission-related activities. Upon receipt of the customer agency’s decision to either continue or decline further consideration of the concept proposal, regional PBS will notify the IP accordingly.

If PBS advises the IP that its concept should be developed further, PBS and its customer agencies will identify and commit personnel to support Phase III (Design & Cost Estimation) by the IP to represent and protect the Government’s interests in any potential project. Further, the IP must understand and agree that it will be solely responsible for all costs and expenses associated with design and cost estimation before moving into Phase III. The IP must acknowledge and accept the risk of project rejection in Phase IV or Phase V once relevant financial and operational outcomes are known to the Federal Government.

To confirm that the IP understands and agrees to the conditions described above, the IP must sign an acceptance memorandum provided by PBS. Table 2 describes high-level Phase II procedures.

Table 2 – Phase II Procedures

Concept Review: Recommendation to Decline Proposal or Continue Development				
Step	Lead Component	Coordinating Components	Timeline (business days)	Procedures
1	Region	Customer Agencies	5 days	Region begins Phase II upon acceptance of <i>Concept Package</i> from IP; prepares submission of the <i>Concept Package</i> to customer agencies for review.
2	Region	Customer Agencies	60 days	Region and customer agencies review <i>Concept Package</i> and decide whether to decline proposal or continue development.
3	Region	Customer Agencies	10 days	If decline or continue, region notifies IP by letter, completing Phase II.
Total Timeline			75 days	

Phase III – Design & Cost Estimation

In this phase, the cost or value of the proposal is determined along with any necessary design development activities for donations that will develop into formal projects. GSA is required to value gifts received for Federal accounting purposes. The IP is requested to assist in the valuation in any way practical.

Personal Property Valuation

For personal property donations, the value of the gift will equal its acquisition cost by the IP. If the IP cannot document this figure, PBS will use an appropriate method to determine the gift's value. Cash donations will be valued at the dollar amount gifted to the Federal Government.

Real Property Valuation of Land or of Land with Existing Improvements

For real property donations of land only or of land with existing improvements, such as a building and its site, a reasonable estimate of value as determined by the PBS Assistant Commissioner for the Office of Real Property Asset Management may be used to quantify the cost or value of the donation for PBS financial systems. However, PBS may choose instead to accept an IP's appraisal or documented acquisition costs to substantiate the value of the donation, if the IP's information is deemed sufficient for the Federal Government's needs.

Valuation and Design of New Improvement Projects or of Repair/Alteration Projects

For donations that involve the construction of new improvements or repairs and alterations, the concept must be developed into a fully scoped and designed project to allow for a complete and comprehensive cost estimate to be created. All quantitative and qualitative aspects of the potential project must be established, such as definitive financial, operational and environmental impacts. The result is a *Design & Cost Estimate Package* inclusive of construction drawings, performance specifications and finish schedules, timeline and milestone schedules, cost estimates, and environmental and operational impact analysis that can be submitted to the Federal Government by the IP.

PBS and its customer agencies will assign personnel who can provide the IP with input and guidance during design development and will ultimately approve finalized design and cost estimates, based on Federal Government standards and requirements, such as constructing to the PBS P-100, "Facilities Standards for the Public Buildings Service," or environmental and historic preservation requirements.

This interaction between PBS, its impacted customer agencies and the IP is critical to mitigate risks related to financial and operational outcomes of a potential project being approved and executed. PBS must receive a sufficient cash donation if it will be expected to execute the project or it must confirm that the IP has sufficient resources to complete a project to Federal Government standards should the IP propose to execute it.

It is prudent at this phase to clarify, to the extent possible, which party will be responsible for potential project cost overruns. Overruns could be the financial responsibility of the IP, the customer agency or agencies impacted by the donation or PBS, depending upon the circumstances that caused the need for additional funding. For example, after a project has been procured, any change orders by a customer agency that would cause the need for additional funding could be the financial responsibility of the customer agency. Additional project funding needs arising out of activities of the IP or its contractors and subcontractors (if the IP was executing the project) would be the IP's responsibility. This topic must be discussed up front and a process established where expectations can be managed and disagreements resolved quickly.

