



General Services Administration

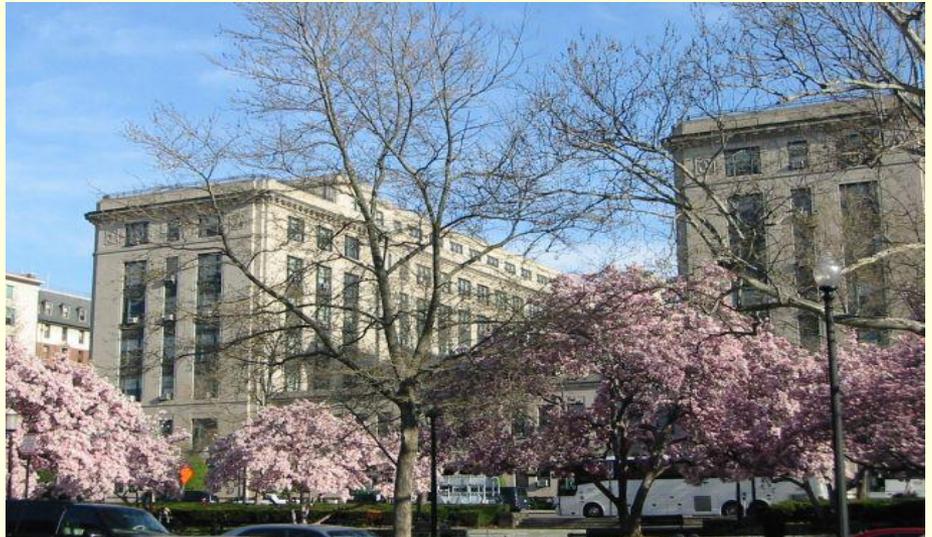
*Office of Real Property
Utilization and Disposal*

*NASA, Nashville Facilities Conf.
May 2011*



General Services Administration

- Federal Acquisition Service
- Public Buildings Service
 - Acquisition
 - Construction
 - Leasing
 - Property Disposal





Property Disposal Role

- **Disposes of Surplus Real Property**
- **Promotes Full Utilization of Gov't-wide Real Property**
- **Implements Socio-Economic Initiatives**
- **Responds to Congress on Redeployment Issues**
- **Ensures Equitable and Objective Decision Making**



Publicly vs. Privately-Owned Resources

- **Expectations of Community, Local Officials, and Congress**
- **Compliance with Environmental and Cultural Laws**
- **Balancing Public vs. Monetary Benefits**
- **Unique Title and Infrastructure Concerns**
- **Specialized Government Uses Not Easily Adaptable**

