

SECTION 1-2: DEFINITIONS

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1-2-00 POLICY

This section establishes definitions of terms used in this manual and HHS facilities programs. This chapter will assist users of the manual in understanding and properly applying certain terminology to the facilities development process. These definitions and all other definitions in this Manual must be read consistently with all other similar relevant definitions set forth in any other potentially relevant and applicable laws, regulations and similar government-wide requirements.

The following terms are defined as they relate to the HHS facilities construction program.

Acquisition Planning (as defined by FAR) – The process by which the efforts of all personnel responsible for an acquisition are coordinated and integrated through a comprehensive plan for fulfilling the agency need in a timely manner and at a reasonable cost. It includes developing the overall strategy for managing the acquisition.

Acquisition Strategy - A business and technical management approach designed to achieve program objectives within the resource constraints imposed. It is the framework for planning, directing, contracting for, and managing a program. It provides a master schedule for all activities essential for program success. The acquisition strategy is the basis for formulating functional plans and strategies including the Acquisition Plan (AP).

Agency - In very general terms, an administrative unit of government. A Department Operating Division (OPDIV) is any of the agencies under the Department of Health and Human Services, which is responsible for the conception, planning, programming, budgeting, and/or execution of a program(s) and any associated operating functions.

Agency Capital Plan - The Agency Capital Plan (ACP) is the product of programming, planning and budgeting for capital assets. The ACP is the result of an executive investment review process of an agency's capital asset portfolio. The ACP includes a statement of agency strategic plans, an analysis of the portfolio of assets currently owned and in procurement, the gap between planned and actual performance, justifications for new acquisitions proposed for funding, and related information.

Alterations – Improvements that consist of any betterment or change to an existing property to allow its use for a different purpose or function. See also the definition of “Improvements”.

Architect-Engineer Services (as defined in 40 USC 1102 and the FAR) -

- A. Professional services of an architectural or engineering nature, as defined by State law, which are required to be performed or approved by a person licensed, registered, or certified to provide such services;

- B. Professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and
- C. Such other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.

As-Built Drawings - Construction drawings revised to show changes made during the construction process, based on record drawings (marked-up prints, drawings and other data) furnished by the Contractor to the Government. The drawings shall clearly identify that they are the 'As-Built' drawings.

Basic Services: The services performed by an architect-engineer during the following five phases of a project: schematic design; design development; construction documents; bidding or negotiation; and contract administration.

Beneficial Occupancy - Beneficial occupancy takes place on the date when part or all of the work involved in a construction project is substantially complete and the Government takes possession of the designated space or spaces to use for the purpose intended. Beneficial occupancy also initiates the warranty period and any additional environmental mitigation measures identified in the environmental documents to be taken after construction. (The use of a project or portion thereof for the purpose intended.)

Benefit-Cost/Cost Effectiveness Analysis - Mechanism to determine the best solution to satisfy facility requirements by exploring and comparing the economics of alternatives such as: leasing, constructing a new facility, and renovating an existing structure or an addition/alteration option.

Best Value - The expected outcome of an acquisition in the Government's estimation that provides the greatest overall benefit in response to the requirement. Best Value procurement is a method of acquisition in which proposals contain both price and qualitative components, and award is based upon a combination of price and qualitative considerations. Qualitative can be further subdivided as to technical design and/or management plan.

Bid Bond - Form of bid security executed by the bidder as Principal and by a Surety to guarantee that the bidder will not withdraw a bid within the period specified for acceptance and will execute a written contract and furnish required bonds, including any necessary coinsurance or reinsurance agreements, within the time specified in the bid.

Buildings and Facilities Funding - An application within the HHS budget request to support Line Item Projects (construction, improvements, or repairs) or Lump Sum amounts such as Repair and Improvements (R&I), Maintenance and Improvements (M&I), etc.

Budget Submission - Documentation submitted in the annual budget implementation process to support the real property asset management programs of an OPDIV including Facility Project Approval Agreements, Annual Facilities Plan (Five-Year Plans), program narratives and performance outcomes. Draft documents are required to support the initial budget submission to the

Department in June. Final documents, approved as applicable, are required to support the final budget submission to OMB in September.

Capital Asset - Capital assets are land, structures, equipment, and intellectual property used by the Federal Government with an estimated useful life of two years or more.

Change Order (as defined by FAR) - means a written order, signed by the Contracting Officer, directing the contractor to make a change that the Changes clause authorizes the Contracting Officer order a change without the contractor's consent.

