

DECONSTRUCTION GUIDE FOR MILITARY INSTALLATIONS



Developed by:

**University of Louisville's
Kentucky Pollution
Prevention Center**



and

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Fort Knox



Fort Campbell



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1.0 Purpose and Overview

The purpose of this manual is to serve as a general reference document for military installations that are developing a deconstruction program, or for those bases that are interested in evaluating alternative methods. This manual is not meant to be inclusive of the many different ways military installations can achieve or have achieved successful deconstruction programs in the past.

Installations that are no longer active will follow different procedures and encounter different challenges than bases that are active. Furthermore, policies and procedures for active bases will likely vary from post to post. Information used to develop this manual was collected from two active military bases – Fort Campbell, located along the Tennessee/Kentucky border, and Fort Knox located in Kentucky.



Oak flooring recovered from an apartment at Ft. Knox.

1.1 Deconstruction

Deconstruction is the disassembly and recovery of a building in the reverse order in which it was constructed. The goal of any building deconstruction project is to maximize the recovery of salvageable material within a reasonable time frame, at the lowest possible cost. Building deconstruction planning efforts must consider a majority of issues before the process can begin.

Conventional demolition is the mechanical destruction of buildings with little thought towards material salvage. Building components are reduced to rubble and typically disposed of in construction and demolition (C&D) landfills. Concrete, brick and other related items are sometimes salvaged and used for other purposes after additional preparation. When compared with deconstruction, the demolition process is much faster but produces little to no salvageable material.

1.2 Deconstruction and the Department of Defense

In the late 1980s and early 1990s, the Department of Defense (DoD) and Congress identified military installations for closure or realignment. From these efforts came the Base Realignment and Closure (BRAC) Act that consisted of four rounds of base closures and realignment occurring in 1988, 1991, 1993 and 1995.

As more and more military installations undergo realignment and closure, opportunities to implement deconstruction activities increase. In 1998, DoD established the “*Non-Hazardous Solid Waste Diversion Rate*” Measure of Merit (MoM), which is a significant driving force to implement deconstruction at military bases. The goal of this program is to increase the non-hazardous solid waste diversion rate from landfills to 40 percent by FY 2005 for all branches of the military. Since a significant quantity of demolition building material is disposed of in on-site military C&D landfills, deconstruction will reduce the amount entering the landfills, and thus improve the diversion rate.

Each branch of active military installations must follow their respective policies and procedures for real estate disposal. Just as is the case for building demolition, building deconstruction is managed under real estate disposal. A list of the documents for each respective branch is provided below. Copies of these documents are available in [Appendix A](#).

- [Department of the Air Force](#) – AFI 32-9004
- [Department of the Army](#) – AR 405-90
- Department of the Navy – NAVFAC P-73 (Not included in Appendix A)

Installations that have been closed or realigned under BRAC will have a different set of guidelines.

2.0 Military Deconstruction Programs

Though both Fort Knox and Fort Campbell have successfully implemented deconstruction programs, each installation has accomplished this somewhat differently. Fort Knox has been pursuing deconstruction for a number of years; Fort Campbell has been involved with deconstruction only for the past few years and developed the program framework with assistance from Fort Knox. The primary difference between the two programs is based upon how real property is transferred to the contractor. Fort Knox sells the “recycling” rights of the property to the contractor. The contractor is required to salvage a specified percentage of the building, but is not responsible for removal of the entire building. Fort Campbell sells the entire property; the contractor salvages building material and is also required to remove all remaining building debris down to the foundation.

The initial steps involved in preparing a building for deconstruction (e.g. building clearance through the McKinney Act, utilities shutoff, etc.) are the same as would be expected for building demolition. Consequently, these items will not be addressed within the manual. A summary of the deconstruction programs for both Fort Knox and Fort Campbell is provided in the following pages.

2.1 Fort Knox Deconstruction Program Overview

The Fort Knox deconstruction program operates within the Directorate for Community and Family Activities through the base Qualified Recycling Program (QRP). The deconstruction program was established approximately eight years ago and has achieved significant results since that time. Over a 37-month period, the program achieved the following results:

- 258 buildings (primarily wooden WW II-era);
- 451 apartments (brick and mortar construction circa 1950’s and 1960’s);
- 150,000 tons of material diverted from the C&D landfill;
- Extended C&D landfill by 20 years;
- \$1.5 million in landfill savings;
- \$1.2 million in demolition savings; and
- \$256,000 in revenue.



Fort Knox apartment complex during latter stages of deconstruction.



Exposed roof joists from an apartment complex at Fort Knox

The principle driver responsible for the Fort Knox deconstruction program was lack of funding available in the Real Property budget. Real Property requested the recycling center to deconstruct 60 WW II-era buildings. QRP subsequently sold the “recycling” rights of the buildings to a single contractor. Although the project was completed, some changes were necessary. The Fort Knox deconstruction program underwent several modifications during the early stages. For example, the number of buildings selected for deconstruction was reduced, a specific time frame to complete deconstruction was developed, and a minimum per-

centage for building material recovery was required. A fact sheet for the Fort Knox deconstruction program is available in [Appendix B](#).

2.2 Fort Campbell Deconstruction Program Overview

The Fort Campbell deconstruction program began approximately three years ago and is managed by the Environmental Division within the Public Works Business Center (PWBC). To date, two deconstruction projects have been completed, and a third project was begun in 2003. [Figure 1](#) is a decision flowchart that Fort Campbell personnel developed as their program was developed. A fact sheet for the Fort Campbell deconstruction program is available in [Appendix B](#). Several drivers responsible for developing the deconstruction program at Fort Campbell included:



Warehouse of recovered material at Fort Campbell.

- No funding for demolition activities;
- Limited landfill space;
- Costs – Needed to reduce disposal costs from building demolition activities;
- Residential Communities Initiative (RCI) – Fort Campbell was one of four bases initially selected for the Residential Communities Initiative (RCI). The RCI is a program where the Army contracts with private sector developers for the purpose of improving military family housing communities. In order to achieve this, land must be available; and
- DoD Pollution Prevention Measure of Merit (MoM) – *“By the end of FY2005, ensure the diversion rate for non-hazardous solid waste is greater than 40%, while ensuring integrated non-hazardous solid waste management programs provide an economic benefit when compared with disposal using landfilling and incineration alone.”*

The first deconstruction project involved a single building that was awarded to the sole bidder. Fort Campbell, unlike Fort Knox, requires the contractor to purchase the entire building, and consequently requires the contractor to remove the entire building to the foundation. Although the plan for the first project was to deconstruct the building on site, the contractor chose to move the entire building off base.



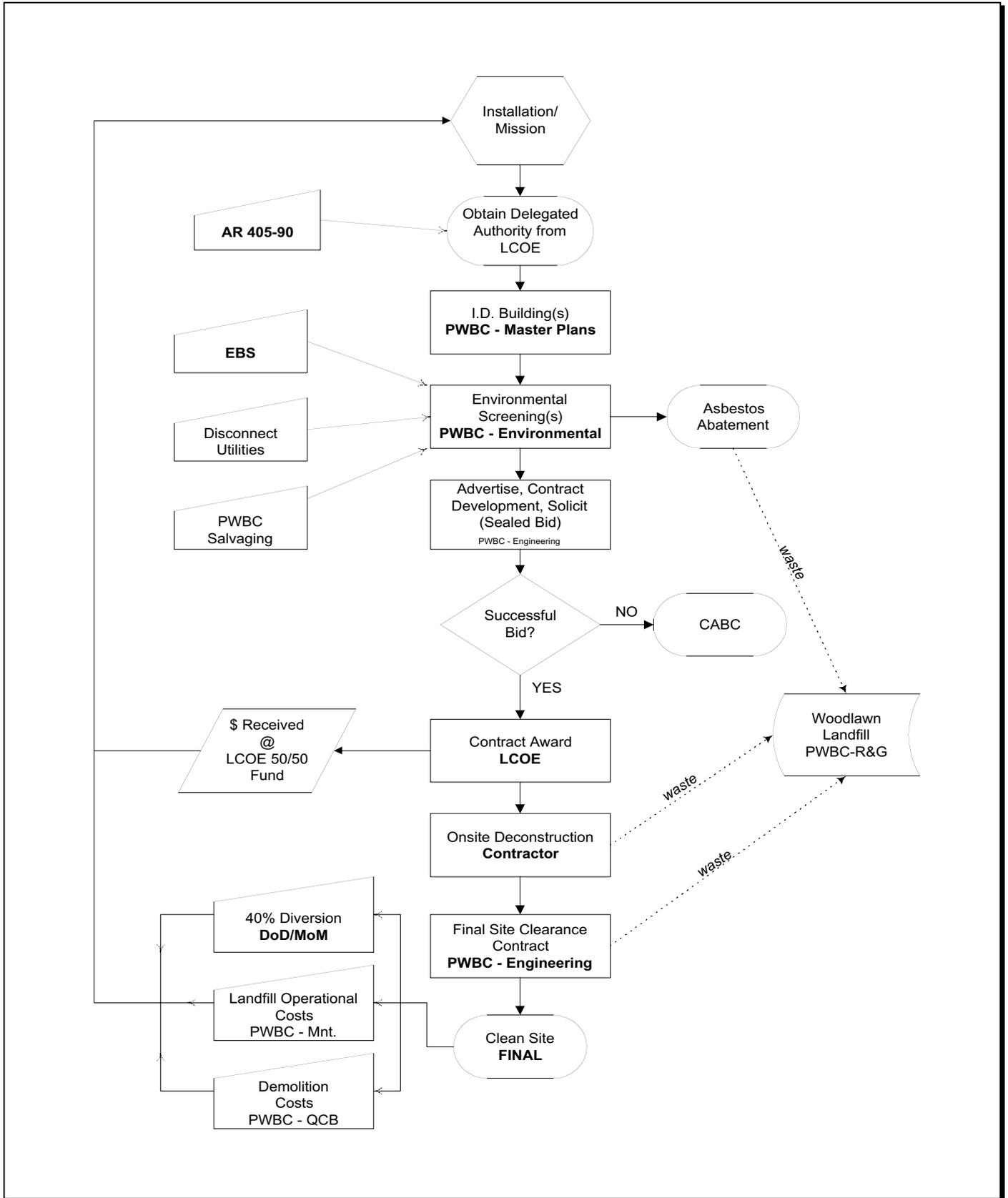
Transporting recovered building off Fort Campbell's base.

The second deconstruction project was a pilot study involving several key organizations including:

- Army Corps of Engineers Construction Engineering Research Laboratory (CERL);
- Austin, Texas Habitat for Humanity (HfH) affiliate;
- University of Florida Center for Construction & Environment (CCE);
- USDA Forest Service, Forest Products Laboratory (FPL);
- USEPA; and
- AmeriCorps volunteers.

