

SECTION 4-1: ASSIGNMENT AND UTILIZATION OF SPACE

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4-1-00 POLICY

HHS and OPDIVs, when acquiring or utilizing federally owned and leased space under the Federal Property and Administrative Services Act of 1949, as amended, must:

- promote the optimum use of space for each assignment at an economical cost to the Government, provide quality workspace that is delivered and occupied in a timely manner, and assign space based on mission requirements;
- provide assignment and utilization services that will maximize the value of Federal real property resources and improve the productivity of the workers housed therein;
- provide a quality workplace environment that supports program operations, preserves the value of real property assets, meets the needs of the occupant agencies, and provides childcare and physical fitness facilities in the workplace when approved;
- promote maximum utilization of Federal workspace, consistent with mission requirements, to maximize its value to the Government; and
- track the percent facility utilization at the constructed asset level in accordance with current FRPC guidelines for this performance measure.

Where there is no Federal agency space need, executive agencies must make every effort to maximize the productive use of vacant space through the issuance of permits, licenses, or leases to non-federal entities to the extent authorized by law. All proposals for acquisition of space including office, laboratory, animal research, hospital, clinic, warehouse, etc, and/or HHS joint use space will require prior approval from OFMP.

A. GENERAL HIERARCHY OF CONSIDERATION THAT HHS AND OPDIVS MUST FOLLOW IN THEIR UTILIZATION OF SPACE

1. First, utilize space in Government-owned and Government-leased buildings.
2. If there is no suitable space in Government-owned and Government-leased buildings, utilize space in buildings under the custody and control of the U.S. Postal Service.
3. If there is no suitable space in buildings under the custody and control of the U.S. Postal Service, agencies may acquire real estate by lease, purchase, or construction.
4. Federal agencies must assume responsibility for the preservation of the historic properties they own or control. Prior to acquiring, constructing or leasing buildings, agencies must use, to the maximum extent feasible, historic properties already owned or leased by the agency (16 U.S.C. 470h-2).

B. MAXIMUM UTILIZATION RATE FOR OFFICE AND RELATED SPACE¹

HHS provides the following policy to all OPDIV and STAFFDIV components which acquire office and related space, either directly by lease, construction, or purchase, or through GSA or other existing facilities. The maximum space allowable for planning and occupancy purposes is 215 useable square feet (as defined by the Building Owners and Managers Association) per person on average. Persons are defined as budgeted FTEs and contractors on-site, including vacancies for which recruitment has been approved. This standard refers to total space (office plus associated storage and special space) and applies to all acquisitions, as well as to new construction and renovations. It does not include building and floor common areas (public elevators, lobbies, corridors, restrooms) or GSA or HHS joint use areas. No private office shall exceed 350 usf.

For the purpose of this policy, "Special Space" includes the following: LAN room, break/kitchen rooms, telephone rooms or closets, copy rooms, reception areas, libraries (not staffed), training rooms (not staffed), and meeting rooms.

HHS Joint Use applications may include the following (with prior justification and approval): cafeterias/vending stands, day care facilities, health units, data centers (shared by installation), fitness centers, travel offices, credit unions, conference centers (shared by installation), training centers (staffed full time), libraries (staffed full time), and printing and reproduction units (staffed full time).

C. EXCEPTIONS

An exception to this maximum utilization rate are acquisitions of field office space for 5 or fewer employees in cases where no blocks of space are offered which meet the requirement after all competitive procedures are exhausted. Other HHS offices in the area, if any, shall first be contacted to see if space which will accommodate the requirement is already under lease.

Offices over 250 usf are reserved to OPDV heads or equivalents, or Departmental level officials (Deputy Assistant Secretary or higher).

D. TRIBALLY OPERATED FACILITIES

This policy is not applicable to Tribally Operated Facilities.

4-1-10 PROCEDURES

REQUEST FOR SPACE

Requests for approval to acquire space must be explained in a memo to OFMP. Additionally the requesting office shall provide physical security information on any property under consideration so that OS can evaluate the adequacy of physical security provisions. If an approved acquisition later requires additional space due to building characteristics discovered during design and layout, approval of the OFMP is required before taking action to acquire the additional space.

¹ From POLICY: Office and Related Space Utilization Rate issued by Ed Sontag, Assistant Secretary for Administration and Management, OASAM, OS effective July 14, 2003.

4-1-20 GUIDANCE AND INFORMATION

HHS supports GSA's Integrated Workplace (IW) Program goal to "maintain a world-class workforce and world-class workplace," in order to promote development of high-performance workplaces that:

- meet HHS and OPDIV business needs;
- are best suited to their employees work functions; and
- can be readily adapted to accommodate new work practices and strategies while minimizing expense and delay.