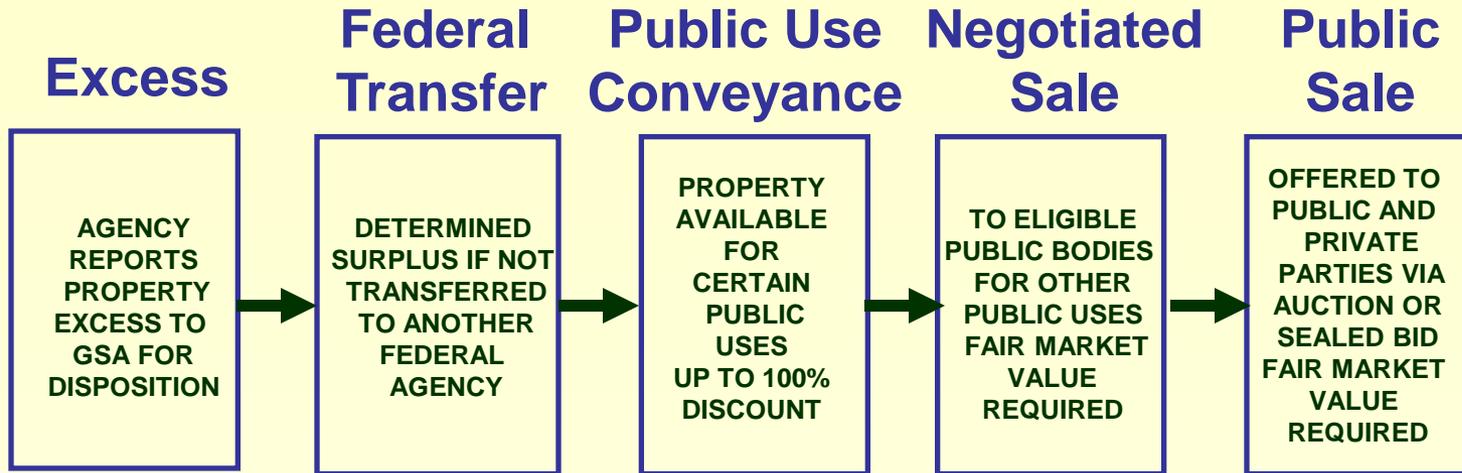


Key Stakeholders

- **Landholding Agency**
- **Sponsoring Agency**
- **Community Leaders**
- **Civic organizations**
- **Chamber of Commerce**
- **Congressional Delegation**
- **Mayor and City Officials**
- **County Executive and County Officials**
- **State Officials**
- **Tribal Organizations**



Disposal Process



USES:

- | | |
|--------------|-----------------------|
| HOMELESS | SELF-HELP HOUSING |
| AIRPORT | PARK & RECREATION |
| CORRECTIONAL | PORT |
| EDUCATIONAL | PUBLIC HEALTH |
| HIGHWAY | POLICE / FIRE |
| HISTORIC | WILDLIFE CONSERVATION |

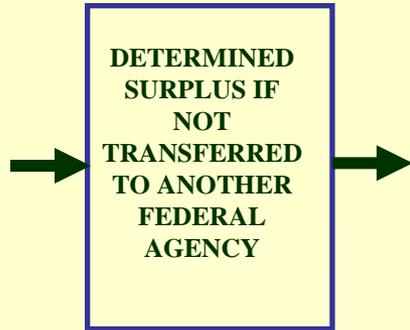
Federal Transfer



Excess Screening

- **GSA screens excess properties to determine other Federal needs**
- **Federal Agencies have 30 Days to Express Interest in Acquiring Property**
- **Fair Market Value required unless OMB supports requirement waiver**

Federal Transfer



Federal Transfer or Declared Surplus

- **The Disposal Agency facilitates any agreements between the excessing agency and the acquiring agency and will transfer the property via a transfer letter**
- **No Deed: Title Remains with the United States Government**
- **If there is no Federal interest expressed in the excess property, GSA declares the property surplus to the needs of the Federal Government**



Surplus Property/ PBC Disposal Agency Role

- **Stakeholder Outreach (begins at excess stage)**
- **Highest and Best Use Determination and Facilitation of Reuse Planning**
- **Surplus Screening of Properties**
- **Assignment or Deeding**
- **Compliance, where applicable**

Public Use Conveyance



Sponsoring Agency PBC Role

- **Publicize Programs to Communities with the Disposal Agency**
- **Determine whether the Property fits a Specific Program**
- **Review applications**
- **Receive Assignment and Write the Deed, where applicable**
- **Compliance, where applicable**

Public Use Conveyance



Compliance Role

- **Sponsoring agencies are responsible for ensuring that grantees comply with use restrictions (Education, NPS, DoT, etc.)**
- **Disposal Agency is responsible for compliance for:**
 - **Correctional**
 - **Law Enforcement and Emergency Management**
 - **Wildlife**

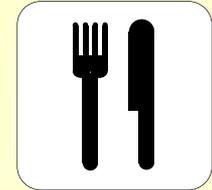


The McKinney-Vento Homeless Assistance Act

- **Established a requirement and priority that that federal property found to be excess, surplus, unused, or underutilized should be made available to assist the homeless.**
- **42 U.S.C. 11411**



McKinney-Vento Homeless Assistance



- Available to private nonprofit organizations, local governments, and the state
- Range of uses includes housing, storage, job training, and public services
- Property discounted at 100% of FMV with a restriction that the property be used in this manner for 30 years