Concepts - Drawings, sketches and/or graphics showing alternatives used to define a project's scope during the programmatic phase of the project.

Congressional Reprogramming – Reprogramming is the shifting of funds from one object to another within an appropriation. An appropriation for construction is required by 41 U.S.C. 12, so any reprogramming action for construction purposes would be within the B&F appropriation. Funds may not properly be reprogrammed from a non-B&F appropriation to fund construction. Reprogramming actions do not represent requests for additional funds from the Congress, rather, the reapplication of resources already available. A transfer of funds between appropriations requires specific statutory authority; and is not included in the definition of reprogramming.

Constructed Asset – A constructed asset is received as equipment, materials, services, and supplies and built to its final, functioning form that is not available "off the shelf" but is built or constructed to unique specifications. The acquisition cost of a constructed asset is the total of all costs (equipment, materials, services, supplies, freight, salaries, benefits, overhead, etc.) incurred in the process of designing and building the asset.

Construction – The erection of a building, structure or facility, including the installation of equipment, site preparation, landscaping, associated roads, parking, environmental mitigation and utilities, which provides space not previously available. It includes freestanding structures, additional wings or floors, enclosed courtyards or entryways, and any other means to provide usable program space that did not previously exist (excluding temporary facilities). Construction projects are capitalized in accordance with the accounting principles of the Federal Accounting Standards Advisory Board (FASAB). See Section 2-1 for additional information.

Construction Codes – Any set of standards set forth in regulations, ordinances or statutory requirements of a local, state, or federal governmental unit relating to building construction and occupancy, adopted and administered enforced for the protection of the public health, safety and welfare, and the environment.

Construction Documents Phase – The third phase of the architect - engineer's basic services. In this phase the architect-engineer prepares from the approved design development documents, for approval by the Government, the working drawings and specifications and the necessary bidding information. In this phase the architect-engineer also assists the Government in the preparation of bidding forms, etc.

Construction Management - A version of the design-bid-build project delivery system that uses a construction manager to facilitate the design and construction of a project by organizing and directing personnel, materials, and equipment to accomplish the purpose of the designer. A professional service that applies effective management techniques to the planning, design, and

construction of a project from inception to completion for the purpose of controlling time, cost and quality, as defined by the Construction Management Association of America (CMAA).

Construction Manager - A firm or business organization with the expertise and resources, who has the responsibilities under contract to the Government for coordination and accomplishment of overall project planning, design and construction.

Contract (as defined by FAR) – a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized (by the FAR), are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications.

Contract Award - The official instrument and notification from the Contracting Officer that the Government has accepted a contractor's bid or offer.

Contract Documents - Those documents that comprise a contract, e.g., in a construction contract, the government contractor agreement (Standard Form 252, General Provisions and Clauses, Special Contract Requirements, other provisions in the Uniform Contract Format, specifications, plans and/or drawing, all addenda, modifications, and changes thereto, together with any other items stipulated as being specifically included.)

Contract Modification (as defined by FAR) - Means any written change in the terms of a contract (see FAR [43.103](#)).

Contracting Officer - The individual with authority to execute contracts on behalf of the Government. This individual is the sole authorized agent in dealing with the contractor. The Contracting Officer has authority to negotiate and execute contracts on behalf of the Government and to make changes, amendments, approve payments, terminate contracts, and close out contracts upon satisfactory completion.

Contracting Officer's Technical Representative (COTR) - The Project Officer or other authorized representative that is designated by the Contracting Officer.

Contractor - The person, firm, or corporation with whom the Government has executed a contract, that is responsible for performing the work.

Cost-Benefit/Cost Effectiveness Analysis - Mechanism to determine the best solution to satisfy facility requirements by exploring and comparing the economics of alternatives such as leasing, constructing a new facility, renovating an existing structure or an addition/alteration option.

Decontamination - The complete removal or destruction by flashing of explosive powders; the neutralizing and cleaning-out of acid and corrosive materials; the removal, destruction, or neutralizing of toxic, hazardous or infectious substances; and the complete removal and destruction by burning or detonation of live ammunition from contaminated areas and buildings.

Defective Work - Work not in conformance with the contract documents. Materials and equipment furnished under the contract are not of specified quality and new unless otherwise required or permitted by the contract documents.

Deficiency (as defined by FAR) - A material failure of a proposal to meet a Government requirement or a combination of significant weaknesses in a proposal that increases the risk of unsuccessful contract performance to an unacceptable level.

