

Chapter 10: Real Estate Certification Program

DOE Order 430.1B (Real Property Asset Management), prescribes "the use of a DOE Certified Realty Specialist (CRS) for the execution of real estate acquisitions" and to "execute the disposal of real estate, including the disposal of DOE improvements without the underlying land." A Certified Realty Specialist is defined in the Order as a DOE employee that is certified in one or more of the four specialty realty areas: acquisition, non-GSA leasing, GSA leasing, and land management and disposal. Employees so certified are authorized to prepare, approve and execute real estate actions within certified specialty areas." To assure that DOE real estate actions are conducted and approved by professional, properly trained, and adequately experienced personnel, DOE requires that these individuals meet the qualifications described below. Page 10-8 lists approved real estate training courses by Certification Levels.

DELEGATIONS THROUGH THE CERTIFICATION PROGRAM

The Director, Office of Engineering and Construction Management, with NA-50, or his designee, countersigning for NNSA employees, will issue Certifications to qualified DOE individuals in four distinct areas of specialty: (1) acquisition by other than lease (acquisition), (2) leasing except for leases executed under the delegation of lease acquisition authority from GSA (non-GSA leasing), (3) leasing under the delegation from GSA (GSA leasing), and (4) land management and disposal.

To qualify for Certification an individual must meet the experience and education criteria outlined below.

Certification Committee

The Certification Committee has five members; three Certified Realty Specialists, the NNSA Senior Realty Officer and the OECM Senior Realty Officer. The NNSA co-chair is appointed by NA-50, or his designee, and the other three committee members serve by invitation of the Committee.

Applications are submitted to the Committee by the applicant, with a cover letter requesting Certification from the Site Manager or equivalent. Within thirty (30) days after receipt, the Committee must make a decision to approve, disapprove or request additional information. If the applicant's application package demonstrates he or she possesses the skill set and experience

required for the requested Certification, the Committee will recommend approval on a written form, See Attachment A. The Committee's evaluation will include both education and experience and be documented on Attached Forms 1 and 2. If, however, the applicant fails to fully meet the required levels and skills the Committee will return the request to the applicant with an explanation as to the deficiencies.

Certification requests to the Committee must contain the following:

- A cover letter, as noted above
- A resume showing the applicant's background
- What area(s) of specialty are being requested
- Educational training outlined, as noted in the Level 1 or Level 2 requirements.
- Discussion of specific personal experience as noted in the Level 1 or Level 2 requirements.

Committee actions require a unanimous vote. If the Committee cannot obtain a unanimous vote within thirty (30) days of an initial vote, both Senior Realty Officers will discuss and attempt to overcome any objection(s). If they are unable to reach agreement, the matter will be forwarded up the proper channel(s) with, "No unanimous vote obtained" annotated for a decision at higher levels. Committee actions involving NNSA require the NNSA co-chair to be in attendance. Actions by the committee are subject to review and override by the Director, Office of Engineering and Construction Management, or by NA-50, or his designee, for actions involving NNSA.

Certification Levels

Level 1 Certification is for the beginning through intermediate Realty Specialist. Level 1 Certification is available for each of the four specialty realty areas. Level 1 Certification is limited to a maximum of \$250,000 for each individual real estate action as shown in the section, "Authority Levels for Certified Realty Specialists" on page 10-6.

Level 2 Certification is for the experienced Realty Specialist with the authorities given in the section, "Authority Levels for Certified Realty Specialists". Experience and educational requirements are provided in the section following. Courses identified in the, "Approved Real Estate Training Courses" list are immediately acceptable. Training classes completed under a prior Approved Real Estate Training Course list can be substituted for another similar course under any revised Course list. Other courses may be substituted with the approval of the Certification Committee.

Experience and educational requirements are provided in the section following.

LEVEL 1 CERTIFICATION

Experience

A minimum of three (3) years of creditable experience in the real estate field, at least one (1) year of which is Federal (GS-1170) at the journeyman level (GS-12 or above) with two (2) other creditable years total real estate experience in the requested area of delegation. Creditable years are years of experience as a Federal GS-1170 Realty Specialist (1 year's credit for each year of experience) or number of years experience as an Active State Licensed Real Estate Salesperson or Broker (1 year's credit for every two years of experience). Other experience, such as state and/or local government experience will be evaluated for its applicability to the realty specialist field and credited on a full or partial basis as determined by the Certification Committee operating under the rules noted on page 10-1. Specific training requirements for Certification in the GSA Leasing specialty area are identified in the General Services Administration Acquisition Manual 501.603-2 Selection, Figure 501-1 Warrant Course Requirements.