Negotiated Sale

TO ELIGIBLE
PUBLIC BODIES
FOR OTHER
PUBLIC USES
FAIR MARKET
VALUE
REQUIRED

Negotiated Sales



- **40 USC § 545(b)(7) and 40 USC § 545(b)(8)**
- **Property screened in surplus screening for acquisition by state and local governments**
- **Economic development considered a public purpose**
- **Negotiated sales can also be used for unique circumstances**

Public Sale

OFFERED TO
PUBLIC AND
PRIVATE
PARTIES VIA
AUCTION OR
SEALED BID
FAIR MARKET
VALUE
REQUIRED

Competitive Public Sale

- **GSA offers property at a competitive public sale:**
 - **If there is no public body interest in properties determined surplus**
 - **If there is legislation directing sale**
- **Sale methods: Sealed Bid, Public Outcry, and Online**
- **FMV Required**



Environmental Considerations



Environmental Considerations

- **NEPA**
- **CERCLA**
- **USTs**
- **Asbestos**
- **PCBs**
- **Lead-Based Paint**
- **Historic and Cultural Resources**
- **Coastal Zone Management Act**
- **Floodplains**
- **Wetlands**
- **Endangered Species Act**

National Environmental Policy Act: NEPA

- **NEPA: directs Federal agencies to consider the potential impacts of their proposed activities on the human and natural environment**
- **Each agency has its own NEPA responsibility and implementing guidance: GSA's NEPA Desk Guide**
- **Action will result in either:**
 - **Categorical Exclusion (CATEX)**
 - **Environmental Assessment (EA)**
 - **Environmental Impact Statement (EIS)**

NEPA – Landholding Agency Action for Report of Excess

- **If landholding agency has conducted its NEPA analysis, GSA may accept property**
- **If landholding agency has not completed NEPA, GSA can accept property on the condition that a proper NEPA analysis will be completed**
- **Focus on excessing action vs. disposal action**

NEPA – GSA Disposal Action

- **GSA conducts NEPA analysis to determine whether the disposal action will have a significant impact on the environment**

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

- **Became law in 1980 & amended in 1986 (SARA); gives powers to President who can delegate to executive agencies**
- **Created a several billion dollar trust fund (i.e., the Superfund) for removal & remedial action cleanups**
- **Authorizes President to sue to compel (or settle with) “potentially responsible parties” (PRPs) to perform cleanup or pay for the costs of Superfund-financed responses**
- **Section 120(h) of CERCLA specific to federal property**

CERCLA 120(h)(3)

Required Deed Provisions

- **Disclose Hazardous Substance Activity**
- **Provide Buyer With Covenants:**
 - **All remedial action necessary has been completed at time of transfer or is “operating properly and successfully” (this is the key covenant!)**
 - **The United States shall conduct any additional remedial action found necessary after transfer (for contamination existing at time of transfer).**
 - **Access reserved for any additional remedial action found necessary after the transfer.**

CERCLA – Acceptance: GSA Hazardous Substance Activity Certification

12. Hazardous Substance Activity Certification

Hazardous Substance Activity includes: (1) the known release of hazardous substances in quantities equal to or greater than the reportable quantity found in 40 CFR 302.4; (2) the disposal of a hazardous substance at the subject facility; or (3) the storage for one year or more of a hazardous substance in quantities of 1000 kilograms or more, or the reportable quantity found in 40 CFR 302.4, whichever is greater. Hazardous substance activity includes storage in quantities greater than or equal to one kilogram if the substances are listed under 40 CFR 261.30 as acutely hazardous substances.

Check either statement (A) or (B) below:

A. The reporting agency has determined, based upon a complete search of agency files, that there is no evidence to indicate that hazardous substance activity took place on the property during or prior to federal ownership. Therefore, all remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken prior to the report of excess.

B. Hazardous substance activity occurred on the property. Based upon a complete search of agency files, the attached documents provide the following information:

1. the type and quantity in kilograms and pounds;
2. the dates that such storage, release or disposal took place;

(and the following information if applicable)

3. the Chemical Abstracts Services Registry Number (CASRN);
4. the regulatory synonym; and
5. the RCRA hazardous waste number (40 CFR 261.30).

