

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2004-2]

Utilization of Commonwealth-Owned and Leased Space

February 18, 2004

Whereas, the Commonwealth of Pennsylvania currently owns approximately 11,000 buildings, and its executive agencies lease approximately another 700 buildings; and

Whereas, pursuant to Section 2402(a) of The Administrative Code of 1929, 71 P. S. § 632(a), the Department of General Services is responsible for the management of space within the Capitol Complex buildings and those buildings designated as state office buildings, and any building or buildings that may have been devised or may hereafter be devised to the Commonwealth; and

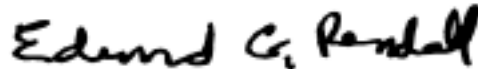
Whereas, pursuant to Section 2402(d) of The Administrative Code of 1929, 71 P. S. § 632(d), the Department of General Services is designated as the leasing agent for the Commonwealth and may contract in writing for and rent proper and adequate offices, rooms, or other accommodations outside of the Capitol buildings, for any department, board, or commission which cannot be properly and adequately accommodated with offices, rooms, and accommodations in the Capitol buildings; and

Whereas, pursuant to Article XXIV-A of The Administrative Code of 1929, 71 P. S. §§ 651.1—651.9, the Department of General Services is the Commonwealth's agent for the disposal of surplus real property; and

Whereas, pursuant to the Downtown Location Law, 73 P. S. §§ 821—825, the General Assembly found it to be in the best interests of this Commonwealth to facilitate the revitalization of traditional central and neighborhood business districts within our communities; and

Whereas, the public interest and sound management principles require that one central office shall be designated to manage the utilization of Commonwealth-owned and leased space in order to maximize the use of the Commonwealth's resources and to effectuate the intent of the Downtown Location Law.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby designate the Department of General Services as the central agency to manage the utilization of all Commonwealth-owned and leased space.



Governor

Fiscal Note: GOV 04-1. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter AA. UTILIZATION OF COMMONWEALTH-OWNED AND LEASED SPACE

- Sec.
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§ 1.321. Responsibilities.

(a) The Department of General Services is responsible for:

- (1) The central management of the allocation of Commonwealth-owned and leased space and shall have all necessary authority to do so properly.
- (2) Maintaining an inventory of all Commonwealth-owned and leased space and shall regularly inspect these facilities to ensure that they are being fully and economically used by the tenant agencies.
- (3) Upon receipt of a request from an agency for additional space or for the renewal of a lease for existing space, determining the following:
 - (i) Whether there exists proper justification for the request.
 - (ii) Whether the type of facility, its size and location are justified on the basis of its intended use and the actual complement of personnel using the space.
 - (iii) Whether the request can be accommodated by the use of already existing Commonwealth-owned or leased space, or by consolidation with existing owned or leased space.
 - (iv) Whether, in the case of a request for a renewal, the lease should be renewed and the terms of the renewal outlined in writing.
- (4) Terminating or amending leases.
- (5) Decreasing the amount of space leased.
- (6) Ordering the consolidation of space within or among facilities and agencies.
- (7) Moving agencies from leased space to owned space.
- (8) Declaring property surplus to the needs of an agency.
- (9) Taking any other action that will result in the elimination of unnecessary or inefficiently used space and the comprehensive and economic use of all existing facilities and land.

(b) No approval or consent of the tenant agency will be required for the Department of General Services to take action under this section.

§ 1.322. Compliance by State agencies.

Administrative departments, boards and commissions shall:

- (1) Comply with sections 508 and 2402(a) of The Administrative Code of 1929 (71 P. S. §§ 188 and 632(a)) and 62 Pa.C.S. § 322 (relating to specific construction powers, duties and procedures) when expending funds in connection with planning for or when altering, repairing or improving Capitol Complex buildings or those buildings designated as State office buildings.
- (2) Obtain approval from the Department General Services before changing the location of space assigned in Capitol Complex buildings or those buildings designated as State office buildings.
- (3) Obtain approval from the Department of General Services before leasing space or renewing or renegotiating leases.
- (4) Comply with section 2402(a) of The Administrative Code of 1929 by providing the Department of General Services a listing of all annual surveys of real property under their jurisdiction, and identifying among the real properties those that are surplus to their current needs.

§ 1.323. Requests for space.

Agency heads are responsible for requesting additional space, if needed, or for renewing leases. To request additional space or to renew a lease, alternatives to doing so should be reviewed by agency heads, including the possibility of consolidations within their agency or with other agencies in

already-leased or Commonwealth-owned facilities. Agency heads' efforts, in this regard, shall be fully detailed in any request to the Department of General Services for space.

(1) Upon receipt of the Department of General Services' response to any request for space, the agency head of the requesting agency shall direct a staffperson to prepare and provide the Department of General Services with whatever agency authorization is required, and to cooperate and comply with the Department of General Services' decision.

(2) Consistent with the Downtown Location Law (73 P. S. §§ 821—840) and guidelines developed by the Department of General Services, agency heads are strongly encouraged to lease space in downtown areas, whenever possible. The Department of General Services will take all measures necessary to ensure that the goals of the Downtown Location Law are met, and that lessors with facilities located in downtown areas are provided with opportunities to lease those facilities to Commonwealth agencies.

§ 1.324. Department relationship with other agencies.

To implement the purpose of this subchapter, the Department of General Services may request and receive from any department, board, commission or any other agency under the jurisdiction of the Governor, cooperation, information and data needed to properly carry out its powers and duties. Independent agencies are also encouraged to participate with the provisions outlined in this subchapter.

§ 1.325. Effective date.

This subchapter is effective immediately.

§ 1.326. Termination date.

This subchapter will remain in effect unless revised or rescinded by the Governor.

§ 1.327. Rescission.

Executive Order 1991-2, Utilization of Commonwealth-Owned and Leased Space, is rescinded.

[Pa.B. Doc. No. 04-642. Filed for public inspection April 16, 2004, 9:00 a.m.]