Five buildings were deconstructed using volunteer manual labor. Project workers segregated and labeled salvaged material that was stored on base in a

Figure 1: Fort Campbell Building Deconstruction Flow Chart





Volunteers using denailing gun on recovered plywood at Fort Campbell.

warehouse for customer purchase. Revenue generated from material sales was given to HfH and remaining salvaged material was transported to the Austin, Texas HfH Re-Store facility. FPL collected samples of the salvaged wood for analysis on lumber grading properties. A summary of the material recovered is provided below:

- 102,000 board feet of lumber;
- 23 gas heaters;
- 11,000 square feet of vinyl siding;
- 68 double-pane windows;
- 71 roof trusses; and
- 23 doors.

2.3 Fort McClellan Deconstruction Pilot Study

The BRAC Commission closed Fort McClellan, located north of Anniston, Alabama in 1995. The base officially closed in May 1999 although the Alabama Army National Guard remains at the base as a permanent military presence. The Joint Powers Authority (JPA) was established to facilitate the transfer of remaining acreage and buildings to commercial and private use. JPA is comprised of personnel acting on behalf of Calhoun County, the local city governments and the State of Alabama.



Roof truss section removed from a barracks at Fort McClellan.

The University of Florida Powell Center for Construction and Environment (CCE) completed a deconstruction pilot study in the spring of 2003 at the base. The project attempted to identify an optimal combination of manual and mechanical methods for deconstruction. A different method was used for each of three barracks; one barracks was dismantled with predominantly manual labor, a second was dismantled with a combination of manual and mechanical labor, and a third barracks was dismantled with strictly mechanical labor. Due to the extensive presence of lead-based paint and severe water-damage in the barracks selected for the Fort McClellan Study, material recovery rates were significantly lower than would be expected for typical barracks deconstructions. For the barracks dismantled primarily by manual labor, 29% of the total building mass was salvaged and donated to the local community for reuse. The deconstruction employing a combination of hand and mechanical labor saw a 22% reduction in overall deconstruction time, but a 31% reduction in material salvage as compared to the baseline manual deconstruction. The third barracks, dismantled mechanically, was completed in 90% less time, but with 83% less salvage than the baseline. All together, 32.75 tons of building materials were salvaged in the Fort McClellan Pilot Study.



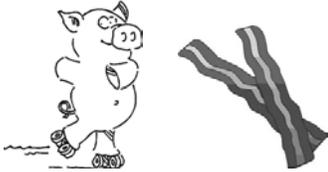
Floor section removed from barracks at Fort McClellan.

3.0 Key Deconstruction Issues of Concern

When a military installation plans to develop a deconstruction program, there are many different issues that should be addressed. The information presented in the following sections is most useful for installations that have yet to implement a deconstruction program, although bases with existing deconstruction programs may also benefit from this information.



The chicken is involved
in breakfast,



but the pig is committed.

A successful deconstruction program also requires a committed team of individuals.

3.1 Chain of Command and Developing a Team

Although the principle driver behind deconstruction is the non-hazardous solid waste diversion requirement, without commitment and approval from senior level personnel, chances for a successful program are questionable at best. Both programs at Fort Knox and Fort Campbell would not have been initiated had the Garrison Commander not approved the deconstruction initiative. Despite this however, approval even at the highest level does not guarantee success. It is imperative that specific business centers, divisions, programs, etc. become part of a team and are involved in the planning process. This holds true for the initial development of a deconstruction program, and continued operation of an existing program. For example, the Fort Knox recycling program involves different individuals representing multiple base programs including:

- Environmental Division;
- Law Enforcement Command;
- Post Engineers;
- Real Property;
- Recycle Program;
- Safety; and
- Staff Judge Advocate.

Similarly, Fort Campbell has established a demolition and deconstruction team that meets monthly to discuss buildings targeted for removal. The team includes representatives from different divisions within the PWBC including Master Planning, Environmental, Engineering and Contract Management. Building inventories are maintained by Master Planning for both bases, although Fort Campbell has access to a GIS program that identifies the locations of the buildings, building status (i.e. vacated), HUD clearance dates, etc.

3.2 Environmental Hazards

Initial building preparation activities are very similar for either deconstruction or demolition. Environmental hazards such as lead-based paint, asbestos-containing material and PCB-containing light ballasts are a concern for deconstruction programs. State environmental regulations may be more stringent than federal regulations and it is the responsibility of each military installation to en-

sure compliance with state and local regulations, in addition to federal regulations.

3.2.1 Lead-Based Paint



Environmental hazards such as lead-based paint must be addressed before a building can be released for demolition or deconstruction.

Typically, any building constructed prior to 1978 with painted surfaces should be considered to contain lead-based paint (LBP). Fort Campbell informs all deconstruction bidders about the potential for encountering LBP in the buildings. No sampling of the paint is conducted prior to releasing the buildings for deconstruction. The winning bidder receives a copy of EPA's pamphlet, "*Protect Your Family From Lead In Your Home.*" Copies of this pamphlet are available to all bidders at their request. Fort Knox analyzes the painted surfaces for LBP. If LBP is found in levels that exceed regulatory limits, the contractor is notified of this in the contract specifications. Regardless of which method is used, proper disposition of the LBP material is the responsibility of the contractor as stipulated in the contract.

3.2.2 Asbestos-Containing Material

Fort Knox and Fort Campbell personnel are responsible for assessing and removing any asbestos-containing material (ACM) that may be present in the buildings. Contract specifications for both installations require the contractor to stop work and notify appropriate personnel immediately if suspect ACM is encountered.

3.2.3 Universal Wastes and Polychlorinated Biphenyls

The USEPA established regulations concerning the collection and management of the following widely generated wastes:

- Batteries such as Nickel-Cadmium and small sealed lead-acid types;
- Recalled or unused agricultural pesticides;
- Mercury-containing thermostats; and
- Certain lighting tubes such as fluorescent, high intensity discharge, etc.

In most cases, spent batteries and unused or off-spec pesticides are not an issue. However, fluorescent tubes and mercury-containing thermostats are a definite concern. Fluorescent tubes are sometimes removed prior to releasing the building and used elsewhere on base, or left to the responsibility of the contractor.

Polychlorinated biphenyls (PCBs) are often found in the ballasts of older fluorescent tube lighting fixtures. In general, equipment manufactured after 1978 should be labeled accordingly if PCBs are contained within the unit.

Successful bidders for Fort Campbell building deconstruction are required to remove mercury-containing thermostats and PCB-containing light ballasts. The contractor must dispose of them in onsite collection containers provided by Fort Campbell. Fort Campbell provides waste management services for these wastes.

Fort Knox personnel will remove mercury-containing thermostats and PCB-containing ballasts prior to releasing the property for bid. These costs are viewed as fixed costs and would be incurred regardless of whether the building was targeted for deconstruction or demolition.

3.3 Bid Solicitation

The Fort Knox bid solicitation process underwent several different modifications during the early stages of their deconstruction program. Initially, one contractor was selected for the first set of buildings targeted for deconstruction. Unfortunately, there were too many buildings for one contractor and it was evident that only the easily recoverable items were removed. Consequently, the bidding process was changed. New contracts were advertised and sealed bids were accepted, but generated little interest. Ultimately, the process was changed to an open auction ([Appendix B](#)) held on Saturdays where interested parties can bid on recycling rights for a building or buildings. This greatly increased the number of interested parties. The auction is advertised through a mailing list and in local newspapers. The program has also received television coverage from local news stations. Fort Knox also uses this auction to sell building material recovered by contractors from existing base deconstruction projects. In return, the QRP receives a percentage of the sale price. Paperwork and negotiations completed as part of the bid solicitations are the responsibility of Fort Knox personnel.



Fort Knox uses an auction to advertise their program, whereas Fort Campbell uses sealed bids.

Rather than an auction, Fort Campbell offers deconstruction packages through sealed bids. The bid process is managed through the Corps of Engineers Louisville District which receives the bid packages and selects the contractor based on the high bid. Bid solicitations are marketed using a mailing system patterned after Fort Knox's. Invitations are mailed to prospective contractors and bid announcements are placed in newspapers adds within a 100-mile radius. Of the two Fort Campbell deconstruction projects using this method, only one contractor bid on each package. The third project was a pilot study discussed previously in Section 2.2. Contract negotiations are managed through the Louisville District representative.

3.4 Worker Safety

Worker safety is a high priority. Because deconstruction primarily involves manual labor exposing workers to dangerous conditions (e.g. working at heights, etc.), it is important to have an extensive safety checklist. Both Fort Campbell and Fort Knox require contractors to review and sign a safety checklist and waiver. In addition, Fort Campbell requires the contractor to provide a copy of their own safety plan prior to beginning work, and schedule a safety, fire and environmental briefing with the Fort Campbell Safety Office. Copies of each safety checklist and waiver are provided in [Appendix C](#). In both examples, if the contractor has an employer/employee relationship between workers on the site, all work is subject to OSHA regulations. If it is a family-owned business, then it is the same as if an owner and family members were working on their own home.



Both Fort Campbell and Fort Knox require contractors to sign a safety checklist and waiver before beginning work.

Safety
 Is
 Number
 One

It is important to be aware of the surrounding community when developing the safety checklist. Fort Campbell and Fort Knox have nearby communities with residents that are unable to wear hardhats because of religious beliefs. In this case, exemptions in the safety checklist have been made.

For safety purposes, both installations' safety checklist identifies the order in which the building will be deconstructed. For example, contractors are required to begin at the top of the building and work down to the ground. Exterior walls and floors must be removed and dropped before commencing on lower level structures. Because Fort Knox auctions apartment buildings, specific deconstruction procedures are included for these buildings. Contractors are not allowed to remove any structural members of the building. This is an important consideration for installations planning on deconstructing multi-family buildings.

3.5 Site Access and Security

Security for accessing military installations has been greatly increased because of events that have occurred within the past few years. Security requirements to access installations will vary depending upon the mission of the installation. For example, visitors to Fort Campbell are required to have their photo taken before being granted access (note: this has created an issue with deconstruction contractors whose religion prevents photographs). Regardless, it is essential that the Military Police are notified of deconstruction projects and contractors.

Through the years, Fort Knox has developed a system to maintain security for deconstruction projects. Plastic ID badges and parking passes are required for all contractors, subcontractors, etc. The ID badge has a project start and end date that identifies when the contractor must be finished working in the area. Badges and parking passes are color-coded and change with each different building released for deconstruction. Badges must be signed in blue ink to reduce the opportunity to create fake badges.



Fort Knox has developed a detailed program for site access including color-coded ID badges and parking passes with project start and end dates.