GSA Hazardous Substance Checklist

If (B) was checked above, you must check either (C) or (D) below:

C. All remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken prior to the report of excess. Provide copies of all reports on the cleanup.¹ (Please note: this requirement is met if EPA has concurred in writing that an installed remedial design is “operating properly and successfully”. Please provide a copy of EPA’s concurrence.)

D. Remedial action has not yet been taken or completed, but remediation will be completed by _____ (date). Remedial action has not been completed because

_____. Attach additional pages if necessary to describe why remedial action has not yet occurred.

Check the correct response:

The property or a portion thereof is / is not proposed for or listed on the National Priorities List of Superfund sites.

NOTE: Please provide copies of all environmental reports, correspondence with regulators and other documents related to the environmental condition of the property. In the event that the reporting agency conducts environmental investigations as part of the excessing process, GSA requests use of the ASTM standards for Phase I and Phase II environmental site assessments.

¹ Please note that holding agencies are obligated to return to the site and complete any additional remedial action found to be necessary by the applicable regulatory authority with regard to hazardous substance activity that took place on the property prior to the transfer.

Fed to Fed Transfer of Property

- **CERCLA 120(h) does NOT apply – the transfer of federal property to a federal agency is viewed as passing the land from the left hand to the right.**
- **All environmental liabilities (i.e., CERCLA, RCRA, UST, etc.) can be retained by old federal owner or assumed by the new federal owner (or a little of both).**
- **In the past, the trend has been for current federal owner to clean property before actual transfer, and to be liable for discoveries after transfer.**
- **Recent trend is current federal owner to demand a transfer now with a right of access post-transfer to continue to do cleanup (I.e., “early transfer), or to insist on new federal owner picking up the cleanup obligation post-transfer.**

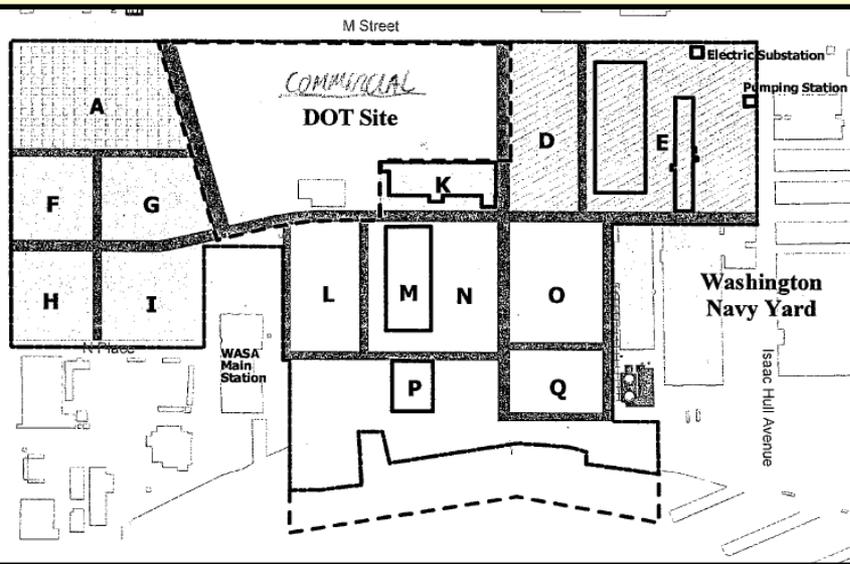
CERCLA 120(h)(3)(C): Early Transfer Authority

- **Allows the Governor (and EPA at NPL) to defer CERCLA covenant that all remedial action necessary has been taken prior to transfer if:**
 - **Property is suitable for use intended by transferee**
 - **The intended use is consistent with protecting human health and the environment**
 - **There are assurances that cleanup will be completed and the deferral will not substantially delay the cleanup**

CERCLA 120(h)(3) Covenant Exclusion: Conveyances to PRPs

- **Releases from purchaser's property onto ours (whether adjoining or not).**
- **Releases from purchaser's activities onto our property (e.g., lessee or licensee on our land).**
- **Threats of release onto our property by purchaser (from purchaser's land or activities).**

Additional Method for Contaminated Property: Lease/License then Convey



Q. Why at SE Fed Center, D.C.?

A. Complex deal where property leased to purchaser to conduct cleanup while building structures that will be leased back to the U.S. when the property is conveyed, post-cleanup, to the lessee/grantee



Q. Why at Denver Fed Center, CO?

A. State regulator demands in order to do an “early transfer” were too burdensome (e.g., the need to do a risk assessment on whether certain remedies at the site were protective enough to do an early transfer...). Hence, lease until cleaned, then transfer to lessee/grantee.