Delegation of Authority - The specific, formal deputation, assignment, or commitment of a legal power or right to take certain actions and to make certain decisions having legal significance. Such delegations must be stated in writing by the official authorized to delegate the authority.

Deliverables (in the context of design) - All of the drawings, specifications, models, etc., prepared by the offeror in response to an awarded contract. (In the context of construction) - The complete project including all of the record drawings, conformed specifications, operations and maintenance manuals delivered by the contractor required for beneficial occupancy.

Design - The process of defining the construction requirement (including the functional relationships and technical systems to be used, such as architectural, environmental, structural, electrical, mechanical, and fire protection), producing the technical specifications and drawings, and preparing the construction cost estimate.

Design Development Phase - The second phase of the architect-engineer's basic services. In this phase the architect prepares from (from the approved schematic design studies, for approval by the Government) the design development documents consisting of drawings and other documents to fix and describe the size and character of the entire project as to structural, mechanical and electrical systems and such other essentials as may be appropriate; the architect-engineer also submits to the Government a further statement to probable construction cost.

Design Professional - An individual who is licensed to practice architecture and/or engineering.

Design Proposal - A portion of a design-build proposal that contains design factors, usually including function, layout, materials, aesthetics and specifications. Design proposal falls under the general category of qualitative evaluation factors.

Design-Bid-Build (as defined by FAR) - The traditional delivery method where design and construction are sequential and contracted for separately with two contracts and two contractors.

Design-Build (as defined by FAR) - Combines design and construction in a single contract with one contractor.

Develop-Design-Build (Turnkey), Design-Build-Lease, Lease Purchase - Financing methods in which the Government retains an entity which has single-point responsibility for developing a project: in addition to design and construction, the entity is responsible for providing one or more other project development functions, such as selecting a site, financing and even owning or operating the facility which is leased to the Government (with or without the option to purchase).

Earned Value - Earned value is a management technique that relates resource planning to schedules and to technical cost and schedule requirements. All work is planned, budgeted, and scheduled in time-phased "planned value" increments constituting a cost and schedule measurement baseline. There are two major objectives of an earned value system: to encourage contractors to use effective

internal cost and schedule management control systems; and to permit the customer to be able to rely on timely data produced by those systems for determining product-oriented contract status. For example: As work is performed, it is "earned" on the same basis as it was planned, in dollars or other quantifiable units such as labor hours and materials. Planned value compared with earned value measures the dollar volume of work planned vs. the equivalent dollar volume of work accomplished. Earned value compared with the actual cost incurred (from contractor accounting systems) for the work performed provides an objective measure of planned and actual cost. For firm fixed price, the intent is to compare the original contractor planned milestones, their start/finish date, planned monthly progress and value to the actual dates and actual percentage completion for the same.

Easement - An interest in land granted for a specified purpose, such as a highway, utility line, etc.

Environmental Checklist - The checklist is used to determine if an environmental assessment is required for a particular project. If the project affects historic property, it should be noted on the checklist that the evaluation of historic property is under 36 CFR 800, Section 106.

Equipment - See Section 2-1 for additional information.

- a. Fixed Equipment – Fixed, built-in, attached, and installed equipment normally included as part of the construction contract and capitalized as facility cost.
- b. Moveable Equipment – Equipment that does not require attachment to the building or utility service, other than that provided by an electrical plug or disconnect fittings.
- c. Special Purpose Equipment – Technical, medical, or scientific equipment that is needed to operate a laboratory, a hospital, a clinic, a clinical research patient care unit, an animal care facility, or is specific to a single purpose and not generally suitable for other purposes. Special purposed equipment may be classified as either fixed or moveable equipment.

Equipment Funding - See Section 2-1 for appropriate funding sources for equipment.

Excess Real Property - Any real property under the control of a Federal agency that is not required for the needs and discharge of its responsibilities.

Executive - A Government employee with management responsibilities as designated by the employing agency head.

Executive Agency (as defined by FMR) – Any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

Facility - A building or group of buildings, a structure, utility system, the site and/or environs associated with the above.

Facility Project Budget – A summary of all anticipated project costs necessary for a construction, improvement or repair project to complete planning, design, construction, and activation including equipment and result in a fully operational facility . The source(s) of funding shall be identified in the project's budget. The facility project budget is documented on the HHS Form 300, Facility Project Approval Agreement.