At Fort Knox, a pre-bid visit is scheduled the day of the auction to reduce the opportunity for individuals to survey the area and identify opportunities for theft. All bidders must register and sign a waiver before being granted access to the deconstruction area. Fort Knox maintains personnel at the deconstruction site to verify the bidders have pre-registered and to ensure that all parties have returned to the auction area after the site visit. Transportation is provided from the auction area to the deconstruction area. Fort Campbell allows potential contractors to visit the property prior to submitting the sealed bid.

3.6 Building Recovery

Fort Knox requires deconstruction contractors to recover a minimum of 50% of the building material (by weight) or 3,500 pounds from each apartment using a scale located on the base. Special exemptions apply in situations where buildings have been damaged due to fire, water, etc. Fort Knox does not provide, nor are the contractors required to have containers for building waste generated during

deconstruction. This waste remains at the site and is removed during post-deconstruction demolition activities. Brick and concrete are collected during this final phase, stockpiled and crushed for later use on the base.

While Fort Campbell does not require a minimum percentage for building material recovery, the installation does require the contractor to remove the entire building down to the concrete foundation. Any remaining concrete is removed during the demolition stage and is stockpiled for future grinding and use. Because the contractor purchases the entire building, it is assumed that the contractor will salvage as much material as possible. Fort Campbell estimates that contractors will recover between 95%-98% of the building. Contractors are responsible for providing containers at the project site for waste debris. This debris is disposed of in the base C&D landfill at no cost to the contractor other than transportation. Scrap metal must be collected in dedicated containers and is taken by the Defense Reutilization and Marketing Office (DRMO) for recycling.

3.7 Project Duration

There is little doubt that building deconstruction requires more time to complete than simple demolition. Timing is a valid concern when considering deconstruction versus demolition. Therefore, it is important that the contract includes a specific schedule to complete the project before any deconstruction begins. Additionally, it must be communicated to upper management that deconstruction is a lengthy process and despite appearances, work is progressing on schedule. Determining an appropriate length of time to complete a deconstruction project is not easy. It will depend upon the number of buildings, type of buildings, accessibility, etc.



It is important to specify the length of time the deconstruction contractor has to complete the project.

Fort Knox and Fort Campbell have learned valuable lessons regarding this issue. Fort Knox provides a window of five weeks for the contractor to complete the project; a maximum of 10 buildings is available in each bid package. The contractor can request an extension on a week-by-week basis, but will lose the deposit.

Fort Campbell allows the contractor 60 days to complete deconstruction for one building. If the winning bidder is awarded a contract for multiple buildings, an additional 15 days is allotted for each building. If an extension is requested and granted, the contractor must pay an additional \$5 per day for each calendar day the original deadline is extended. The most recent contract awarded to a single contractor (only one contractor placed a bid) was for 22 buildings. Based on the contract language, the contractor has a little over one year to complete this project for all buildings, much longer than initially anticipated. The contract language is currently being revised to prevent this from occurring in the future.

3.8 Deconstruction Contract

Probably the single most important component of a military deconstruction project is the contract. This document should be detailed enough to ensure that all the key components of a deconstruction project are addressed. However, the contract must be simple and straightforward as well. Many deconstruction contractors are small, two or three person businesses that are not accustomed to working with detailed, complex contracts.



A contract must be complete, yet not too complex that makes it difficult for the contractor to understand.

Although the contract contains specific language regarding such items as length of project, safety guidelines, etc., contractors sometimes need additional motivation to comply with the contract. To address this, both Fort Knox and Fort Campbell deconstruction programs have a contract clause that requires a “good faith” deposit prior to beginning the job. Fort Knox requires a deposit of \$150. This value is based on experience from previous deconstruction projects; if less than \$150, the contractor has little to lose by violating the contract; more than \$150 and it becomes cost prohibitive to bid on the project. Fort Campbell requires a minimum deposit of \$50, or the full bid amount if this value is less than \$50.

Sample contracts for the following military installations are provided in **Appendix D.**

- [Fort Campbell](#) – Tennessee/Kentucky;
- [Fort Knox](#) – Kentucky; and
- [Fort McCoy](#) – Wisconsin.

4.0 Encountering Roadblocks



A deconstruction program will face significant hurdles.

As has been discussed, there are many key elements that must be addressed when developing a successful deconstruction project. There are also some significant obstacles that must be overcome in order to achieve a successful program. Installations planning to develop a deconstruction program will likely face similar challenges, and also will probably face their own unique challenges as well. Based on the programs established at Fort Knox and Fort Campbell, there are at least three significant hurdles that a new deconstruction program will encounter. These include:

- Culture change – overcoming the philosophy that deconstruction has never been done before;
- Developing a market – without a market, deconstruction will not succeed; and
- Lumber reuse – there are several factors that can limit lumber reuse.

4.1 Culture Change

Obviously, support from the top is absolutely necessary when initiating a deconstruction program. Without support from the Garrison Commander, it is doubtful that a deconstruction program would even get off the drawing board. However, obtaining upper management approval does not guarantee success. As discussed previously, there are a number of different individuals representing many different programs that must be involved in a successful program. Getting these groups to work collectively, while recognizing they have their own set of priorities, can be an extremely difficult and lengthy task.

When asked what the most significant obstacle to overcome, both Fort Knox and Fort Campbell deconstruction program personnel had similar responses; they both essentially had to overcome a “culture” that was unfamiliar with deconstruction. Deconstruction had never been attempted before and consequently was viewed as something that would not work. Adding to this incorrect assumption is the fact that deconstruction takes more time to complete than demolition. As with any new project, more time will be needed in the developmental stage than when the program has been established. It is difficult to convince base personnel that the extra time required to deconstruct a building is beneficial to the base. The time factor is probably the most common argument against deconstruction. However, when compared with the advantages of deconstruction, the time element does not play such a significant role. It is important to convey the advantages of a deconstruction program which include:

- Generate revenue from sale of the buildings;
- Extend the life of the base C&D landfill;
- Reduce landfill costs;
- Reduce operating costs of the C&D landfill;
- Reduce liability associated with operating a C&D landfill; and

- Help military installations achieve the 2005 40% non-hazardous solid waste reduction goal.

Sometimes, a catalyst is needed to help the transition. Fort Knox began deconstruction because Real Property did not have sufficient funding for building demolition. RCI is a priority at Fort Campbell, but new housing cannot be built unless there is land available. Consequently, opportunities exist for deconstruction at this installation.



Post & beams from 1918 era warehouse – Fort Knox.

4.2 Market

Overcoming the previous hurdle does not guarantee success. Military bases will find it difficult to find contractors if there is no market for the salvaged building material. For the most part, the active military installations referenced in this manual (Fort Campbell, Fort Knox and Fort McCoy) have contracted with small businesses that use the salvaged material for their own purposes. As long as a sufficient number of contractors are available, a market will exist.

Sometimes, the market is extremely limited as is the case for Fort Campbell. For both of the Fort Campbell deconstruction projects involving bids, only one contractor for each project submitted a bid. While this does not prevent deconstruction, it does mask its potential for success. As discussed in Section 3.7, 22 buildings were awarded to a single contractor. Completion of this project could take over one year to complete. Deconstruction personnel have received several inquiries by the Command Group as to why so little activity is being accomplished. This third deconstruction project is requiring much more time to complete because the contractor is small and is having difficulty finding sufficient labor. A small market can create problems when a large number of buildings are released for deconstruction. Base deconstruction personnel that face this situation should remain in constant contact with the Command Group to assure their work is progressing.

4.3 Barriers to Lumber Reuse

Although the majority of the Fort Knox and Fort Campbell deconstruction contractors are reusing lumber for their own building construction projects, this is not always the case. Deconstruction contractors for military installations will face two significant issues concerning lumber reuse: 1) structural integrity concerns, and 2) environmental concerns.

4.3.1 Structural Integrity Concerns

New lumber used for construction is stamped with a lumber grade that is important in determining whether a particular piece of lumber is suitable for a particular function. Building codes utilize these grades in determining allowable span and spacing for rafters, floor joists, ceiling joists and other applications. Unfortunately, the grade stamped on old lumber recovered from deconstructed buildings can no longer be used because the wood may have undergone significant change or damage since the time it was graded as virgin lumber.



Wood from WWII era barracks; windows from remodeled 1950 era apartment – Fort Knox.



Wood recovered from WWII era barracks – Fort Knox.

There are many reasons why recovered lumber cannot be used for structural purposes. The wood may have been subjected to water damage (due to fire or leaks), termite damage, damage caused during deconstruction, or suffered significant moisture loss causing excessive splitting. Because these conditions did not exist at the time the lumber was graded, the old grade is no longer applicable. It is possible for the lumber to be regraded by a certified grader, but this will take time and must be done on a case-by-case basis.

If this is the case, why are contractors allowed to use recovered lumber for construction of their homes? There are several possible answers to this question. A building inspector may approve the use of this material, or an inspector may not be notified in the first place. Also, as long as the recovered lumber is not used in a structural capacity, then lumber grading is not an issue. However, a reputable builder who is responsible for new home construction is not going to assume the liability of using recovered lumber that does not meet current building codes. Therefore, it is most likely that the majority of recovered lumber will be used by contractors for their own construction projects.

The USDA Forest Service, Forest Products Laboratory (FPL) has been conducting research to establish grading criteria for recovered lumber. FPL has been involved with several military deconstruction projects including Fort Campbell, Fort Ord (California), Twin Cities Army Ammunition Plant (Minnesota), and the Oakland Naval Supply Center (California). For more information about FPL's research on recovered lumber, please visit their web site at www.fpl.fs.fed.us.

4.3.2 Lead-Based Paint

Deconstruction projects for military installations often include WW II-era wooden buildings that have been coated extensively with LBP. The problem with recovering LBP-coated lumber is the potential liability the contractor accepts if it is reused in such a manner where a pathway for human exposure exists. In some cases, contractors have used lumber with LBP that will be covered by paneling or drywall, thus preventing human exposure. If the contractor chooses to resurface the lumber, there is then the disposal issue of the LBP waste material. This material may potentially be a hazardous waste. It is up to the contractor to determine this. Most contractors are not familiar with environmental regulations and are not willing to accept the expense and liability associated with LBP disposal. Consequently, the contractor is faced with limited options for reusing LBP-coated lumber.

5.0 Summary

This manual is intended to serve as a reference document for DoD installations that have not implemented deconstruction projects. Deconstruction, unlike demolition, requires more time to complete, but in the long run is much more beneficial than demolition and helps military installations achieve the 2005 solid waste diversion rate. Fort Knox and Fort Campbell have developed successful deconstruction programs at their individual bases. In addition, there have been deconstruction projects at other military installations. [Appendix E](#) provides a summary of case studies. [Appendix F](#) contains a list of individuals that can be contacted regarding deconstruction at military installations.