The National Historic Preservation Act (NHPA) of 1966

- **Established stewardship programs for federally owned historic properties**
- **Expanded the universe of historic properties eligible for the National Register of Historic Places**
- **Formalized the role of the state government (SHPO)**
- **Established the federal review process to protect federally owned historic properties (Section 106)**
- **Required federal government to assume leadership role in historic preservation**

NHPA and Federal Real Property Disposal

Landholding Agency's Section 110 Responsibilities:

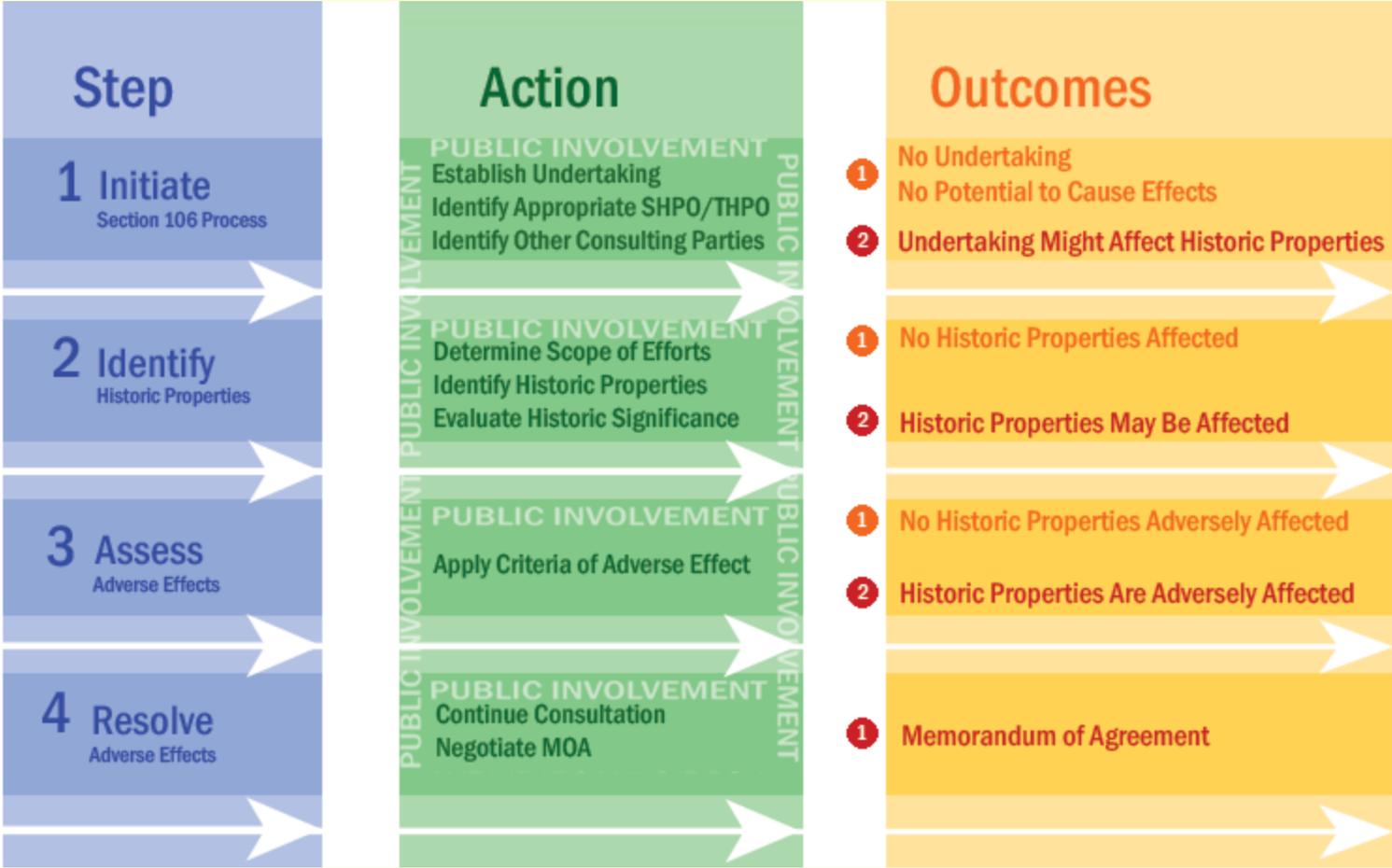
- **Determine the property's eligibility for listing on the National Register of Historic Places**
- **Create a preservation plan for historic resources**
- **Consider alternatives to excessing historic properties**
- **Protect and maintain all historic resources until the property is transferred**