Facility Project Approval Agreement (FPAA - HHS Form 300) - a written agreement between designated OPDIV officials (i.e., Project Manager, Project Director and OPDIV Board Member) and the

Department evidencing the OPDIV's commitment to execute a particular project. A FPAA is required for all facility construction and improvement projects exceeding \$1 million and all repair projects exceeding \$3 million. The FPAA documents the project's scope and description, basis of need, funding source(s), and total cost from all sources. It identifies project schedule milestones, including completion of design, construction, activation and operational phases.

Fast Track Construction - A scheduling process in which design and construction activities overlap. Design documents and equipment and trade subcontracts are released incrementally or in phases.

Feasibility Study - A detailed investigation and analysis conducted to determine the financial, economic, technical, environmental and other advisability of a proposed project.

Federal Acquisition Regulation (FAR) – The basic policy governing federal agency acquisitions. The FAR contains legal requirements, regulations, and policies that bear on contracting. The FAR is available electronically via the internet at <http://www.acquisition.gov/comp/far/index.html> or <http://farsite.hill.af.mil/vffara.htm>. There are many other useful websites available for FAR research that also include agency specific supplements to the FAR.

Federal Agency (as defined by FMR) – Any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under that person's direction).

Federal Agency Buildings Manager - Building manager employed by GSA or a federal agency that has been delegated real property management and operation authority from GSA.

Federal Government Real Property Services Provider - any federal government entity operating under, or subject to, the authorities of the Administrator of General Services, that provides real property services to federal agencies. This definition also includes private sector firms under contract with federal agencies that deliver real property services to federal agencies. This definition excludes any entity operating under, or subject to, authorities other than those of the Administrator of General Services.

Fee Proposal for Design Services - A proposal for architectural-engineering services to be rendered by the selected A/E in response to a RFP. The fee proposal will be the basis of negotiating a design contract in design-bid-build delivery.

Final Inspection - Final review of the project by the Government to verify satisfactory completion of all contract elements, prior to issuance of the final payment.

Full Funding - Appropriations (regular or advanced) as enacted that are sufficient to complete a capital project before any obligations may be incurred. Requests for acquisition of capital assets must propose full funding to cover the full costs of the project or a complete and usable segment of the project, consistent with the policy stated in section 300.6(b) of OMB Circular A11.

Full Scope Authorization – Use of a single contract or related contracts, which collectively include the full scope of the project as authorized by language in an appropriations bill. Full scope authority may be employed for development and construction of the project provided that the project will be subject to the availability of funds. The solicitations and contract(s) shall contain the clause "Availability of Funds" found at 48 CFR (FAR) 52.232-18.

General Contractor - The prime contractor who is responsible for all of the work at the construction site defined within the contract, including that performed by all subcontractors.

General Provisions – The standard clauses that are used by Government agencies in various types of contracts. Most of these clauses are set forth in FAR 52, and guidance for their use is set forth in the Provision and Clause Matrix in FAR Part 52.301. The term also includes clauses specified in FAR Supplement for agency wide use. FAR 52.102-1 provides that general provisions will be incorporated by reference to the regulations “to the maximum practical extent” rather than by placing the full text of clauses in the contract document.

General Services Administration (GSA) - Acting by or through the Administrator of General Services, or a designated official to whom functions under this part have been delegated by the Administrator of General Services.

Gross Area - The total square footage/square meters in a building for all floors from the outside face of exterior walls, disregarding such architectural projections as cornices, buttresses, and roof overhangs. Gross area includes all research and administrative space, retail space, and other areas such as vending machine space and storage. Gross area also includes major vertical penetrations such as shafts, elevators, stairs, or atrium space. This figure is used in defining construction costs for facilities. See Section 2-7 for additional information.

Historic Properties - Properties listed on the National Register of Historic Places or determined by the Federal Preservation Officer (in consultation with the cognizant SHPO or THPO) to be eligible for listing on the National Register of Historic Places based on National Register Criteria.

Holding Agency - The executive agency that has accountability for the property involved.

Hospital - Buildings used primarily for furnishing in-patient diagnosis and treatment under physician supervision and having 24-hour-a-day registered graduate nursing services. This category also includes medical laboratories used for routine testing. This category excludes buildings used directly in basic or applied medical research. (IHS is the only HHS OPDIV with hospitals that fit this definition.)