Education

Education may be substituted for creditable years of experience but not for journeyman level experience. Completion of any six (6) approved classes as listed within Chapter 10, "Approved Real Estate Training Courses", or State certified or college real estate courses, will be the equivalent of one (1) year of experience towards the requested specialty area. Waiver of any educational course will be approved by the Certification Committee operating under the rules noted on page 10-1. A list of courses will be maintained by the DOE Senior Realty Officer, updated by the Certification Committee and available in Chapter 10 of DOE's, "A Desk Guide for Real Estate Personnel", or upon request. These courses will be credited toward fulfillment of experience in appropriate specialty areas. The courses will be annotated to indicate the type of experience they will be credited toward; e.g., acquisition, leasing, or land management and disposal. Experience and educational requirements are provided in the section following. Courses may be nominated to become an "approved training course" by submitting adequate information about the nominated course to the Certification Committee who will determine the appropriate credit and appropriate specialty area.

LEVEL 2 CERTIFICATION

Experience

A minimum of six (6) years of creditable experience in the real estate field, at least two (2) years of which is Federal (GS-1170) and at least one (1) year at the journeyman level (GS-13 or above) with four (4) other creditable years total real estate experience in the requested specialty area of delegation. Creditable years are years of experience as a Federal GS-1170 Realty Specialist (1 year's credit for each year of experience) or number of years experience as an Active State Licensed Real Estate Salesperson or Broker (1 year's credit for every two years of experience).

Other experience, such as state and/or local government experience will be evaluated for its applicability to the realty specialist field and credited on a full or partial basis as determined by the Certification Committee operating under the rules noted on page 10-1. Specific training requirements for Certification in the GSA Leasing specialty area are identified in the General Services Administration Acquisition Manual 501.603-2 Selection, Figure 501-1 Warrant Course Requirements.

Education

Education may be substituted for creditable years experience but not for journeyman level experience. Completion of any six (6) approved classes as listed within Chapter 10, “Approved Real Estate Training Courses”, or State certified or college real estate courses, will be the equivalent of one (1) year of experience towards the requested specialty area. Waiver of any educational course will be approved by the Certification Committee operating under the rules noted on page 10-1. A list of courses will be maintained by the DOE Senior Realty Officer, updated by the Certification Committee and available in Chapter 10 of the DOE “A Desk Guide for Real Estate Personnel”, or upon request. These courses will be credited toward fulfillment of experience in appropriate specialty areas. The courses will be annotated to indicate the type of experience they will be credited toward; e.g., acquisition, leasing or land management and disposal. Experience and educational requirements are provided in the section following. Courses may be nominated to become an “approved training course” by submitting adequate information about the nominated course to the Certification Committee who will determine the appropriate credit and appropriate specialty area.

CERTIFICATION PROCESS

Issuance

Certificates will be issued to Federal employees of the Department meeting the qualification requirements in any or all of the four specialty areas of real estate activity after review of a request for such Certification from the appropriate organization. While Certification is designed to meet field requirements for real property actions, Certification may also be requested for Headquarters employees meeting the requirements and having the demonstrated need for the Certification. Requests should include adequate information on training and experience to permit review and evaluation. Employees so certified may prepare, approve and execute real estate actions within that specialty. The Senior Realty Officer or Certificate holder, however, may re-delegate to others but must review and approve, in writing, the action being taken.

The qualification requirements of this document can only be waived, for DOE employees, by the Senior Real Property Officer, or the Director, Office of Engineering and Construction Management. For NNSA employees, the Associate Administrator for Infrastructure and Environment (NA-50), or his designee reserves sole authority for waiving any qualification requirements.

Term

Certificates are permanent but Currency must be maintained. Certificates will automatically terminate upon the resignation, retirement, or transfer of the Certificate holder from a GS-1170 position or to another position that has no organizational responsibility for real estate. In addition, for DOE employees, the Director, Office of Engineering and Construction Management can withdraw Certification at any time for justifiable cause. The withdrawal of a Certification involving an NNSA employee requires the concurrence of NA-50, or his designee. Certificates are issued to individuals, not positions.

Currency

In order to maintain currency for all Certifications issued, the individual must attend three real estate related or approved courses during a consecutive five-year period and must complete the annual agency required Ethics Training Program. Attendance at a DOE sponsored Real Estate Conference may be substituted for one of the real estate related approved courses during the five year period. Every five-years from the date of issuance of each Certification, the Certified Realty Specialist will provide a list showing completion of these currency requirements to the Certification Committee. Failure to maintain Currency will result in a suspension of all Certificates held by that Certified Realty Specialist until all Currency requirements have been met. With written justification, the Director, Office of Engineering and Construction Management, can waive any, or all, of the Currency requirements for DOE Certified Realty Specialist. With the concurrence of NA-50, or his designee, such waivers can be granted to NNSA employees, again with written justification.