NHPA and Federal Real Property Disposal

GSA's Section 106 Responsibilities for Property Disposal:

- **Verify the landholding agency's information on historic resources**
- **Identify Area of Potential Effect for disposal undertaking**
- **Consult with the SHPO and other stakeholders and develop measures that mitigate the potential for adverse effects**
- **Incorporate mitigation measures in conveyance documents**

Four Steps to the 106 Process





Adding Value



Publicly vs. Privately-Owned Resources

- **Expectations of Community, Local Officials, and Congress**
- **Compliance with Environmental and Cultural Laws**
- **Balancing Public vs. Monetary Benefits**
- **Unique Title and Infrastructure Concerns**
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Relocation Program

- Adopted Private Sector Asset Management Tool
- Relocate an agency mission to a new location from a high value property that is not fully utilized
- Funding by GSA to acquire new space vacated property and returns cash to US Government
- GSA able to proceed directly to sale



Hyde Park





GSA's Reimbursable Role

- **Property Act and Economy Act allows GSA to provide other agencies with asset management services on a reimbursable basis**
- **GSA can utilize other landholding agencies' unique authorities to provide those services in addition to Property Act Authorities**
- **Examples of Unique Authorities GSA is supporting:**
 - **DoD: Real Property Exchange**
 - **USDA: Forest Service**
 - **DoD: Base Realignment and Closure**