Improvements (Renovations/Alterations) - Any betterment or change to an existing property to allow its continued or more efficient use within its designated purpose (Renovation), or for use for a different purpose or function (Alteration). Building improvements also include improvements to or upgrading of primary mechanical, electrical, or other building systems, and site improvements not associated with construction projects. Improvements typically increase the useful life of a facility and are capitalized against the existing property in accordance with the accounting principles of the FASAB. See Section 2-1 for additional information.

Incremental (Partial) Funding - Incremental funding or partial funding is dollars provided in the appropriations process that are not enough to cover the full cost of the project or a complete and usable segment of the project.

Installation - A separately located and defined area of real property in which HHS exercises a real property interest. The term also applies to portions of installations, facilities, or buildings not owned by HHS but which have been acquired for exclusive use through lease, permit, or other written agreement.

Integrated Project Team - Multi-disciplinary team established to manage and analyze performance and capability of a project or portfolio of projects in meeting program requirements.

Laboratory - Buildings used directly in basic or applied research in the sciences (including medicine) and in engineering, such as medical laboratories, meteorological research laboratories; and buildings used in designing, developing and testing prototypes and processes for chemistry and physics. This category excludes medical and industrial laboratories used for routine testing.

Landholding Agency - The federal agency that has accountability for the property involved. For the purposes of this definition, accountability means that the federal agency reports the real property on its financial statements and inventory records

Land Purchases - Specifically designated funding in an OPDIV's budget and/or appropriation for the acquisition of land. All acquisitions of land require specific statutory authority, 41 U.S.C. 14. All land acquisitions must be submitted to and approved by the HHS Capital Investment Review Board.

Lease - Specific rights to real property that have been assigned to the Federal Government for a defined period of time. A federal lease is both a conveyance and contract to possess and use real property for a pre-determined period of time.

Life Cycle Cost - The total cost of owning, operating, and maintaining a building over its useful life, including its fuel and energy costs, determined on the basis of a systematic evaluation and comparison of alternative building systems; except that in the case of leased buildings, the life cycle cost shall be calculated over the effective remaining term of the lease.

Liquidated Damages - Liquidated damages usually are specified as a fixed sum per calendar day that the contractor must pay to the government for failure to complete the work within the time specified in the contract. Liquidated damages must be set at a level consistent with a reasonable forecast of actual harm to the Government.

Load Factor - In a lease, the load factor is the multiplier to a tenant's useable space that accounts for the tenant's proportionate share of common areas (restrooms, elevator lobby, mechanical rooms, etc.). The load factor is usually expressed as a percentage and ranges from a low of 5% for a full tenant to as high as 15% for a multi-tenant floor. Subtracting one (1) from the quotient of the rentable area divided by the useable area yields the Load Factor.

Lowest Responsive Bid - The lowest bid which is responsive to and complies with the requirements of the Bidding or Contract Documents.

Maintenance - Work to keep a property, facility, and/or building system or component in a continuously usable state or condition. Maintenance may include inspection, cleaning, calibration and adjustment, lubrication and replacement of constituent parts, materials and/or sub-assemblies worn, broken, damaged or otherwise comprised. Maintenance includes routine recurring work, which is incidental to everyday operations, as well as preventive work, which is programmed at scheduled intervals, and predictive work, which is indicated by analysis. See Section 2-1 for additional information.

Management Proposal - That portion of a design-build proposal that contains the management plan including project approach, personnel, organization, schedule, affirmative action plan, etc. The management plan falls under the category of qualitative evaluation factors.

Master Plan - A master plan is a set of physical development plans for a specific site. An OPDIV Agency-wide Master Plan (AMP) must include all sites containing facilities in their inventory. Master plans analyze and document overall multiple building designs, their interrelationships and site requirements, including but not limited to:

- a. Land use
- b. Site development and utility infrastructure
- c. Future expansion
- d. Landscaping
- e. Grading and drainage
- f. Pedestrian and vehicular circulation and parking
- g. Support services
- h. Off-site improvements
- i. Environmental impacts

Metrics - Standard performance measurements.

Minor Renovations – Renovations that are directly related to the installation of special-purpose equipment, as well as related design and inspection services. These renovations may include extending utility services, providing suitable safety and environmental conditions for proper operations, and making structural changes such as cutting walls and floors, and new partitions, provided such improvements are proximately incident to the installation, operation, and use of special purpose equipment and necessary to conduct the functions of the program(s). Minor renovation projects do not change the value of the underlying asset or increase the useful life of the facility. See Section 2-1 for additional information.