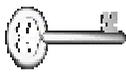


This manual serves as a reference document for deconstruction projects at military installations.

Though Fort Campbell and Fort Knox deconstruction programs are similar, there is one significant difference between the two. Fort Knox sells only the “recycle” rights to the building, which means the contractor is not responsible for the entire building, but rather only for the recoverable material. Fort Campbell requires the contractor to purchase the entire building and accordingly is responsible for complete building removal to the foundation. Both programs rely primarily on manual labor for building deconstruction.

A pilot study conducted at Fort McClellan by CCE used a combination of manual and mechanical labor. The purpose of the study was to evaluate the most optimal method for deconstruction. Results from this study are summarized below:

- Manual deconstruction – 29% building recovery;
- recovered, decreased deconstruction time by 22 %; and
- Mechanical deconstruction – 83% less material recovered, decreased deconstruction time by 90%.



There are several key areas of concern to address when developing a deconstruction project.

There are at least eight different key areas of concern that military installations should address when implementing a deconstruction program. These include:

- Chain of command and developing a team;
- Environmental hazards;
- Bid solicitations;
- Worker health and safety;
- Site access and security;
- Building recovery;
- Project duration; and
- Deconstruction contract.

Simply addressing these areas of concern does not guarantee a successful program. Obstacles will be encountered that may prevent a program from becoming successful such as:

- Culture – encountering a philosophy that does not readily accept deconstruction because it is new and has never been attempted;
- Limited market – reduces opportunities for reuse of the recovered building material; and
- Barriers to lumber reuse – because of structural and environmental concerns.

Regardless of how a military installation is able to develop a successful deconstruction program, it will be a lengthy and frustrating process at times. Hopefully, military installations can use information presented in this manual to help them achieve success in their quest to develop a program, and reduce the learning curve that other installations have encountered in the past.

Appendix A

Military Real Estate Disposal Procedures

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 32-9004

21 JULY 1994

Civil Engineering

DISPOSAL OF REAL PROPERTY



COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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OPR: AFREA/MI
(Mr William Kimball)
Supersedes AFR 87-4, 23 April 1976; AFR 87-6,
12 December 1979; and AFR 87-10,
29 June 1990.

Certified by: SAF/MI
(Mr Phillip P. Upschulte)
Pages: 15
Distribution: F

This instruction implements AFPD 32-90, *Real Property Management*, Department of Defense (DoD) Directive 4165.6, *Real Property Acquisition, Management, and Disposal*, September 1, 1987 and DoD Directive 5160.63, *Delegation of Authority Vested in the Secretary of Defense to Take Certain Real Property Actions*, June 3, 1986. It guides the disposal of real property that the Air Force doesn't need to support the mission. It does not cover real property acquired for industrial facilities or property disposed of under authority of the Base Closure and Realignment Acts. It provides procedures to efficiently use real property installed equipment (RPIE) on excess installations. This instruction interfaces with AFI 32-7020, *Environmental Restoration Program*; AFI 32-7061, *Environmental Impact Analysis Process*; AFI 32-7062, *Base Comprehensive Planning*; AFI 32-7064, *Natural Resources Management*; AFI 32-7065, *Cultural Resources Management*; and AFI 32-7066, *Environmental Baseline Surveys in Real Estate Transactions*. **Attachment 1** is a glossary of terms.

SUMMARY OF CHANGES

This is the initial publication of AFI 32-9004. It combines AFR 87-4, AFR 87-6, and AFR 87-10. It updates and presents procedures and guidance in a more concise manner.

Chapter 1

DISPOSING OF LAND OR LAND INTERESTS WITH OR WITHOUT IMPROVEMENTS

1.1. Declarations of Excess (DE). Base Civil Engineer (BCE) prepares a DE if land or land interests are no longer required to support current or programmed missions. After the facilities board (FB) approves it, submit the DE through the major command (MAJCOM) to the appropriate approval authority. Send DEs above the MAJCOM approval authority through the MAJCOM to the Air Force Real Estate Agency (AFREA/MI). Attachment 2 gives instructions for completing the DE.

1.2. Approval Authority. These authorities must approve the DE:

1.2.1. Congress. Under 10 U.S.C. 2662, the Congress approves disposals with an estimated fair-market value of \$200,000 or more.

1.2.2. The Deputy Assistant Secretary of the Air Force (Installations) (SAF/MII) approves:

- All fee-owned land disposals with or without improvements.
- Requests for "holds" or "withdrawals" from excess of real property reported to General Services Administration (GSA).
- Leases, easements, and other interests in nonfederal land with a fair-market rental value exceeding \$200,000 per annum.
- Leases, easements, and other interests in nonfederal land with government improvements exceeding \$25,000 in value.

1.2.3. AFREA/MI. Approves GSA leased space outside the National Capitol Region.

1.2.4. MAJCOM. Approves the following or delegates to the installation level:

- Leases, easements, and other interests in nonfederal land with a fair-market value of \$200,000 or less.
- Leased property with or without government improvements that do not exceed a total of \$25,000 in value.

1.2.5. Installation commanders may dispose of excess real property facilities, but not the underlying real estate in whatever manner that best serves the government when the facilities have no estimated value.

1.3. Disposal Commitments. Installation commanders or MAJCOMs must not commit the Air Force to transfers of real property or real property interests outside the government. Refer queries received from outside the government to AFREA/MI.

1.4. Disposing of Timber. MAJCOM must consult the Environmental Resources Division, Air Force Center for Environmental Excellence (AFCEE/ESER), Natural Resources Manager before disposing of land with marketable timber (see AFI 32-7064). However, planned forest products sales on lands reported as excess may continue until the land is disposed of or transferred.

1.4.1. If, after disposal, forested areas are to become, or likely to become, recreation or public park areas, do not clear-cut them. Thinnings, intermediate cuttings, and salvage cuttings within the next 5 years are permissible when already scheduled by forest management.

1.5. Family Housing With Land. Installation commanders must send all requests for disposal of family housing with underlying fee land through the MAJCOM to AFREA/MI. Family housing located on land to be declared excess may not be demolished or otherwise disposed of separately from the land.

1.6. Report of Excess Real Property. Excess facilities and related land and improvements are reported to GSA on separate SFs 118, **Report of Excess Real Property**; 118A, **Buildings, Structures, Utilities, and Miscellaneous Facilities**; 118B, **Land** (*Used only by CONUS, Alaska, and Hawaii*); and 118C, **Related Personal Property**. Secure and protect all RPIE. Mark all property removed for storage and return it to the unit for disposal by GSA. Use a DD Form 1149, **Requisition and Invoice/Shipping Document**, to list related personal property. List Army and Air Force Exchange Service (AAFES) or nonappropriated fund (NAF) personal property on a separate SFs 118C. (See AFI 34-205, *Non-Appropriated Fund Capital and Facility Requirements*.)

1.6.1. When the BCE accepts DD Form 1149, establish a file for each building containing the form and its related documents.

1.6.2. Do not remove any related personal property listed on SF 118C from the reported excess real property without prior GSA approval. Approved additions or deletions from the Report of Excess are identified by submitting a "corrected" SF 118C to GSA.

1.7. Environmental Compliance. The real estate office identifies proposed transactions early to the environmental office to ensure timely completion of environmental requirements. Include the environmental compliance documents in the real estate transaction records throughout the real estate transaction. Maintain the completed environmental compliance documents as part of the real estate transaction records. See **Attachment 2** for a list of documents required in the DE package. The Environmental Office accomplishes actions in paragraphs 1.7.1 through 1.7.4 as required.

1.7.1. Environmental Impact Analysis Process (EIAP). Prepares the EIAP documentation if analysis is required according to AFI 32-7061.

1.7.2. Cultural Resources. Consultations with the State Historic Preservation Officer and the Advisory Council on Historic Preservation are required for historic and prehistoric real property such as archeological sites. Refer to AFI 32-7065.

1.7.3. Natural Resources. Consultations with regulatory agencies are required if real property includes wetlands, floodplains, coastal zones, or threatened or endangered species. Refer to AFI 32-7064. When property located in floodplains or wetlands is proposed for disposal (to nonfederal public or private parties; or for lease, easement or right-of-way), reference restrictions identified under federal, state, or local regulations and attach any other appropriate restrictions to the uses of the property in the conveyance.

1.7.4. Contamination. The Environmental Baseline Survey (EBS) documents the nature and magnitude of the environmental contamination of property or interests in property considered for disposal (as well as acquisition, interagency transfer or outgrant). Make real property records available for the preparation of the EBS according to AFI 32-7066. Pursuant to the Community Environmental Response Facilitation Act (CERFA), P.L. 102-426, October 19, 1992, the appropriate state Environmental Protection Agency or its equivalent must concur with the EBS. Additionally, if the excess property is located on an installation contained on the National Priorities List (NPL), the regional federal Environmental Protection Agency office must concur with the EBS findings.

1.8. Withdrawn Public Land. If the Air Force has no further need for withdrawn or reserved public land, AFREA/MI will obtain SAF/MII approval (see paragraph 1.2.2.) and direct the Corps of Engineers file a "notice of intention to relinquish" with the state office of the Bureau of Land Management. Send information copies of executed instruments to the MAJCOM, GSA, and AFREA/MI.

1.9. Screening Real Property. Once the appropriate authority has determined that the real property is excess to Air Force requirements, other DoD services and federal agencies must have a chance to acquire the real property if they can show a valid need. The MAJCOM prepares a Notice of Availability and circulates it to all military activities within a 50-mile radius.

1.9.1. AFREA/MI coordinates DEs with the Bases and Units Division, Deputy Chief of Staff, for Plans and Operations (HQ USAF/XOOB), Departments of the Army and Navy, and defense agencies to determine if another MAJCOM or DoD element needs the property.

1.9.2. Do not screen leased space assigned by GSA if annual rental is \$25,000 or less. Also, you do not have to provide screening if the government uses, occupies, or controls excess property under a lease, permit, easement, or similar legal instrument in which:

- The excess property has a remaining lease term of less than 9 months.
- The lease precludes transfer to another activity.
- The property contains offices or storage space of 2,500 square feet or less.

1.9.3. Screen properties listed in 1.9.1 if government improvements are located on premises.

1.9.4. If no DoD element wants the property, continue disposal as described in paragraph 1.9. However, if another MAJCOM needs the property, transfer it as described in AFI 32-9005, *Establishing, Accounting and Reporting Real Property*.