General Services Administration

Costa Mesa ANG Site



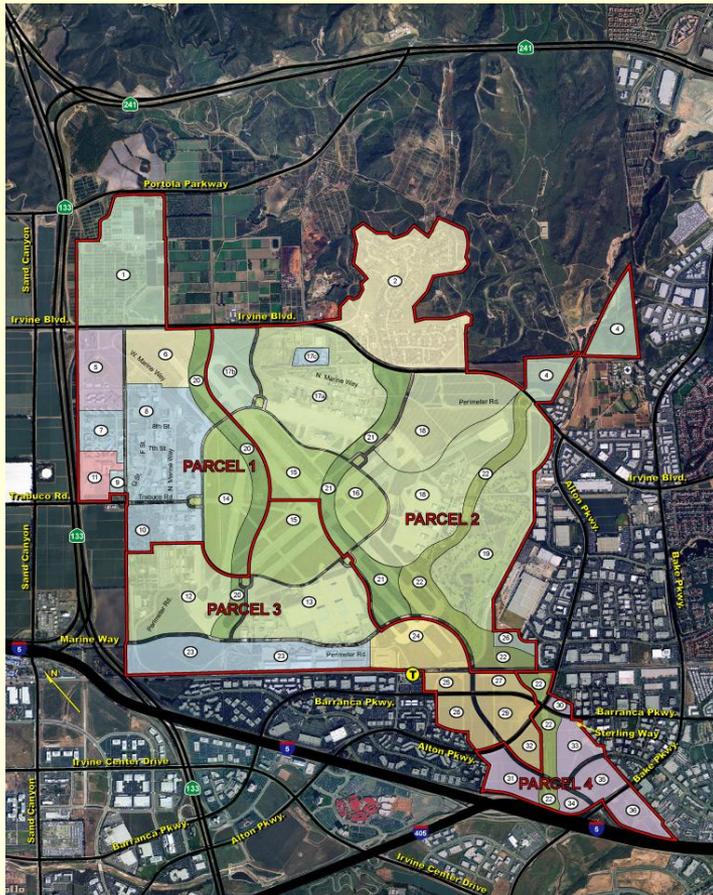


Oak Knoll Naval Hospital





El Toro Marine Corps Air Station, California



-  Bidder Support Center
-  Officer's Club
-  Metrolink SCRRA
-  Self Guided Tour Stop Signs
-  Self Guided Tour Route



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The property and parcel data depicted herein has been provided by sources we believe to be reliable, however, neither Colliers Seeley International, it's subcontractors nor the federal government shall warrant, represent or otherwise guaranty it's accuracy. Moreover, all measurements and dimensions are approximate and are not to scale. All interested potential bidders are strongly advised and directed to independently verify all project information presented herein.

General Services Administration



USDA Forest Service: Jackson Hole





Full Range of Tools and Services Available

- GSA led Real Property Solutions
 - Value Creation Model
- Disposal Support Services
- Value Added Services Contract (VAS)
- Environmental Services Contract
- Appraisal Services Contract
- Unique offerings from Federal Schedule



By the numbers: In the past 10 years...

- 4,043 assets sold with sales proceeds of over \$6 billion.
- 260 assets transferred to other agencies
- 624 public benefit conveyances (lease or transfer title of surplus property to qualified entities for public uses at a substantial discount.)



GSA led Real Property Solutions

- Partnership with GSA allows customers to take advantage of GSA's experienced workforce while maintaining project control
- Regional team members provide thorough hands on expertise for transaction-specific or geographically-specific real property assets
- Competitive pricing structure vs straight commission
- Market Plan, MOU and estimate of costs provided prior to project start
- Unique direct involvement in managing the public process and local outreach



GSA Knows Federal Property

- GSA offers innovative asset management solutions to an agency's Federal real property needs, such as:
 - Tailored real estate services
 - Long-term strategic asset management expertise
 - A nationwide network of real estate professionals
 - Established and reputable Federal contracts and partnerships
 - Experienced at navigating the regulatory maze surrounding federal property



GSA Targeted Asset Reviews



Purpose

Targeted Asset Reviews are designed to assist agencies with real property asset management by:

- **Increasing agency knowledge of individual assets**
- **Understanding each asset's role in supporting agency mission objectives**
- **Examining current and future utilization alternatives**
- **Collecting and organizing title, environmental, and historic information**
- **Identifying real estate and community issues affecting the property**



Process

Targeted Asset Reviews involve three steps:

- **Research of Agency Records and Files**
- **Inspection of the Real Property Asset**
- **Analysis and Documentation**



Research

Targeted Asset Reviews also:

- **Identify deficiencies in Property Records**
- **Flag outstanding issues for further research**

Targeted Asset Reviews may also “cure” information deficiencies thru researching GSA files for information on previous transactions involving the installation or adjacent properties, researching files held in Federal Record Centers or in state and local government files.

Analysis and Documentation

The report also contains:

- **A summary of the acquisition and disposal history of the asset**
- **A compilation of any encumbrances – easements, leases, licenses, etc. – affecting the property**
- **Metes and bounds descriptions and survey plats**
- **Photographs and maps of the property and surrounding area**



Additional Services

GSA's Office of Real Property Utilization and Disposal employs a five-tiered approach to Federal Real Property Asset Management, which focuses on achieving agency mission objectives thru the effective and efficient use of real property assets. In addition to Targeted Asset Reviews this approach includes:

- **Real Property Inventory Systems**
- **Portfolio Analysis**
- **Cost analysis and Asset Valuation**
- **Redeployment Services**

For More Information...

Visit our Home Page:

<https://propertydisposal.gsa.gov>

Richard.Butterworth@gsa.gov

Douglas.Vansant@gsa.gov