AUTHORITY LEVELS FOR CERTIFIED REALTY SPECIALISTS

LIMITATIONS:

LEVEL 1: Subject to a maximum of \$250,000 for each individual real estate transaction in each specialty as shown below

LEVEL 2: No limitations except as indicated below in Authorities Retained in Headquarters

SPECIALTY AREAS:

Subject to full compliance with the requirements of this document and policy directives issued pursuant hereto, individuals certified in the appropriate specialty area are authorized to contract for or approve with any limitations noted above, all real estate actions except acquisition by condemnation or donation. This includes the following real estate actions:

Acquisition to include fee, except donations and condemnation actions; permanent and temporary lesser interests (easements, licenses, leases [other than building space], permits, rights-of-entry, mineral rights, water rights, timber rights); exchanges, transfers from other Federal agencies; withdrawals from the public domain; settlements after condemnation proceedings are instituted; approval of appraisals.

Non-GSA Leasing lease acquisition using DOE authorities; contractor and DOE leases; lease options; approval of appraisals.

GSA Leasing includes lease acquisitions using GSA's delegation of authority issued to Federal agencies on September 25, 1996. GSA's delegation of authority requires that all re-delegation be to Realty Specialists meeting the specific training requirements of the GSA Acquisition Manual. Those training courses required will be annotated on the listing of courses maintained by the DOE Senior Realty Officer.

Land Management and Disposal to include disposal of fee, permanent and temporary lesser interests (easements, licenses, leases, permits, rights-of-entry, mineral rights, water rights, timber rights); exchanges, transfers to other Federal agencies; approval of utilization surveys; annexation decisions; legislative jurisdiction; approval of appraisals, relinquishment of withdrawals; abrogation of restrictions within DOE disposal documents.

AUTHORITIES RETAINED IN HEADQUARTERS

- a. Approval of all donations to DOE.
- b. Signature authority for Declarations of Taking, Complaints in Condemnation or any other directive which institutes a condemnation action.
- c. Submission of lease prospectuses to Congress or to GSA for submission to Congress.

AUTHORITY LEVELS IN HEADQUARTERS

The OECM Senior Realty Officer and the NNSA Senior Realty Officer are delegated authority to authorize actions or sign real estate contracts for DOE the same as a Certified Realty Specialist in addition to approving:

Prospectuses for submission to Congress or to GSA.

All real estate actions may be approved by any of the following individuals:

Director, Office of Management, Budget and Evaluation (except for PMAs & NNSA)

Administrator for NNSA (for NNSA sites); Administrators of PMAs (for PMA sites)

Exceptions to this delegation are as follows:

Only the Secretary or the Administrator for NNSA (for NNSA sites) or the Under Secretary for Energy, Science and Environment may sign Declarations of Taking or Complaints in Condemnation or any other directive which institutes a condemnation action.

Only the Secretary or the Administrator for NNSA (for NNSA sites) may authorize acceptance of a donation of real property.

Only individuals meeting GSA's experience and training requirements will be delegated authority to sign leases under GSA's delegation of authority to the Department of Energy. Such delegations within Headquarters will be by letter delegation to qualified individuals.

APPROVED REAL ESTATE TRAINING COURSES

Vendor	Credit Area	Course Title (Course Number)
<u>Level 1:</u>		
MCI	L(2)	Federal Real Property Leasing (#1049)
MCI	L(2)	Federal Real Property Lease Law (#1050)
MCI	L(2)	Techniques of Negotiation Federal Property Leases (#1081)
MCI	L(2)	Cost & Price Analysis of Lease Proposals (#1031)
MCI	L	Lease Administration (#1028)
COE	D	Real Estate Management and Disposal 101 (#7)
COE	A	Real Estate Acquisition 101 (#79)
COE	A, L, D (1)	Environmental Laws and Regulations (#170)
IRWA	A, L, D (1)	Understanding Environmental Contamination in Real Estate (#603)
IRWA	A, L, D (1) (2)	Appraisal Theory & Principles (#404)
Appraisal Institute	A, L, D (1)	Appraisal Principles (#110)
<u>Level 2:</u>		
COE	A	Real Estate Acquisition 201 (#121)
COE	D	Real Estate Management and Disposal 201 (#73)
COE	A, D	Real Estate Condemnation (#133)
COE	A	Real Estate Relocation Assistance (#193)
COE	L	Space Utilization (#214)
COE	A, D (1)	Real Estate Planning & Control (#144)
COE	A, L, D (1)	Historic Structures I (#392)
IRWA	A, D, (1)	Legal Aspects of Easements (#802)
IRWA	A, D (1)	Property Descriptions (#902)
Appraisal Institute	A, L, D (1)	Appraisal Procedures (#120)
Appraisal Institute	A	Basic Income Capitalization (#310)
Appraisal Institute	A, L, D (1)	Appraisal Review: General
Appraisal Institute	A, L, D (1)	Uniform Standards of Professional Appraisal Practice (#410)