1.9.5. If no DoD element needs the property, GSA screens the property with other federal agencies.

1.10. Responsibilities for Disposal After Screening:

1.10.1. Within the limits of authority in paragraph 1.2.4., MAJCOMs will:

- Authorize disposal.
- Direct the Corps of Engineers to initiate disposal.
- Give AFREA/MI an information copy of the disposal directive.

1.10.2. Disposals not within the limits of authority in paragraph 1.2.4., AFREA/MI will:

- Obtain SAF/MII approval, if required.
- Submit a disposal report to the Congressional Armed Services Committee.
- Issue a preliminary real estate disposal directive to the Chief of Engineers.

1.11. Accountability and Care of Excess Real Property. The Air Force must retain accountability and protect excess property from vandalism and theft until the disposal has been completed at all levels.

Chapter 2

DISPOSING OF EXCESS OR DETERIORATED BUILDINGS AND IMPROVEMENTS ON NONEXCESS LAND

2.1. Base Civil Engineer (BCE) Responsibilities. BCEs set up building disposal programs as part of their long-range plans in installation Base Comprehensive Plans (see AFI 32-7062, *Base Comprehensive Planning*).

2.2. Criteria for Disposing of Buildings on Nonexcess Land. Installation commanders must dispose of any unneeded or deteriorated building on nonexcess land if such buildings meet one or more of the following conditions:

- Deterioration beyond the point of economical repair.
- Building interferes with a site approved for construction.
- Dangerous to people, likely to damage adjoining structures, or creates a nuisance.
- Requires more than normal maintenance, and its disposal will not create a deficiency.
- Design is obsolete and it cannot be reasonably altered or economically used.

2.3. When To Submit AF Form 300, Facility Disposal. The Facilities Board must confirm that buildings or other improvements on nonexcess land meet the criteria of paragraph 2.2. After confirmation, installation real property personnel will:

- Determine, with the assistance of the environmental office, if facilities contain hazardous or toxic materials.
- Determine if the facility is subject to the reporting requirements of the Stewart B. McKinney Homeless Assistance Act.
- Submit AF Form 300 to the appropriate authority for approval.

2.4. Approval Authority for AF Form 300. MAJCOMs have the authority to approve disposal of all buildings and other improvements on nonexcess land except as noted in paragraph 2.4.3. Commands issue approval through AF Form 300.

2.4.1. A MAJCOM may redelegate any portion of its disposal authority to an intermediate or installation commander, except as noted in paragraph 2.4.3. and buildings destroyed by fire. An approved Military Construction Program (MILCON) project may authorize disposal of facilities committed to the Congress by the installation.

2.4.2. This does not include those identified by the Directorate of Plans and Programs (HQ USAF/CEP) as requiring Secretary of the Air Force approval. Identify MCP projects on the AF Form 300.

2.4.3. Regardless of their fair-market value, disposal of the following facilities requires submittal of AF Forms 300 through the MAJCOM to the appropriate offices for approval:

- Chapel facilities: to the Chief of Chaplains (HQ USAF/HC).
- Hospital and Medical facilities: to the Surgeon General (HQ USAF/SGSF).
- Munitions storage and handling facilities. On property exceeding 40,000 SF: to Deputy Chief of Staff Logistics (HQ USAF/LGMW).

- Hazardous waste storage, treatment, or disposal facilities: to Directorate of Environmental Quality (HQ USAF/CEV).

2.5. Buildings Committed to the Congress. The Air Force commits to dispose of substandard buildings when the Congress approves the construction of replacement facilities. Such buildings are identified as disposal commitments after a replacement building is constructed, on DD Form 1391, **FY__ Military Construction Program**, or during congressional testimony. If the Air Force subsequently needs to retain a committed building, the MAJCOM's civil engineer may issue a waiver for retention or substitution of another building. Use AF Form 3217, **Commitments to Dispose of Buildings FY __ MCP**, to monitor the disposal of buildings committed to the Congress.

2.6. Disposing of Family Housing Without Land. MAJCOMS must closely monitor the demolition or disposal of family housing.

2.6.1. If you have family housing that blocks new construction, submit AF Form 300 to the Chief or Deputy Chief, Directorate of Plans and Programs, Office of the Civil Engineer (HQ USAF/CEP).

2.6.2. Do not demolish family housing unless the underlying land is badly needed or the building has no salvage value or value for offsite removal. If you dispose of family housing without the underlying land, make every effort to sell the buildings. Credit the proceeds to the family housing account (57X0704).

2.6.3. When requesting approval to dispose of family housing located on the site of new construction, state the approved MCP project title, fiscal year approved, and construction start date. Try to sell these units for offsite removal before construction begins, rather than including their demolition in new construction contracts.

2.7. Screening Excess Buildings and Improvements on Nonexcess Land. Do not screen this property if removal from the land is physically impractical or if it warrants salvage in place. If removal is practical and the value of the improvements is \$25,000 or less, MAJCOMS screen property with other DoD elements within a 50-mile radius. This does not include facilities listed in paragraph 2.4.3.

2.7.1. AFREA/MI ascertains whether other DoD element needs the excess buildings which are beyond the MAJCOM's approval authority.

2.8. Donation of Buildings and Improvements on Nonexcess Land. When excess buildings and improvements on nonexcess land has no commercial value, they can be donated to any agency of the Federal Government or to a "public body." Prior to donation, ensure that there is no reasonable prospect of selling them.

2.8.1. Buildings and improvements on nonexcess land may not be donated to any private person or philanthropic, nonprofit, or patriotic organization such as a church, Boy Scout group, or the American Legion. See 10 U.S.C. 483(h).

2.9. Transferring Excess Buildings or Improvements on Nonexcess Land. Use DD Form 1354, **Transfer and Acceptance of Military Real Property**, to document the transfer of real property within the Air Force or other DoD components. When transferring real property between military departments exceed MAJCOM authority, AFREA/MI asks the Chief of Engineers to do the transfer. See AFI 32-9001, *Acquisition of Real Property*, for details.

2.10. Disposing of Property by Sale or Salvage. The BCE determines facility values. The estimated value may be reduced by the cost required to restore the land.

2.10.1. Upon receiving MAJCOM approval, when an excess facility has an estimated value not exceeding \$25,000, the BCE submits AF Form 300 to the DE requesting disposal by sale. Excess facilities having an estimated value exceeding \$25,000 are forwarded to AFRA/MI for approval.

2.10.2. After you send AF Form 300 to the DE, do not remove any installed equipment from the facility.

2.10.3. If the site requires extensive restoration, such as removal of slabs, piers, reseeding, or leveling, the BCE may have this work done in-house or by contract. This need not be part of the disposal-by-sale contract.

2.10.4. If the disposal is not completed within 6 months after MAJCOM approves AF Form 300, the BCE must report the delay to the MAJCOM and give the new scheduled disposal date.

2.11. Disposing of Improvements in the Way of New Construction. If the improvements have a value of less than \$25,000, the MAJCOM may approve the disposal.

2.11.1. If the improvements are valued at over \$25,000, the MAJCOM sends AF Form 300 to AFREA/MI.

2.11.2. If the improvements are on a site being acquired for military construction, disposal will occur when the property is acquired.

2.12. Abandoning In-Place Facilities on Nonexcess Land. Normally, buildings and above-ground structures are not abandoned "in place." However, facilities such as underground utility lines, fuel tanks, roads, sidewalks, and vehicle parking areas, can be abandoned in place under these conditions:

- The facility will be rendered unusable by new construction.
- Cost of removal would exceed the salvage value.
- The facility has deteriorated and cannot be repaired or rehabilitated.
- It does not pose or create a hazard to health or safety and cannot be removed at reasonable expense.
- It is located under or in such close proximity to existing structures that damage to the structure could occur.

2.12.1. In compliance with existing state and local environmental laws, the Air Force surveys facilities abandoned in place to make sure no health or safety hazards exist. Flush, clean, and seal underground tanks to prevent accidental use. Underground tanks to be abandoned in place must be filled with a solid inert material (see AFI 32-7044). Cap water wells abandoned in place to prevent contamination or accident. Mark the location and description of all of facilities abandoned in place on the Base Comprehensive Plan (see AFI 32-7062).

2.13. Disposing of Buildings Containing Asbestos. Before planning for the disposal of a building, the installation commander, bioenvironmental engineering personnel, and BCE must work together to:

- Conduct an asbestos survey and prepare a report of findings for each building.
- Certify in writing that the building contains or does not contain asbestos.

- Start decontamination, if necessary.
 - Consult the bioenvironmental engineer before completing an Invitation for Bids (IFB).
- 2.13.1. The bioenvironmental engineer, must advise the building manager and the installation real property officer when asbestos is determined present in the building.
- 2.13.2. In soliciting bids, include all applicable safety and health clauses.

Chapter 3

REMOVING AND REUSING RPIE

3.1. Removing and Reusing RPIE. To ensure efficient use of real property installed equipment at excess facilities, the base commander makes the equipment available for possible reuse at other Air Force installations. Items must satisfy an OSD-approved budget-year requirement and be "need to buy" items or each item must satisfy a requirement for a project in the future year defense program. The RPIE is then removed or held in storage for approved projects.

3.1.1. HQ USAF/CE asks the Air Force Civil Engineering Support Agency (AFCESA) to inventory, evaluate, and screen selected items of installed equipment for removal and reuse. After AFCESA inventories the items:

- BCE completes AF Form 539, **Installed Equipment Inventory Worksheet**.
- AFCESA reviews AF Form 539 to evaluate items.
- AFCESA lists available items for reuse on AF Form 540, **Real Property Installed Equipment Availability List**, and sends it to all MAJCOMs installations within a 500-mile radius.
- MAJCOMS review AF Form 540 and respond within 60 days.

3.2. Approval Procedure. AFCESA consolidates the requirements and sends AF Form 540 to AFREA/MI for approval. After approval, AFREA/MI sends a copy of AF Form 540 to AFCESA and to the MAJCOM responsible for the RPIE.

3.2.1. The MAJCOM asks the installation to place items "on hold" to make sure they are salvaged when the facility is reported to the GSA as excess.

3.2.2. AFCESA/DMC helps the MAJCOM remove, overhaul, pack, ship and coordinate the transfer of accountability for items on "hold" for other MAJCOMs. The gaining MAJCOM uses DD Form 1149 to document acceptance of RPIE items and to account for them on the base real property records.

3.2.3. HQ AFESC/DEC screens all equipment not specifically earmarked for a known project for possible inclusion in the excess RPIE "hold" program.

3.2.4. After HQ USAF/CE approval and with the assistance of MAJCOM or NGB, AFCEE arranges to remove, overhaul, pack, crate, and ship items that fill requirements annotated on the AF Form 540.