High-performance workplaces are those that are developed in a sustainable way using an integrated process for their design, construction, and operation. GSA has developed the "Hallmarks of the Productive Workplace" to describe the important characteristics of such workplaces: spatial equity, healthfulness, flexibility, comfort, connectivity, reliability, and sense of place.

A. HALLMARKS OF THE PRODUCTIVE WORKPLACE

Spatial Equity: Workspace provides adequate privacy, daylight, and access to views for all.

Healthfulness: The workplace is free of harmful contaminants and excessive noise.

Flexibility: Workspace can be quickly and inexpensively reconfigured to accommodate organization, work process, and technological changes.

Comfort: People can adequately adjust their personal working environment – including temperature, lighting, acoustics, and furniture – to meet their needs.

Technological Connectivity: There is good communication and information access among distributed co-workers.

Reliability: Building, security, computer, and telecommunication systems provide reliable service with minimal disruptions.

Sense of Place: The workplace has a unique character, enabling a sense of pride, purpose, and dedication for both the individual and the workplace community.

The Integrated Workplace is a comprehensive design approach to assist in creating workplaces that address the "Hallmarks of a Productive Workplace," and that integrate business plans, user needs, and space planning into an effective strategy for developing workspace and alternative strategies tailored to the specific needs of each individual and group within an organization. The basic elements of the integrated workplace are the people who use it, the space that houses them, and the work strategy, technology, and process tools that enhance productivity. Workplaces that engage these essential elements have been shown to increase the health and satisfaction of those using them, and to provide better value to the organization over their useful life.

B. ADDITIONAL AUTHORIZED SPACE ALLOCATIONS

1. CHILD CARE CENTERS

In accordance with 40 USC 590b, Federal agencies can allot space in Federal buildings to individuals or entities that will provide childcare services to Federal employees if:

- a. Such space is available;

- b. HHS and OPDIVs determine that such space will be used to provide child care services to children of whom at least 50 percent have one parent or guardian who is a Federal Government employee; and
- c. HHS and OPDIVs determine that such individual or entity will give priority for available childcare services in such space to Federal employees.

2. FITNESS CENTERS

In accordance with 5 USC 7901, Federal agencies can allot space in Federal buildings for establishing fitness programs. The following elements must be addressed in planning efforts to establish fitness programs:

- a. A survey indicating employee interest in the program;
- b. A three-to five-year implementation plan demonstrating long-term commitment to physical fitness/health for employees;
- c. A health related orientation, including screening procedures, individualized exercise programs, identification of high-risk individuals, and appropriate follow-up activities;
- d. An approach that will consider key health behaviours related to degenerative disease, including smoking and nutrition;
- e. A modest facility that includes only the essentials necessary to conduct a program involving cardiovascular and muscular endurance, strength activities, and flexibility; and
- f. Provision for equal opportunities for all employees, regardless of gender or grade level.

HHS entities must conduct a cost analysis to determine the competitive cost of providing a fitness center verses subsidizing employee memberships at outside facilities.

3. FEDERAL CREDIT UNIONS

In accordance with 12 USC 1770, Federal agencies may allot space in Federal buildings to Federal credit unions without charge for rent or services if:

- a. At least 95 percent of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families; and
- b. Space is available.

4. FEDERAL EMPLOYEE HEALTH UNITS

The provision for establishing health programs for Federal employees is contained in P.L. 7-658 (5 USC 7901). The Act provides that employee health programs shall be established only after consulting with the Division of Federal Occupancy and Beneficiary Health Services Health Resources and Services Administration (HRSA), and consideration of its recommendations, and only in localities where there is a sufficient number of Federal employees to warrant the provision of such services.

Space for a full-time formally organized health program may be provided in buildings where the number of Federal employees to be served exceeds 300.

5. CONCESSIONS

Concessions activities are those that sell a commodity or perform a service at an established price. These include but are not limited to: barber and beauty shops, taxi stands, vending stands and machines, commissaries, mobile vending stands, canteens, soda fountains, lunch counters, and cafeterias.