Model Building Codes - Regional building codes adopted as law by local jurisdictions.

Nationally Recognized Standards - Encompasses any standard or modification thereof which:

Has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby those interested and affected by it have reached substantial agreement on its adoption, or

Was formulated through consultation by appropriate federal agencies in a manner, which afforded an opportunity for diverse views to be considered.

Net Area/Net Space - Net Area or Net Space, refers to those portions of the facility available to use for program operations and for supply storage, building maintenance/operation, and other necessary support functions. Net Area is measured from the inside of the permanent exterior wall to the near side of permanent walls separating the area from stairwells, elevators, mechanical rooms, permanent corridors, or other portions of the building not categorized as Net Space Area in the program of requirements document. In calculating net area, no deduction is made for columns and projections that are necessary to the building. However, deductions shall be made for large duct and elevator shafts passing through it. See Section 2-7 for additional information.

Net Assignable Square Footage - The area of a floor or office suite that is suitable for occupancy including secondary corridors. It excludes common or shared space that cannot be reasonably

assigned for program purposes such as main egress corridors, hazardous waste marshaling areas on the loading dock, and other non-programmable space.

Offer (as defined by FAR) - A response to a solicitation that, if accepted, would bind the offeror to perform the resultant contract. Responses to invitations for bids (sealed bidding) are offers called “bids” or “sealed bids”; responses to requests for proposals (negotiation) are offers called “proposals”; however, responses to requests for quotations (simplified acquisition) are “quotations,” not offers.

Office - Buildings primarily used for office space.

OPDIV Facilities Manager - The person in each HHS Operating Division, responsible for managing the OPDIV's facilities program.

Owned – The Federal Government has fee simple interest in the real property.

Partial Occupancy - Occupancy by the Government of a portion of a project prior to final completion.

Pass Back - Federal mechanism by which, HHS is formally advised of, the Office of Management and Budget's (OMB) recommendation to the President regarding the Department's budget request.

Payment Bond - (Labor and Material Payment Bond) - A contractor's bond in which, a surety guarantees to the owner that the contractor will pay for labor and materials used in the performance of the contract. The claimants under the bond are defined as those having direct contracts with the contractor or any subcontractor.

Performance Bond - A bond of the Contractor in which a surety guarantees to the owner that the work will be performed in accordance with the Contract Documents. Except where prohibited by statute, the Performance Bond is frequently combined with the Labor and Material Payment Bond.

Performance Specifications - A specification expressed in terms of an expected outcome or acceptable performance standard.

Plans and specifications - means drawings, specifications, and other data for and preliminary to the construction.

Post-Occupancy Evaluation (POE) Survey - The process of inspecting and analyzing recently completed and occupied facilities with a primary objective of determining both positive and negative lessons learned. The lessons learned are to be disseminated and used to promote long-term program improvements.

Pre-Project Planning - Process for developing sufficient strategic information through which HHS land-holding OPDIVs can address risk and determine required resources for successful construction projects.

Prequalification - The process in which the Government requests preliminary technical proposals and/or qualification submissions, from which it selects a certain number as the most qualified; those offerors compete for the final selection.

Prescriptive Specification - The traditional method of specifying materials or techniques found in design-bid-build projects. The range of acceptable product, manufacturers, and techniques, etc, is stipulated in detail to be followed by the builder.

Program Justification Document (PJD) - One of the planning and programming documents that the OPDIV may develop for obtaining approval for the project and its scope, for identifying potential environmental impacts, and for developing a cost estimate for inclusion in the HHS budget. Generally, the PJD includes an Introduction, General Overview, Space and Occupancy Summary, Staffing Summary, and an Executive Summary. To form a Program of Requirements (POR), technical requirements are attached to the PJD.

Program of Requirements (POR) - One of the planning and programming documents that the OPDIV may develop that describes the proposed facility. It includes estimates of design and construction costs, space requirements, environmental requirements, and other program information. Although normally developed by the program OPDIV, resource availability and time constraints may dictate that the POR be developed by a private A/E firm. Additional requirements for the POR are found in Chapter 2.

Project Definition Rating Index (PDRI) - A pre-project planning tool developed by the Construction Industry Institute (CII) that measures how complete the project scope has been defined. The PDRI score is required as part of the submission of OPDIV Facility Project Approval Agreements (HHS-300).