The IP assumes and will bear all costs associated with design and cost estimation. However, PBS and its customer agencies will not seek reimbursement from the IP for the Federal Government's collaboration efforts during this phase while it assists the IP with the development and evaluation of all relevant project information.

The IP must understand and agree that any funding it spends on this phase (and throughout the period of collaboration with the Federal Government) does not obligate the Federal Government to accept the project in

Phase IV or Phase V. To that end, the IP must confirm this understanding, in writing, before Phase III begins. Table 3 describes high-level Phase III procedures.

Table 3 – Phase III Procedures

Design & Cost Estimation				
Step	Lead Component	Coordinating Components	Timeline (business days)	Procedures
1	Region	IP	5 days	Region begins Phase III upon notification to IP of decision to continue proposal development; obtains written acknowledgment and acceptance from IP that the IP will bear all costs to complete Phase III.
2	Region and Customer Agencies	IP	5 days	Region and customer agencies identify and assign appropriate resources (<i>e.g.</i> , personnel) to the IP in support of the IP's responsibility to complete the <i>Design & Cost Estimate Package</i> .
3	IP	Region and Customer Agencies	30-180+ days	IP completes <i>Design & Cost Estimate Package</i> with support from region and customer agencies.
4	IP	Region	5 days	IP submits completed <i>Design & Cost Estimate Package</i> to regional PBS.
5	Region	None	1 day	Region accepts <i>Design & Cost Estimate Package</i> from IP, completing Phase III.
Total Timeline			46 - 196 days	

Phase IV – Proposal Review: Rejection or Referral to Central Office

A comprehensive *Project Proposal Package* can now be assembled for the Federal Government (regional PBS and impacted customer agencies) to make a final determination to either reject the proposed donation or recommend acceptance to the PBS Commissioner.

Regional PBS will analyze and quantify any impacts that may affect customer agencies. This includes impacts related to annual rent charges or changes to rentable area that require customer agency commitment before a project can be approved by PBS. Financial impacts are always sensitive issues; however, in light of the Obama Administration’s “Freeze the Footprint” directive, the size of the area an agency occupies is now just as important as how much it costs to occupy that space.

PBS will combine the IP’s *Concept Package* and *Design & Cost Estimation Package* with any other pertinent documentation and information to create a *Project Proposal Package*. PBS will forward the *Project Proposal Package* to the impacted customer agency or agencies for final review. Both the regional program offices and the impacted customer agency or agencies will review the *Project Proposal Package*. Any impacted customer agency or the PBS regional office may reject the proposed donation at this phase and, if the proposal is rejected, GSA will send a written notice to the IP of that decision.

Upon customer agency approval of the proposal, the region’s Portfolio Management Division will prepare a *Proposed Donation Acceptance & Agreement Package* for submittal to PBS Central Office. The *Proposed Donation Acceptance & Agreement Package* will consist of the *Project Proposal Package* and a *Decision Paper* for the PBS Commissioner that synthesizes the core elements and impacts of the proposed donation.

The regional PBS Portfolio Management Division must sign off on the package and obtain additional concurrence signatures from all appropriate regional program divisions, such as Facilities Management and Services Programs, Service Center Operations, Design and Construction, and Acquisition (if, for example, PBS is to execute a project), as well as the Office of Regional Counsel and the PBS Regional Commissioner. Table 4 describes high-level Phase IV procedures.

Table 4 - Phase IV Procedures

Proposal Review: Rejection or Referral to Central Office				
Step	Lead Component	Coordinating Components	Timeline (business days)	Procedures
1	Region	IP	30 days	Region begins Phase IV upon acceptance of <i>Design & Cost Estimation Package</i> from IP; creates <i>Project Proposal Package</i> for it and customer agencies to review and determine whether to reject proposal or recommend referral to PBS Commissioner.
2	Region	Customer Agencies	60 days	Customer agencies and region review <i>Project Proposal Package</i> and come to a decision on IP proposal.
3	Region	Customer Agencies	15 days	If the customer agencies and the region decide to reject the proposed donation, the region confirms that decision with Central Office and notifies the IP by letter of the decision, completing Phase IV. If acceptance is recommended, the region creates the <i>Proposed Donation Acceptance & Agreement Package</i> , obtains regional concurrence and forwards the completed package to PBS Central Office, completing Phase IV.
Total Timeline			105 days	