3.3. Storage of "Hold" Items. HQ AFCESA/DMC ships "hold" items listed on the approved AF Form 540 to a preselected depot or storage point.

3.3.1. AFCESA/DMC inspects "hold" items and keeps them in storage. Designated "hold" items that stay in place remain on the base real property records. HQ AFCESA/DMC oversees items stored at Civil Engineering Maintenance and Inspection Repair Team (CEMIRT) locations. If a "hold" item is stored at the installation that needs it, the BCE shows accountability on the Custody Receipt Listing.

3.4. Cost of Removing, Overhauling, and Shipping Equipment. HQ AFCESA/DMC charges the cost of removing, overhauling, and shipping equipment to funds allocated to the project for which the item is used. Ship the items directly to the requestor. HQ AFCESA/DMC funds the cost of removing and shipping items placed in a depot or held in storage. Later shipments are funded as outlined in AFI 65-601, volume 1, *US Air Force Budget Policies and Procedures*.

Chapter 4

DISPOSAL OF REAL PROPERTY OUTSIDE THE UNITED STATES, THE COMMONWEALTH OF PUERTO RICO, AND TERRITORIAL AREAS ADMINISTERED BY THE UNITED STATES

4.1. DoD Policy on Foreign Property. All disposals of foreign excess real property must comply with *DoD Policy and Procedures for the Return or Realignment of Overseas Sites, dated November 19, 1993*, and AFI 10-504, *Overseas Basing Realignment*s.

4.2. How To Submit a DE or AF Form 300. For excess real property outside the United States, Commonwealth of Puerto Rico, and Territorial Areas Administered by the United States, the MAJCOM will submit to AFREA/MI a DE including:

- Recommendations of the Army and/or Navy and theater commander.
- Recommendations of the theater commander if the value is more than \$25,000 or value is established by special delegation.
- A copy of each legal instrument that effects relinquishment of a leasehold or other interest.

4.3. Property Subject to International Agreement. If an international agreement affects the disposal, coordinate the disposal with US Department of State representatives. (If there are any policy implications associated with the disposal of real property affected by an international agreement, you must also coordinate with ONSD (P). You can usually dispose of the property before the agreed term expires unless:

- It can be retained at no significant cost.
- You would have to negotiate a new agreement to reacquire the same or an alternative property.

4.4. Buildings and Improvements to be Destroyed or Donated to a Public Body. MAJCOMs may dispose of buildings and improvements that the Air Force does not need as follows:

- Salvage or sell the property under conditions of international agreement and Air Force policy.
- Donate it to a foreign counterpart of a public body, if the host government agrees and if the organization meets the conditions for donation.

RODNEY A. COLEMAN

The Assistant Secretary of the Air Force for Manpower,
Reserve Affairs, Installations and Environment

Attachment 1

GLOSSARY OF TERMS

Terms

Acquired Land—Land obtained from any private or public source. Land withdrawn from the public domain is not considered acquired land.

Contaminated Real Property—Property contaminated by live ordnance, chemical or biological warfare agents, radioactive material, or other hazardous substances.

Declaration of Excess (DE)—A narrative description of real property that the Air Force no longer needs for current or programmed missions.

Disposal—For purposes of this instruction, any authorized method of permanently relinquishing Air Force control of, responsibility for, or any real property interest in, a piece of real property.

District Engineer—A member of the US Army Corps of Engineers, who, under AFI 32-9006, *Army and Air Force Basic Real Estate Agreements (Joint)*, normally acts as the Air Force real estate agent for an assigned geographic area (for example, Baltimore District Engineer).

Estimated Current Value—The estimated current fair-market value of buildings or improvements is established by the base civil engineer (BCE); the estimate is not established by a formal appraisal. The BCE adjusts this value to allow for the cost of site restoration.

Excess Real Property—Air Force real property that has been screened within the Air Force and with other military departments and defense agencies and that is excess to Department of Defense requirements.

Historic Real Property—Real property having significant characteristics relating to American history, architecture, archeology, engineering, or culture that, under 16 U.S.C. 470 et seq., make it eligible for listing in the National Register of Historic Places.

Industrial Facility—Any Air Force-owned, -leased, or -controlled real property facility that a contractor uses to fulfill government research, development, test, evaluation, production, maintenance, or modification contracts, or to store production machinery and equipment in support of such activity.

International Agreement Property—Real property held under the terms of an agreement between the United States and another country.

Public Body—Any state, territory, or possession of the United States; also, any political subdivision, agency, or instrumentality of these (including the District of Columbia).

Public Lands—Any land and interest in land owned by the United States within its boundaries and administered by the Secretary of the Interior through the Bureau of Land Management regardless of how the United States acquired ownership. The term does not include:

- Lands located on the Outer Continental Shelf.
- Lands held for the benefit of Indians, Aleuts, and Eskimos (43 U.S.C. 1702 [e]). (See "Withdrawn Land.")

Real Property—Lands, buildings, structures, utilities systems, improvements, and appurtenances thereto. Includes real property installed equipment attached to and made part of buildings and structures

(such as heating systems) but not movable equipment (such as plant equipment).

SAF/MII—The Deputy Assistant Secretary of the Air Force (Installations).

Screening—Circulating a notice of availability of real property to determine whether another federal agency needs it.

Site Restoration—Returning the land to a usable condition. This includes removing unnecessary sidewalks, withdrawing surface foundations, filling excavations, mitigating hazardous substance contamination, and reseeding or resodding the affected ground area.

Surplus Real Property—Real property that GSA has screened through all federal agencies, and officially been determined not needed by the Federal Government.

Transfer—As used in this instruction, a real estate action that transfers the custody and control of real property and its related personal property from one Air Force activity to another, or to another military department or federal agency.

Wetlands—Areas that are inundated by surface or ground water often enough to support, and under normal circumstances do or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

Withdrawn Land—Public land that has been set aside or designated for a specific public purpose, such as a national park, wildlife refuge, or national defense use. Withdrawal of public lands generally segregates them from lease, sale, settlement, or other dispositions under the public land laws.

Attachment 2

FORMAT FOR DECLARATION OF EXCESS (DE) REAL PROPERTY (LAND, LAND INTERESTS, AND LEASEHOLDS)

A2.1. Declaration of Excess Form (DE). At the request of the of the real estate function, the installation environmental office provides required information. Upon receiving the DE, the MAJCOM, environmental office will review and approve information and documents prior to the MAJCOM real estate function forwarding the package to AFREA/MI. The DE package must include the following environmental information and documents:

A2.1.1. Environmental Impact Analysis Process (EIAP) Documents. If this analysis is required, include the Categorical Exclusion, Environmental Assessment and Finding of No Significant Impact or Environmental Impact Statement and the Record of Decision in the DE package.

A2.1.2. Consultations. If consultations with regulatory agencies, such as the Environmental Protection Agency, are required, ensure copies of associated correspondence are included in the DE package.

A2.1.3. Environmental Baseline Survey (EBS). This document or a statement of waiver is required for all transactions. The appropriate state Environmental Protection Agency, or its equivalent, correspondence concurring with the EBS findings must be included in the DE. Additionally, if the property is contained on the National Priority List, correspondence from the Regional Federal Environmental Protection Agency concurring with the EBS findings must be included in the DE.

A2.1.4. The DE must include these certificates:

- Notice of Contamination or Finding of No Contamination.
- PCB Clearance.
- Asbestos Clearance.

A2.1.5. A base map showing locations of all underground storage tanks, a description of what has been done to keep underground tanks from leaking, and a statement outlining any restrictions on their future use.

A2.2. Reason for Declaring Excess. Explain why the property was determined to be excess to current and programmed mission requirements (for example, installation survey, Executive Order 12512 Survey, or change in mission). Include a statement that the installation does not plan to acquire any property at or near this location in the foreseeable future.

A2.3. Location and Identification of Land and Improvements. Provide a map, and a property description if available indicating the land area and a list of buildings and other facilities that are recommended for excess. Identify any wetlands and flood plains on the map.

A2.4. Stewart B. McKinney Homeless Assistance Act. Explain what efforts you have made to screen the property for use by the homeless and whether a homeless assistance provider has expressed interest in the property.

A2.5. Present Use. Describe how the property was historically or most recently or is currently being used.

A2.6. Screening. Describe how the installation screened other defense services and agencies and state whether anyone wanted the property.

A2.7. Outgrants. Attach a list of all outleases, easements, permits, and similar legal agreements. This list should include the document number, beginning and ending date of agreement, and general description of property. If available, attach a copy of the initial outgrant document and any supplemental agreements.

A2.8. Recommended Disposal Date. Give the date that the property is no longer required and identify any known obstacles to disposal.

A2.9. Caretaker Costs. Describe what security and maintenance the property needs and how much it would cost.

A2.10. Restoration. Describe what needs to be restored and how much it would cost. Tell whether MAJCOM or installation funds are available for this purpose.

A2.11. Brief History. Indicate when the installation was first activated. Describe how it was acquired and any subsequent significant events.

A2.12. Future Use. Identify any interest that the Air Force plans to retain (for example, clearance, road, aviation easement). Say whether there has been any local interest in the future use of the property.

A2.13. Minerals. List any known minerals that are located within the excess area.

A2.14. Historic, Archaeological, Wetlands and Endangered Species. Include historic, archaeological, wetlands, and endangered species information in the Environmental Assessment (see paragraph A2.1.1).

A2.15. AF Form 1192, USAF Installation Characteristics Report. If an entire installation is being recommended for excess, submit an original and two copies of this report showing the installation as "excess."

A2.16. Hazardous Ordnance Contaminated Land. Land recommended for disposal that has potentially hazardous ordnance contamination (primarily Air Force ranges) also requires:

A2.16.1. Decontamination in accordance with AFI 32-3002.

A2.16.2. A certificate of clearance must be prepared in accordance with AFI 32-3002 and approved by the Department of Defense Explosive Safety Board (DDESB). Send the certificate with the Report of Excess (SF 118) to the General Services Administration.

A2.17. Real Property and Real Property Installed Equipment (RPIE) of the Army and Air Force Exchange Service (AAFES) and Nonappropriated Fund (NAF) Facilities. Identify all real property

and RPIE of the AAFES and NAF activities. State whether the owner wants to remove or receive appropriate compensation for their owned property at fair-market value from the receiving agency or individual. Sell these items either by direct negotiation between AAFES or NAF and the receiver, or under special sales conditions and values that the owner includes in the Declaration of Excess.

NOTE:

This reporting requirement is exempt from licensing according to AFI 37-124, *The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections*.