A= Acquisition

(1) Counts in all of the specialty areas indicated.

L= Leasing

(2) Required for GSA Leasing Certification

L(2)= GSA Leasing

D= Land Management & Disposal

Courses shown above that are no longer offered can be waived for DOE employees with the approval of the Senior Real Estate Officer, or NA-50 or his designee for NNSA employees, if no other course is substitutable or no course has been DOE approved from another Vendor.

ATTACHMENT A

THE CERTIFICATION BOARD REPORT

Applicant: _____ Office: _____ Date: _____

Specialty Areas Requested: _____ Acquisition _____ Non-GSA Leasing
_____ GSA Leasing _____ Land Management & Disposal

Experience: Using the experience requirements of Section 10, Pages 10-2 and 10-3, evaluate the applicants experience in Federal and Private Sector practice and write your summary on the attached page (Form 1) considering exact and substitutable experience for the Level of Certification requested/approved.

Education: Using the list of Approved Real Estate Training Courses, compare the applicants training courses completed and any applicant supplied substitutable courses for merit and consideration towards the completion of the training courses required for the Level of Certification requested. Attach your comparison (Form 2) to this report.

Evaluation:

Does the applicant meet the Experience requirements? ___ Yes ___ No-explain:

Does the applicant meet the Education requirements? ___ Yes ___ No-explain:

RECOMMENDATION: ___ for Approval ___ for Disapproval

Evaluator: _____
Signature

CONCURRENCE: ___ for Approval ___ for Disapproval

Co-Chair: _____ Co-Chair: _____
For DOE For NNSA

APPROVAL:

Robert L. McMullan. (MA-50)

Bruce Scott (NA-50)

**REAL ESTATE EXPERIENCE EVALUATION FOR
THE CERTIFICATION BOARD REPORT**

Federal Experience:

Requirements:

Level 1 – 3 years creditable experience with at least 1 year at GS-1170-11, or above:

Level 2 – 6 years creditable experience with at least 1 year at GS-1170-12, or above:

Private Sector Experience (1 year federal experience for each 2 years as Licensed Private Sector Broker/Salesperson):

Level 1 -

Level 2 -

Other Experience Considerations (if any):

REAL ESTATE TRAINING COURSE COMPARISON FOR THE CERTIFICATION BOARD REPORT

Vendor	Course Title	Course Completion Date/ or Comparable Substitution/ or Comments
<u>Level 1:</u>		
MCI	Federal Real Property Leasing (#1049)	
MCI	Federal Real Property Lease Law (#1050)	
MCI	Techniques of Negotiation Federal Property Leases (#1081)	
MCI	Cost & Price Analysis of Lease Proposals (#1031)	
MCI	Lease Administration (#1028)	
COE	Real Estate Management and Disposal 101 (#7)	
COE	Real Estate Acquisition 101 (#79)	
COE	Environmental Laws and Regulations (#170)	
IRWA	Understanding Environmental Contamination in Real Estate (#603)	
IRWA	Appraisal Theory & Principles (#404)	
Appraisal Institute	Appraisal Principles (#110)	
<u>Level 2:</u>		
COE	Real Estate Acquisition 201 (#121)	
COE	Real Estate Management and Disposal 201 (#73)	
COE	Real Estate Condemnation (#133)	
COE	Real Estate Relocation Assistance (#193)	
COE	Space Utilization (#214)	
COE	Real Estate Planning & Control (#144)	
COE	Historic Structures I (#392)	
IRWA	Legal Aspects of Easements (#802)	
IRWA	Property Descriptions (#902)	
Appraisal Institute	Appraisal Procedures (#120)	
Appraisal Institute	Basic Income Capitalization (#310)	
Appraisal Institute	Appraisal Review: General	
Appraisal Institute	Uniform Standards of Professional Appraisal Practice (#410)	

Attachment B