Phase V – Central Office Review & Commissioner Decision

The *Proposed Donation Acceptance & Agreement Package* is delivered to PBS Central Office by the region. Central Office will review the package and obtain any clarification or additional information from the region and, when satisfied that any identified issues have been addressed, concurs and forwards the package to the PBS Deputy Commissioner, the Office of General Counsel and the PBS Commissioner.

The PBS Commissioner will review the package and determine whether to approve and accept the gift on behalf of the United States or decline the proposed offer. If the proposed donation involves the performance of services and the PBS Commissioner agrees with the recommendation to accept the donation, the *Proposed Donation Acceptance & Agreement Package* will be referred to the GSA Administrator for a final decision and acceptance. The PBS Commissioner or the Administrator, as applicable, will notify the region of the agency's final decision and provide a *Letter of Acceptance* or a *Letter of Declination* that will be forwarded to the IP. Table 5 describes high-level Phase V procedures.

Table 5 – Phase V Procedures

PBS Central Office Review & Commissioner Decision				
Step	Lead Component	Coordinating Components	Timeline (business days)	Procedures
1	Region	PBS Central Office	1 day	Region begins Phase V upon submission of the <i>Proposed Donation Acceptance & Agreement Package</i> to PBS Central Office.
2	PT	National PBS Program Offices	15 days	PBS Central Office reviews (obtains any clarification/resolution from the region of any identified issues) and, when satisfied that any identified issues have been addressed, concurs and forwards the package to the PBS Deputy Commissioner, the Office of General Counsel and the PBS Commissioner.
3	P	PBS Central Office	10 days	Deputy Commissioner and Office of General Counsel review/concur; PBS Commissioner reviews and, if approves, either accepts gift on behalf of the U.S. or, if the gift involves the performance of services, refers the <i>Proposed Donation Acceptance & Agreement Package</i> to the GSA Administrator; if the gift is of property, the PBS Commissioner notifies the region and executes the <i>Letter of Acceptance</i> . If PBS Commissioner declines, PBS Commissioner notifies the region and executes <i>Letter of Declination</i> . If the gift involves the performance of services, the PBS Commissioner coordinates the agency's response with the Administrator and notifies the region accordingly.
4	P	Office of Management and Budget	45 days	PBS Commissioner coordinates notice to and review by the Office of Management and Budget, if needed. For example, requests apportionment for cash donations.
5	Region	None	5 days	Region forwards <i>Letter of Acceptance</i> or <i>Letter of Declination</i> , as appropriate, notifying IP and providing instructions on how to transmit funds for cash gifts; then notifies customer agencies, if necessary, completing Phase V.

Total Timeline - Declination	31 days
-------------------------------------	----------------

Total Timeline - Acceptance	76 days
------------------------------------	----------------

Phase VI – Property Acquisition or Project Execution

For donations of personal property, including cash, or for real property assets, such as land only or land with improvements, this phase constitutes the actual transfer of the property to and acceptance by the Federal Government. For example, the donation could entail receiving and accepting artwork or equipment.

For donations that involve gratuitous services, meaning that the IP has clearly stated that it has no expectation of payment for the services being rendered, a written agreement and acknowledgement is required to be executed by the IP and GSA in advance of the donation. Since use of this authority is not currently delegated to the PBS Commissioner, it requires approval by the GSA Administrator, absent further delegation.

For gifts that require the development of a plan to execute the proposal, this phase constitutes actual project execution to complete the donation. As discussed earlier, an IP might offer cash for a project or decide to offer its expertise (or that of its contractors) to build new improvements on federally owned property. In other words, either PBS will be funded to perform the project or the IP will execute the project.