Project Officer - The government representative legally designated by the Contracting Officer as the authorized technical representative for administering A/E, construction and/or service contracts on behalf of the Contracting Officer, exclusive of contractual matters. The Project Officer is not authorized to issue any instructions or directions which effect any increases or decreases in the scope of work or which would result in the increase or decrease of the cost of the contract or a change in performance period of the contract.

Public Area - Any area of a building, which is ordinarily open to members of the public, including lobbies, courtyards, auditoriums, meeting rooms, and other such areas not assigned to a lessee or occupant agency.

Public Body - Any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any political subdivision, agency, or instrumentality of the foregoing.

Public Building (as defined in 40 U.S.C. 3301)-

(1) Any building, whether for single or multi-tenant occupancy, and its grounds, approaches, and appurtenances, which is generally suitable for use as office or storage space or both by one or more federal agencies or mixed ownership Government corporations, including federal office buildings, post offices, customhouses, courthouses, appraisers stores, border inspection facilities, warehouses, record centers, relocation facilities, telecommuting centers, similar federal facilities and any other buildings or construction projects the inclusion of which the President considers to be justified in the public interest. It also includes buildings of this sort that are acquired by the Federal Government under the Administrator's installment-purchase, lease-purchase, and purchase-contract authorities. HHS buildings are considered "Public Buildings" except as noted in paragraph (2) below.

(2) “Public building” does not include buildings or construction projects:

- (a) On the public domain (including that reserved for national forests and other purposes);
- (b) On the property of the Government in foreign countries;
- (c) On American Indians and Alaska Native properties held in trust by the United States;
- (d) On lands used in connection with federal programs for agricultural, recreational, and conservation purposes, including research in connection with the programs;
- (e) On or used in connection with river, harbor, flood control, reclamation or power projects, or for chemical manufacturing or development projects, or for nuclear production, research, or development projects;
- (f) On or used in connection with housing and residential projects;
- (g) On military installations including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense;
- (h) On Department of Veterans Affairs installations used for hospital or domiciliary purposes.
- (i) Exclusion of which the President considers to be justified in the public interest.

Punch List - A list of unsatisfactory or incomplete work items that are identified by government representatives during an inspection of the work after the contractor has notified the Contracting Officer that work is substantially complete. The contractor must complete all punch list work items satisfactorily before the final acceptance of contract work.

Qualification Based Selection - A form of selection based upon qualifications of the offeror for the project followed by negotiations to determine the contract cost.

Qualification Statement - A written submission by interested architect/engineer respondents on SF 330, more generic and limited than a proposal, used by an owner for pre-qualification and short listing, i.e., selecting the teams that are most qualified.

Qualitative Factors (in the context of design-build) - The subjective and non-cost factors that characterize and qualify an offeror. Such factors would include both factors that characterize the design-build entity and the proposal they submit. Examples include the experience and management plan of the design-builder and the aesthetic, functional and other aspects of a design that are not directly convertible to cost.

Real Property - Any interest in land (together with the improvements, structures, and fixtures located thereon) under control of any federal agency, except the public domain, or lands reserved or dedicated for national forest or national park purposes.

Record drawings – the drawings submitted by a contractor or subcontractor at any tier to show the construction of a particular structure or work as actually completed under the contract.

Renovation – Improvements that consist of any betterments or changes to an existing property to allow its continued or more efficient use within its designated purpose. See also the definition of “Improvements.”

Rentable Area – The (square footage) for which rent can be charged. Generally it is the gross area of the full floor less the area of all vertical penetrations (elevator shafts, stairwells, mechanical shafts

etc.) Rentable area can be measured in many ways, but the most common measurement for office buildings is according to BOMA standards.

Repair - The restoration of a failed or failing primary building system or real property facility component to a condition that restores its effective use for its designated purpose. A repair does not increase the underlying value of an existing facility and is typically not capitalized. An example of a primary building system would be the structural foundation and frame, domestic waste system, or building HVAC; a real property component would be a piece of the primary building system such as a roofing system, central chiller/boiler, generator, or elevators. A failed or failing primary building system or real property component may be the result of action of the elements, fire, explosion, storm and/or other disasters, and by use near to or beyond its expected useful life or technical obsolescence. See Section 2-1 for additional information.

Repair-by-Replacement – The replacement of an existing building with significant deficiencies when it is more advantageous to replace the building than use the funds to renovate the building. A building may be replaced under Repair-by-Replacement if the cost of the documented eligible repairs is 75% of the cost to replace that building with a new equivalent building meeting current code and design standards. See Section 2-1 for additional information.