Army Regulation 405-90

Real Estate

Disposal of Real Estate

**Headquarters
Department of the Army
Washington, DC
10 May 1985**

UNCLASSIFIED

SUMMARY of CHANGE

AR 405-90

Disposal of Real Estate

This regulation prescribing real estate disposal policy has been revised. The revision updates policy on environmental review (para 1-6) and decontamination (para 2-2); reduces screening requirements (para 2-4); requires inter-governmental coordination (para 2-7); prescribes disposal of nonexcess property (chap 3); clarifies custody and accountability responsibilities (para 4-3); furnishes more complete guidance on return of lands to the public domain (chap 5); increases installation disposal authority for buildings and timber (paras 6-5 and 6-7); provides for conversion of building equipment to personal property (para 6-6); and gives more complete guidance on disposal of foreign excess real estate (chap 7).

Effective 10 May 1985

Real Estate

Disposal of Real Estate

By Order of the Secretary of the Army:

JOHN A. WICKHAM, JR.
General, United States Army
Chief of Staff

Official:

DONALD J. DELANDRO
Brigadier General, United States Army
The Adjutant General

History. This UPDATE printing publishes a revision, which is effective 10 May 1985. Because the structure of the entire revised text has been reorganized, no attempt has been

made to highlight changes from the earlier regulation dated 29 July 1974.

Summary. This revision updates the policy of disposing of Army controlled real estate.

Applicability. This regulation applies to the Active Army, the U.S. Army Reserve, and the Army National Guard. Chapter 6 does not apply to the Army National Guard. This regulation does not apply to Army civil works real estate.

Army management control process. Supplementation. Supplementation of this regulation is prohibited without prior approval from HQDA(DAEN-REM-C), WASH DC 20314-1000.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Users

will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. The proponent agency of this regulation is the Office of the Chief of Engineers. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA(DAEN-REM-C), WASH DC 20314-1000.

Distribution. Active Army, ARNG, and USAR: D

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Chapter 1 General

1-1. Purpose

This regulation sets forth authorities, responsibilities, policies, and procedures for the disposal of military and industrial real estate under the custody and control of the Department of the Army (DA) worldwide. Chapters 1 through 6 apply to Army military and industrial real estate in the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands. Chapter 7 applies to real estate in foreign countries. Where procedures are not required by statute or regulation issued by higher authority, the Assistant Secretary of the Army (Installations and Logistics) (ASA(I&L)) may approve or ratify exceptions to this regulation.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. The Assistant Secretary of the Army (Installations and Logistics) (ASA(I&L)) is responsible for general Secretariat oversight of the Army real property disposal program and approval of—

(1) Real property disposals that are subject to reporting requirements of the Congress contained in title 10, section 2662, United States Code (10 USC 2662) and 10 USC 2672a.

(2) Real property disposal with an estimated value in excess of \$50,000 or involving more than 500 acres of withdrawn public lands.

(3) Holds on real property disposal and withdrawals from excess of property reported to the General Services Administration (GSA) for disposal with a value in excess of \$50,000.

b. The Chief of Engineers (COE) is the Army staff element responsible for—

(1) Coordinating and approving reports of excess for real property subject to other approval requirements described in this regulation.

(2) Coordinating resolution of controversial cases.

(3) Subject to the approval of the ASA (I&L), agreeing to act as real estate agent for other Federal departments or agencies on request.

(4) Supervising and giving direction to field offices on disposal of Army-controlled real estate.

(5) Monitoring disposal for compliance with applicable laws, rules, and regulations.

c. Division or district commanders will—

(1) Plan and execute disposal of excess real estate in the United States, its territories, and possessions.

(2) Plan and execute disposal of surplus real estate in the United States, its territories and possessions, where GSA has delegated authority, and this authority has been redelegated.

(3) Obtain available real estate contamination and decontamination records and provide title information on request.

(4) Act as real estate agent in disposal actions for the Department of the Air Force and other Federal agencies.

d. Commanders of major Army commands (MACOMs) will—

(1) Dispose of excess real estate in foreign countries.

(2) Approve of disposal of certain improvements.

(3) Report on recommending nonforeign real estate to be made excess.

(4) Decontaminate excess real estate as prescribed in paragraph 2-2.

(5) Protect and maintain excess real estate, unless otherwise provided for. The expense of protection and maintenance will be the

responsibility of the MACOM for the period described in paragraph 4-3.

e. Commanders of installations will—

(1) Prepare reports recommending real property be excessed.

(2) Ensure proper decontamination of real property.

(3) Comply with environmental and historic preservation documentation requirements related to the disposal of real property.

(4) Approve and dispose of certain buildings without the underlying land. (See para 6-5.)

(5) Dispose of certain standing timber. (See para 6-7.)

1-5. Safeguarding information

There must be no premature disclosure of plans for the disposal of real estate regardless of the level or origin of these plans. Information concerning these plans will normally be designated "FOR OFFICIAL USE ONLY" in accordance with AR 340-17. This designation will be canceled after the COE has determined property is excess or after the Chief of Public Affairs or delegatee has publicly released this information. Compliance with environmental, historic preservation, and similar legal documentation requirements does not constitute premature disclosure of disposal plans.

1-6. Special considerations

a. All actions will comply with environmental, historical, and cultural protection requirements as stated in AR 200-1, AR 200-2, AR 385-64, AR 420-40, and related regulations.

b. Actions in coastal States will be consistent with State coastal zone management plans to the maximum extent practicable.

c. Actions in floodplains and wetlands will comply with Executive Order (EO) 11988 and EO 11990.

d. Disposals of real property that may affect community developmental plans will be coordinated with State and local elected officials in accordance with EO 12372, as amended by EO 12416.

e. Following industry's lead, DA will use the metric system in all activities insofar as the use is consistent with operational, economic, technical, and safety requirements (AR 700-1).

1-7. Disposal commitments

No person will commit DA to convey any interest in real estate to a non-Federal party, unless the disposal agency has delegated such authority or DA has such authority directly by legislation.

1-8. Form for transfer

The transfer of property between Department of Defense (DOD) agencies is accomplished by Secretarial Memorandum, while transfer to other Federal agencies is by Secretarial letter and to non-Federal entities is by quit-claim deed. In the case of reassignment or transfer of property within the Federal Government, DD Form 1354 (Transfer and Acceptance of Military Real Property) will be used for recording the transfer of accountability (AR 420-17). The DD Form 1354 will contain a statement regarding the presence or absence of contamination.

1-9. Report of disposals (RCS DD-MIL(A)-1275)

Disposals involving an estimated price, cost, or value of more than \$5,000 but not more than \$50,000 will be reported in accordance with AR 405-45 (RCS DD-MIL(A)-1275).

Chapter 2 Property To Be Excessed

2-1. Report recommending action to excess property

Recommendations to excess Army property are reported through command channels and forwarded to HQDA(DAEN-ZCI), WASH DC 20310-2600, for approval. DAEN-ZCI is the Army staff element responsible for development of installation structure required to support Army missions and activities, including mobilization and contingency missions.

a. Normal. The installation commander will identify excess real

estate in accordance with AR 405-70. When real estate is not needed to support current missions, authorized future missions, or mobilization, because land is not used, is underused, or is not put to optimum use, the installation commander will recommend excessing. This report of excess will be submitted in the format given at appendix B in quadruplicate through command channels to HQDA(DAEN-ZCI), WASH DC 20310-2600. One copy is for the MACOM. (The command channels for property retained by the National Guard include the State adjutant general, the United States Property and Fiscal Officer, and the National Guard Bureau (NGB).) A copy of the excess recommendation will be furnished to the appropriate division and district commander with the original cost for each building or other identifiable improvements in the area recommended for excessing. When COE determines the disposal action should proceed, it will advise the appropriate division commander and MACOM commander.

b. Base realignments. The announcement of certain base reductions and realignments frequently results in the excessing of Army real estate. Prior to such announcements, information may be requested for planning purposes. Any such information should be obtained and handled with discretion due to the possible impact on the public. (See AR 5-10.) In accordance with EO 12049, the economic adjustment assistance activities of the Secretary of Defense will be fully supported as authorized by law. Such support involves a coordinated Federal response to the needs of adversely affected individual communities, States, and regions. The support will afford priority consideration to community requests for Federal technical assistance, financial resources, excess or surplus property, or other requirements that are part of an Economic Adjustment Committee comprehensive plan. When excessing is authorized, the COE will advise the appropriate division commander and the MACOM commander to proceed with the disposal. The MACOM will have the report of excess prepared and promptly forwarded to HQDA(DAEN-ZCI), WASH DC 20310-2600. The division or district commander will assist by furnishing real estate information such as estimates of value, lists of outgrants in the disposal area, and similar matters. Close coordination between responsible elements is encouraged to expedite action and avoid duplicate effort.

c. EO 12348 disposal action. GSA, the Office of the Secretary of Defense, and Army commands may survey real estate holdings under EO 12348, to identify excess or underutilized real estate (AR 405-70). On approval by DAEN-ZCI or higher authority that disposal is authorized, the MACOM upon direction by DAEN-ZCI will forward a report of excess promptly to HQDA(DAEN-ZCI), WASH DC 20310-2600. GSA requires agencies to report excess lands to GSA within 90 days of the GSA or Property Review Board notice to the Secretary of the Army or designee that the property must be excessed (Federal Property Management Regulations (FPMR) 101-47.802(b)(5)). (See app C.) When this deadline cannot be met because of a pending reclama or other similar reason, the office with the action will document the reason.

d. Bureau of Land Management (BLM) withdrawal review program. BLM will schedule review of lands withdrawn from the public domain for an indefinite term in certain States (Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming) under the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1701 et seq.) to determine whether and for how long to continue the withdrawal. Installation commanders will prepare rejustification statements for MACOM approval. District commanders will assist installation commanders on request. MACOMs will return statements which are not approved to the installation. MACOMs will forward approved statements to the district commander for submission to BLM. BLM will review the statements for maximum multiple use, including the operation of mining and mineral leasing laws. When BLM and DA reach agreement, any disposal will proceed in accordance with this regulation.

e. U.S. Army reserve centers. When reserve centers are located

on other than a U.S. Army Forces Command installation, the report of excess must contain the concurrence of both MACOMs involved.

2-2. Contaminated real property

a. Explosive hazards. Every means possible must be used to protect the general public who may be exposed to explosive hazards from ammunition and explosives contaminated real property under DA control on which ammunition or explosives are found. Contamination of real property by final disposal of ammunition and explosives by surface dumping or discharge onto watersheds, into sewers, waterways, or other bodies of water is prohibited. This does not preclude burial to control fragments during authorized destruction by detonation. Real property that is known to be contaminated with ammunition and explosives, which could endanger the public, will not be released from DA custody until the most stringent efforts have been made to assure appropriate protection of the public. Some contamination, however, is so extensive that removal of the hazard is beyond the scope of existing technology and resources. Where ammunition or explosives are known or suspected to exist—

(1) Proposals to dispose of property will contain information required by AR 385-64, Appendix, paragraph 10-3.C.2, and will be forwarded through COE and OASA(I&L) to the Department of Defense Explosives Safety Board (DDESB) for prior approval.