If PBS is responsible for project execution:

- the region receives and deposits funding from the IP in the appropriate budget activity account; (in this instance, the IP will either write a check to GSA in the agreed-upon amount and the region will forward the check to Finance for deposit or the IP will mail the check directly to a specific Finance lockbox address);
- the region executes the project to completion; and
- the region notifies the IP and customer agencies of project completion and uploads all necessary financial information into all required systems, as appropriate, to account for the increased capital investment made to the Federal Government's property.

If the IP is responsible for project execution:

- the region will draft appropriate legal documents to enable the work to begin, which may include a:
 - Right of Entry
 - License
 - Easement
 - Written agreement and acknowledgement (if the donation involves gratuitous services)
 - Memorandum of Agreement (MOA)
 - should delineate areas of responsibility and accountability during the project
 - should also be signed by impacted customer agencies, depending on the nature of the project;
- the IP executes the project;
- the region will inspect the project on a regular basis to verify the approved design is executed as described and agreed to in the *Donation Acceptance & Agreement Package* and other legal documents; and
- the region will determine and formally accept the project as complete and notify customer agencies.

Timelines are dependent on project size, scope, type, and which party is performing the work. For example, PBS's procurement activity alone could be as short as 15 days or as long as 290 days (for a full and open competitive acquisition).

Also, as mentioned in Phase III, responsibilities and a resolution process for project cost overruns must be addressed and documented no later than this phase. Tables 6a and 6b describe high-level Phase VI procedures.

Table 6a – Phase VI Procedures – PBS Executes Project

Property Acquisition or Project Execution				
Step	Lead Component	Coordinating Components	Timeline (business days)	Procedures
1	Region	IP	10 days	Region begins Phase VI upon notification of acceptance and funding procedures to IP; receives cash funds into the appropriate budget activity account.
2	Region	None	15-290 days	Region procures project.
3	Region	Customer Agencies	30-180+ days	Region executes project.
4	Region	None	1 day	Region notifies IP and customer agencies of project completion; completing Phase VI.

Total Timeline – PBS Executes	56 - 481 days
--------------------------------------	----------------------

Table 6b – Phase VI Procedures – IP Executes Project

Property Acquisition or Project Execution				
Step	Lead Component	Coordinating Components	Timeline (business days)	Procedures
1	Region	IP and Customer Agencies	10-30 days	Region begins Phase VI upon drafting and transmitting all necessary legal documents to IP and customer agencies to enable project execution.
2	IP	Region	Unknown	IP procures project or prepares to perform project.
3	IP	Region and Customer Agencies	30-180+ days	IP executes project; region inspects project.
4	Region	IP and Customer Agencies	10 days	Region determines and formally accepts project as complete, completing Phase VI.

Total Timeline – IP Executes	50 - 220 days
-------------------------------------	----------------------

GIFT PROPOSAL EVALUATION CRITERIA

The following outlines the criteria that PBS and its customer agencies will use to evaluate donation proposals when determining whether or not to accept or reject a proposal:

- The impact on the Federal Government’s mission and its operations and the taxpayers;
- The impact on the property that is the subject of the donation and any other property in the vicinity;
- Whether federal funding will be needed to deliver a fully functioning project;
- The cost to maintain and operate the donation;
- Whether such donation, if real property, is self-contained or whether additional real property would be required;
- If real property, an explanation of how the donated property was acquired, including whether eminent domain was used;
- The impact on staffing requirements; and
- Other factors that PBS or its customer agencies determine to be relevant.

For assessment purposes, the evaluation criteria have been organized into two separate categories, Operational Criteria and Non-Operational Criteria. These criteria are outlined below:

Table 7 – Operational/Non-Operational Evaluation Criteria

Operational Criteria	Non-Operational Criteria
Operational Impact	Financial Feasibility
Funding Impact	Legal Implications
Health & Safety Impact	Real Estate Implications
Economic & Community Impact	Environmental & Cultural Resource Implications
Community Support	Technical Feasibility
-	Planning Implications
-	Congressional Support

Donation proposals will be evaluated against the above criteria using a *Donation Assessment Tool*. The Operational scores will be totaled to determine viability. The Operational summary score generally will determine whether a proposal should be rejected outright or advanced to the next stage to evaluate the Non-Operational criteria. For proposals that pass the Operational criteria assessment, PBS and its customer agencies will then assess the Non-Operational criteria aspects of the proposal.