- a. It is HHS policy to provide for concessions, which are both convenient and beneficial for employees and patients, and that are likely to increase employee morale and efficiency. OPDIVs will determine whether concessions are needed and feasible by the following criteria:
 - (1) Sufficient funds must be available to defray any cost for which the Government will be responsible for under contractual agreement.
 - (2) Sufficient and satisfactory space, not required for official purposes, must be available for the concession.
 - (3) The concession must operate in accordance with applicable safety, health, and sanitation codes and regulations.
 - (4) The commodities and services sold shall be limited to those that are beneficial for employees and patients that cannot easily be obtained from existing facilities.
 - (5) Each concession shall be required to serve all Federal employees or patients without regard to their religion, race, color, sex, age, or national origin.
- b. In granting permission to operate concession-type activities, consideration will be given in the following order:
 - (1) Activities involving the rehabilitation and therapy of patients under Sections 341-346 of the PHS Act, as amended, 42 USC § 257-261, the employment of Indian labor and selling of products of and selling of products of Indian Industry under the provision of Buy Indian Act, as amended, 25 USC § 47, and the operation of vending facilities for the blind under the Randolph-Shepard Vending Stand Act, as amended, 20 USC § 107 et. seq.
 - (2) Activities of HHS Employee Associations.
 - (3) Uses by private individuals and organizations.
- c. Commissaries and similar enterprises involving the use of HHS facilities for the sale of groceries, household goods, appliances, and any other commodity to employee will not be established at any installation unless it is isolated or remote and extreme hardship would result if such activities were not permitted. The OPDIV shall submit a statement justifying the need for the commissary to OFMP prior to establishing the commercial activity. The statement shall include information on the availability of foodstuffs and other supplies, transportation problems (goods and services), special living allowances, and other pertinent information.

The OPDIV responsible for the installation must ensure that applicable regulations are complied with and that proper conduct is maintained at each concession. In particular, the OPDIV must ensure that operations are conducted in conformance with the terms and conditions of the agreement, applicable Federal, state and local regulations for safety, health, and sanitation, and such other operating standards as may be issued.

Unless otherwise stipulated in the agreement, the Concessionaire shall provide as follows:

- (1) All equipment shall be in good condition and operating efficiently.
- (2) Space preparations and subsequent alterations required for the installation and operation of concession, and cost entailed in removal of equipment, restoration of premises, etc., upon termination of the agreement.
- (3) Cleaning of the area in an acceptable manner. If the Government provides cleaning and related services, the Concessionaire shall reimburse the Government at actual cost when known, otherwise at a cost estimated by the OPDIV.

- (4) Reimbursement for utilities such as heat, light, power, telephones, etc. as determined by the OPDIV, based on separately metered or estimated consumption.

The Concessionaire shall comply with the Equal Opportunity Clause prescribed by E.O. 11246 and "Rules of Conduct on Federal Property" as set forth in the FMR.

A Contracting Officer must sign the concession agreement, entered into in accordance to the FAR.

6. VENDING STANDS FOR THE BLIND

The Randolph Sheppard Vending Stand Act (20 USC § 107 et seq.) provides priority for blind persons in the location and operation of vending facilities on Federal property. It also directs the assignment of vending machine income and establishes certain State Licensing Agency responsibilities for effective management of the vending facility program for the blind in each state.

Blind persons licensed by state licensing agencies designated by the Secretary of Education, under the provisions of the Act, shall be given preference in the operation of vending facilities on any HHS controlled property. Any limitation on the location or operation of a vending facility by a blind vendor, based on the finding that such location or operation would adversely affect the interest of HHS or its OPDIVs, shall be fully justified in writing to the Secretary of Education, who shall determine if such limitation is warranted. A decision made by the Secretary concerning such limitation shall be binding and shall be published in the Federal Register.

Consideration shall be given to the inclusion of vending facilities in the planning for construction, substantial alterations, or renovations of buildings, and in leasing of space when the population of the building is sufficient to support such facilities. Where it is determined that vending machines are to be installed on leased property, the necessary approval of the lessor shall be obtained prior to the approval of the U.S. Department of Education.

The appropriate State Licensing Agency shall be provided with written notice of HHS or OPDIV intention to acquire additional properties where 100 or more Federal employees will be occupying the space during normal working hours. In actions meeting the notice requirement, HHS shall offer a satisfactory site. See 34 CFR 395.31(c) and (d).

The permit shall be issued in the name of the applicant State Licensing Agency, shall prescribe such procedures as necessary pursuant to 34 CFR 395, and shall be for an indefinite term. No charge will be made to the State Licensing Agency for use of government furnished space, or for the maintenance and repair of building structure in and adjacent to the vending stand areas. This includes painting and decorating, utilities required to operate the vending stands and vending machines, and other related building services in accordance with normal levels of service.

The State Licensing Agency is responsible for purchase, installation, maintenance, repair, replacement, servicing, and removal of all vending facility equipment. It is also responsible for cleaning necessary for sanitation over and above the standard level of service, and the maintenance of vending facilities and vending machines in an orderly condition at all times.

In granting approval to designated licensing agencies, or by contract with others, such as a necessary basic food service operation, the Department of Education regulations (34 CFR 395) should be followed. It is the responsibility of the OPDIV to determine whether a vending machine on the property is in direct competition with a vending facility operated by a blind vendor, subject to the concurrence of the State Licensing Agency.