Request for Proposals (RFP) - The document that completely describes the procurement process, forms the basis for proposals, and ultimately becomes a potential element in the contract.

Schematic Phase - The first phase of the architect-engineer's basic services. In this phase, the architect-engineer prepares schematics consisting of drawings and other documents illustrating the scale and relationship of project components for approval by the Government. The architect-engineer also submits to the Government a statement of probable construction cost.

Scope of Work (sometimes, referred to as 'Scope') – The narrative description of a project including the physical size and characteristics, functions, and special features.

Section Eight (a) – Section 8(a) of the Small Business Act is a program for minority disadvantaged contractors, where contractors are certified and contracted with the Small Business Administration (SBA). HHS in turn contracts with SBA for services.

Specifications - A part of the contract documents. A written document describing in detail the scope of work, materials to be used, method of installation, quality of workmanship for parcel of work to be placed under contract; usually utilized in conjunction with working drawings in building construction. Under the uniform system the specifications are comprised of 16 divisions. Specifications can be described as proprietary, performance, prescriptive, or reference specifications.

Stakeholders - Individuals and organizations who are involved in or may be affected by the undertaking.

Standards – Something considered by an authority or by general consent as a basis of comparison; an approved model. Standards tell the user how something is commonly done and are usually regarded only as recommendations that do not have the force of law. Nationally recognized standards are frequently collected as reference information when codes are being prepared. In many instances, entire sections of the standards are adopted into the regulated codes by reference, and then become legally enforceable.

Statement of Work - The Statement of Work is a document in the acquisition process that describes the work to be performed or the services to be rendered, defines the respective responsibilities of the Government and the contractor, and provides an objective measure so that both government and the contractor will know when the work is complete and payment is justified. Common elements of the Statement of Work are Background, Project Objectives, Scope of Work, Detailed Technical Requirements, Deliverables, Reporting, Schedule, Special Considerations, and References.

Subcontractor - A person or entity that has a direct contract with the Contractor to perform any of the work at the site.

Submittal - Plans and associated information comprising shop drawings, catalog submittals, etc.

Surplus Real Property - Any related real property and related personal property reported as excess which has been screened by GSA for needs of the federal agencies or waived from such screening by GSA and has not been designated by GSA for utilization by another federal agency.

Temporary Construction - Construction to provide a building, structure, or facility needed for a limited period of time to meet an urgent and compelling agency need. Such facilities should be of a clearly temporary nature to meet a temporary need. The temporary need is demonstrated by a facility requirement for less than 5 years or the long-term need has been programmed in the OPDIV Facilities Plan, but may not have been funded. See Section 2-1 for additional information.

Termination - The unilateral cancellation of a contract by the Government for either: (a) convenience (in the best interest of the Government) or (b) default (failure of a contractor to perform as required).

Turnkey - A variation of design-build project delivery in which one entity is responsible to the owner for design, construction plus designated real estate services that may include project financing and site selection/purchase.

Two-Phase Design-Build Selection Procedures - A selection method in which a limited number of offerors (normally five or fewer) are selected during Phase 1 to submit detailed proposals for Phase Two (see FAR Subpart 36.3).

Usable Square footage - (Also referred to as "office area".) The secured area (square footage) occupied exclusively by tenant within a tenant's leased space. The useable area times the load factor for common area results in rentable area on which rent is charged. Useable area can be measured in many ways, but the most common measurement for office buildings is according to BOMA standards. It does not include restrooms, elevator shafts, fire escapes, stairwells, electrical and mechanical rooms, janitorial rooms, elevator lobbies, or public corridors (for example, a corridor leading from the elevator lobby to the entrance of a tenant's office).

Warehouse - Buildings used for storage, such as ammunition storage, covered sheds, and buildings used primarily for storage of vehicles or materials. Also included are underground or earth-covered ammunition storage bunkers and magazines. This category excludes water reservoirs and POL storage tanks, which are storage structures. (Note that HHS warehouses are not used for storing some of the materials described in the FRPC definition. Some typical uses for HHS warehouses include storage of personal property; furniture fixtures and equipment; vehicles and mail distribution. All of the HHS warehouses are included within the broader FRPC definition.)

Weakness (as defined by FAR) - A flaw in the proposal that increases the risk of unsuccessful contract performance. A "significant weakness" in the proposal is a flaw that considerably increases the risk of unsuccessful contract performance.