DONATION ASSESSMENT TOOL

Operational Evaluation Criteria

Criteria	Example Evaluation Factors
Operational Impact	➤ Whether the proposal provides operational benefits to PBS and its customer agencies.
Financial Impact	➤ Whether the proposal impacts customer agency rent or other operating costs (<i>e.g.</i> , salaries, overtime and equipment).
Health & Safety Impact	➤ Whether the proposal presents a sound strategy for sustaining or enhancing employee/public health and safety conditions following donation acceptance.
Economic & Community Impact	➤ Whether the proposal provides local, regional or national economic and community benefits (<i>e.g.</i> , enhanced travel and trade).
Community Support	➤ Whether the proposal is supported by impacted local and regional stakeholders.

Non-Operational Evaluation Criteria

Criteria	Example Evaluation Factors
Financial Feasibility	<ul style="list-style-type: none"> ➤ Whether the proposal's upfront and downstream non-operational cost estimates are accurate. ➤ Whether the IP is willing to assume these costs and, if so, to what extent. ➤ Whether the outside resources needed to fund these costs are immediately available. ➤ Whether the IP's overall financing strategy is viable.
Legal Implications	<ul style="list-style-type: none"> ➤ Whether any conditions placed on the proposed donation are feasible. ➤ Whether fee simple interest in real property is to be deeded. ➤ Whether the proposal poses potential financial, land-related or other potentially adverse downstream liabilities. ➤ Whether the proposal triggers OMB lease scoring implications.
Real Estate Implications	<ul style="list-style-type: none"> ➤ Whether additional real estate is required to accommodate existing and downstream operations and, if so, whether the proposal presents a sound strategy for acquiring such real estate. ➤ Whether the proposal presents a sound strategy for identifying and acquiring necessary rights of way.
Environmental & Cultural Resource Implications	<ul style="list-style-type: none"> ➤ Whether the proposal presents local, regional, national, or international environmental or cultural benefits. ➤ Whether a Phase I Environmental Site Assessment has been completed in accordance with ASTM standards for any real property that is the subject of the proposed donation. ➤ Whether all environmental conditions have been mitigated and, if not, whether a plan is in place to address them.
Technical Feasibility	<ul style="list-style-type: none"> ➤ Whether the proposal is technically feasible. ➤ Whether the proposal is compatible with existing equipment and technologies and established securities and protocols.
Planning Implications	<ul style="list-style-type: none"> ➤ Whether the proposal is consistent with PBS's current list of out-year investment priorities. ➤ Whether the proposal comports with the out-year investment priorities of PBS's customer agencies and international stakeholders. ➤ Whether the proposal's planning and delivery schedule is reasonable. ➤ Whether the proposal presents a sound strategy for sustaining the proposed donation following acceptance.
Congressional	➤ Whether the proposal has congressional support.

CHECKLIST OF PLANNING, DEVELOPMENT AND EXECUTION CONSIDERATIONS

PBS and its customer agencies check against the following non-exhaustive list of considerations as part of the analysis and review of the *Project Proposal Package*. The intent is to confirm that the proposed donation will fulfill PBS's and its customer agencies' operational needs at a mutually acceptable cost, schedule and risk. These considerations are reviewed again during project execution so that any identified risks can be mitigated. IPs should review this checklist and determine which considerations are applicable to their proposal and address them in the proposal.

Operational Merit

- ✓ Operational Impacts
- ✓ Financial Impacts
- ✓ Health & Safety Impacts
- ✓ Economic & Community Impacts
- ✓ Community Support

Proposal Viability

- ✓ Safety Requirement Compliance
- ✓ Congressional Support

Planning Implications

- ✓ Internal Agency Need Alignment
- ✓ External Agency Need Alignment
- ✓ Detailed Planning & Delivery Schedule
- ✓ Sustainment Strategy
- ✓ Interagency & International Planning & Execution Readiness
- ✓ Permit Strategy
- ✓ Permit Completion
- ✓ Sustainability Requirements

Environmental & Cultural Resource Implications

- ✓ Environmental & Cultural Benefits
- ✓ Phase I & II Environmental Site Assessment
- ✓ Environmental Remediation Compliance
- ✓ Environmental Decision Completion
- ✓ NEPA Review
- ✓ Historic Preservation Restrictions
- ✓ Historic Preservation & Cultural Resources Review

Real Estate Implications

- ✓ Real Estate Sufficiency
- ✓ Real Estate Acquisition Strategy
- ✓ Right of Way Acquisition Strategy
- ✓ Right of Way Acquisition Completion
- ✓ Temporary Easements
- ✓ Utilities Management Strategy

Technical Feasibility

- ✓ General Technical Feasibility
- ✓ Design Standards & Technical Specifications
- ✓ Systems Compatibility
- ✓ Technical Scalability

Financial Feasibility

- ✓ Updated Cost Estimates & Funding Implications
- ✓ Planning Funding Strategy
- ✓ Design Funding Strategy
- ✓ Construction Funding Strategy
- ✓ Furniture, Fixtures, Equipment & Technologies Funding Strategy
- ✓ Rent Funding Strategy
- ✓ Lease Funding Strategy
- ✓ Staffing Funding Strategy

Legal Implications

- ✓ Proposal Conditions
- ✓ Downstream Liabilities
- ✓ Bonding & Insurance Coverage
- ✓ Title & Ownership Authority
- ✓ Property Conveyance Authority
- ✓ Tolling Authority
- ✓ Compliance with Applicable Laws
- ✓ Lease Scoring Implications
- ✓ Procurement Implications
- ✓ Security Implications

DEFINITIONS

Donation – an act or instance of presenting something as a gift, grant or contribution.

Fee Simple Title – ownership of all the rights in a parcel of real property, subject only to permitted exceptions.

Gift – something given voluntarily without payment in return.

Interested Party (IP) – a non-Federal entity that wishes to donate property or services to the Federal Government.

Personal Property – identifiable portable and tangible objects that are considered by the general public to be “personal,” *e.g.*, furnishings, artwork, antiques, gems and jewelry, collectibles, machinery, and equipment; all property that is not classified as real property. Personal property includes movable items that are not permanently affixed to or made a part of the real property.

Real Property – the land, appurtenances and improvements affixed to the land, *e.g.*, structures. Real property is immobile and tangible and includes all things that are a natural part of the land (*e.g.*, trees and minerals) and all things that are attached to it by people (*e.g.*, buildings and site improvements). All permanent building attachments (*e.g.*, plumbing, electrical wiring and heating and cooling systems), as well as built-in items (*e.g.*, cabinets and elevators), are usually considered part of real property. Real property also includes all of the interests, benefits and rights inherent in the ownership of the real property (a right or interest in real property also is referred to as an “estate”).

Services – the contributions of business organizations or persons who render a service (*e.g.*, teacher, accountant or electrician) rather than produce goods. The Federal Government breaks service contracts into two categories: personal and non-personal. The distinction between the two is the way in which contractor personnel are treated. Definitions for non-personal and personal services are set forth immediately below.

Services (Non-Personal) – Federal Acquisition Regulation (FAR) section 37.101 defines a non-personal service contract as “... a contract under which the personnel rendering the services are not subject ... to the supervision and control usually prevailing in the relationships between the Government and its employees.” Non-personal service contracts are considered proper and are legally authorized.

Services (Personal) – FAR section 37.101 defines a personal service contract as “... a contract that, by its express terms or as administered, makes contractor personnel appear, in effect, Government employees.” Federal agencies are forbidden from awarding personal services contracts, unless specifically authorized by law. Personal service contracts are prohibited because they circumvent Federal civil service laws that require the Federal Government to obtain employees by direct hire competitive appointment or other, similar procedures.