(2) DA may transfer contaminated real property through GSA to another DOD component if the ASD (MI&L) approves and permanent records of contamination are furnished the recipient. The district commander will retain a copy of the records.

(3) DA may not transfer accountability and control of such property outside of DOD, until the property is rendered innocuous as that term is defined in AR 385-64, Appendix, paragraph 10-3.C. Additional decontamination may be conducted when justified in accordance with the economic analysis in *d* below.

(4) The using command will retain accountability for property that cannot be rendered innocuous or transferred to another DOD component in accordance with AR 385-64, Appendix, paragraph 10-3.C.

(5) The district commander will state in the report of excess to the disposal agency—

(a) The nature and extent of the original contamination and the decontamination methods used.

(b) The requirement to enter this information in the permanent land records of the civil jurisdiction in which the property is located.

b. Toxic-chemical and other hazardous substances. Toxic-chemical, biological, radioactive, or other hazardous substances in real property may be identified as, or present, a hazard to health or render a portion of the environment unsuitable for use. DAEN-ZCE or its designee will identify and evaluate suspected problems associated with past hazardous material disposal sites and control migration of hazardous contamination from such facilities and control hazards to health or welfare that resulted from those past operations. Here, decontamination is the process of reducing contamination to an acceptable level or completely eliminating its presence. Technical feasibility, economic acceptability, and environmental effect will be considered in selecting a course of action.

(1) DA may take steps to release property without decontamination;

(2) DA may decontaminate to a level of restricted use; or

(3) DA may decontaminate to unrestricted use when economically and technically feasible and when GSA or other recipient will only accept the property in an unrestricted use condition.

(4) As a minimum in all cases, DA will perform that amount of decontamination necessary to protect public health, welfare, and the environment. Additional decontamination may be conducted when justified in accordance with the economic analysis in *d* below.

c. Coordination. MACOMs will secure the necessary expertise, funding, coordination, and approvals for decontamination. MACOMs will fully coordinate such actions with—

(1) Environmental, health, safety, public affairs and legal offices at each level from the installation to the MACOM and at Headquarters, DA (HQDA).

(2) DDESB through COE and OASA(I&L) for property contaminated with ammunition and explosives.

(3) The U.S. Army Toxic and Hazardous Materials Agency (USATHAMA) through the U.S. Army Materiel Command (AMC) or other office designated by DAEN-ZCE, for property contaminated with toxic-chemical and other hazardous substances.

d. Economic analysis. MACOMs will perform an economic analysis to determine whether property should be decontaminated for disposal. (Decontamination will also be performed to protect public health, welfare, and the environment. (See *b* above and AR 200-1.) Estimated decontamination costs will be developed in consultation with DDESB or USATHAMA through the channels described in *c* above. The district commander will furnish estimated property values on request. Unless approved by OASA(I&L), decontamination for disposal should not proceed if—

(1) Fee-owned land is involved and the estimated cost of additional decontamination necessary for disposal exceeds the addition to fair market value of the property after restoration.

(2) Fee-owned land is involved and there is no market for the property and the cost of additional decontamination necessary for disposal exceeds the estimated maintenance cost for 30 years (including the cost of fencing, posting, and environmental monitoring).

(3) Leased land is involved and the cost of additional decontamination necessary for disposal exceeds each of the following figures:

(a) The sum of: either the cost of purchasing the property or continued rental for 30 years (whichever is less); plus the estimated maintenance cost for 30 years (including the costs of fencing, posting, and environmental monitoring).

(b) Costs for compensating the owner to restrict use of the property for 30 years, plus the costs of environmental monitoring for 30 years.

(4) Several of the above calculations involve adding costs that gradually accrue over a 30-year period. To account for the changing value of money over time, follow the discounting technique to obtain present value shown in AR 11-28, paragraph 2-3e(5). The discount rate prescribed in that regulation should be used in the analysis. (At the time of this writing, the rate is 10 percent.)

e. Disposal of contaminated property. It is possible that no additional decontamination will be necessary for disposal. For example, a transferee may accept contaminated property if the transferee is responsible, agrees to perform any appropriate steps to protect public health and the environment, and to indemnify the United States and hold it harmless against claims. The transferee should be advised that contamination is or may be present. Such cases will be coordinated with the Army Secretariat.

f. Formerly used property. If contamination is discovered on formerly used property, notify HQDA(DAEN-ZCE), WASH DC 20310-2600, and furnish a copy to HQDA(DAEN-REM-C), WASH DC 20314-1000, and DDESB(DDESB-KO), ALEX, VA 22331-0600. DAEN-ZCE will issue instructions to the appropriate offices for action.

g. Detailed instructions. More detailed instructions are located at appendix D.

2-3. Related personal property

Before and during the excessing of real property, the installation commander will closely monitor deactivation. Removal plans for installed building equipment or equipment in place must provide for preservation of the real estate, so that the structural integrity of the facility is not damaged. Explosive contaminated equipment will be decontaminated to the 5X state and be so marked before it is permitted to be severed from the real estate and disposed of to non-DOD parties. Related personal property is to be promptly redistributed, transferred, or disposed of under other authority in accordance with DA instructions. The installation commander will coordinate with the district commander to assure that the timing and method of disposal of related personal property will not delay disposal of the real property.

2-4. Screening

a. Accelerated screening. Accelerated screening may be directed in certain cases, such as base realignment or EO 12348 survey disposals.

b. Normal screening.

(1) Offices notified. On receipt of COE's written directive, the district commander will screen the real estate within the Army, including the NGB and the Office of the Chief, Army Reserve. Copies of screening letters should be sent to all Army installations within a 50-mile radius of the property. When the Army is authorized to dispose of property (see chap 6), also send a copy of the screening letter to the appropriate GSA regional office.

(2) Screening letters. Screening letters will—

(a) Identify the total acreage and all major improvements.

(b) State the distance from the nearest population center and furnish a vicinity map.

(c) If considered desirable, indicate former use, potential use, and highest and best use.

(d) Estimate the minimum annual protection and maintenance costs for the property.

(e) Name any significant encumbrances or restrictions affecting valuation or conveyance of title.

(f) List outstanding or expressed interests.

(g) Refer to this regulation for procedures on requesting the property.

(3) Army screening.

(a) Expressed requirements. Applicants with requirements for all or part of the property must submit written requests through command channels to the district commander with information copies to HQDA(DAEN-REM), WASH DC 20314-1000, within 20 days. (The district commander will proceed with the disposal if screening produces no applicants.) An applicant must conclusively show that the property is essential to accomplish an assigned mission, and that no other real property under the applicant's control can satisfy the requirement. The response will also state that existing funds are available for operation and maintenance of the property. District and division commanders will submit all requests for property, as soon as practicable, to HQDA(DAEN-REM), WASH DC 20314-1000, for a decision on whether to suspend disposal action.

(b) Justification and certification. DAEN-REM will not consider an Army command request unless detailed written justification is received within 40 days from the date of screening. When the proposed suspension will exceed 40 days and the requesting agency is funded from a different appropriation than the Army command declaring the property excess, the requesting agency will reimburse the accountable command. Before the 40-day period ends, the requesting agency will certify that funds are available for all costs of protection and maintenance of excess property and identify the finance and accounting officer providing reimbursement.

(c) Army Reserve and National Guard. Requests by Reserve Components identify which Reserve Component units will use the property as well as their strengths, missions, training schedules, and current training locations. Except for newly organized units, requests will include a map of other State or Federal training areas within a 50 mile radius, state why these areas are not suitable or available, and fully justify the requirement like a new land acquisition.

(4) GSA screening. If the property is screened by GSA and GSA does not advise of an interest within 30 days, the property is considered surplus.

(5) Delays. The division commander will advise COE of unusual delays in excessing actions. Also, if disposal is delayed or decontamination has not been certified for 1 year after screening, the district commander will rescreen the property.

c. Exceptions. The district commander may waive screening that in the district commander's opinion serves no useful purpose.

2-5. Prior approvals

a. Disposal over \$50,000. Any transaction involving the disposal of interest in real property located in the United States, its territories or possessions, with an estimated fair market value in excess of \$50,

000 or containing more than 500 acres of withdrawn public domain lands requires prior approval of OASA(I&L).

b. Industrial installations. After screening and when Secretariat approval is not otherwise required, a proposed action on an industrial installation requires prior approval of OASA(I&L) through the Deputy Chief of Staff for Research, Development, and Acquisition (DCSRDA).

c. Base realignments. Under 10 USC 2687, the Secretary of Defense or the Secretary of the Army must report to the Armed Services Committees (ASC) of the Congress 60 days before a proposed closure or realignment of an installation located in the United States, Puerto Rico, or Guam that has more than 300 authorized and assigned military and civilian personnel (AR 5-10).

d. Disposal over \$100,000. Under 10 USC 2667, the Army must report to the ASC proposed disposals of real property located in the United States, its territories and possessions, and valued over \$100,000, unless the disposal is specifically authorized by law. The district commander with the installation commander will provide justification through the division commander to COE. COE will prepare reports for the ASC, submit them to the ASC after obtaining OASA(I&L) approval, and represent the Secretary of the Army in ASC hearings on these reports.

e. District of Columbia, Alaska, Hawaii, territories, and possessions. Real estate disposal in these areas may require additional prior approvals, including special legislation.

2-6. Prompt disposal action

DA will promptly dispose of excess real estate in accordance with the following chapters. Property reported under 10 USC 2662 is excess when OASA(I&L) approves the report. Then, COE will direct the district commander to complete preliminary disposal action. Final action may not be taken before 10 USC 2662 is complied with. Delays of more than 180 days in disposals approved by the Army Staff must have the prior approval of HQDA(DAEN-REM) or OASA(I&L).

2-7. Intergovernmental coordination

a. If a disposal might affect community development plans, the division or district commander will coordinate the proposal with State and local government officials in accordance with established procedures. The purpose is to accommodate State and local concerns to the extent permitted by law.

b. Coordination will be done after screening or complying with any required Congressional clearances.

c. The authorized district official will notify the State single point of contact or directly affected entities and request that the views of all concerned be furnished in 60 days. Notification will not normally include classified information or project justification.

d. The district or division commander will notify the affected MACOM and installation of views received. The MACOM or installation will recommend that the Army accept State or local views, seek a mutually agreeable solution, or explain why the views cannot be accommodated. In the last case, no real estate action may be taken until 15 days after the division or district commander mails an explanation to the State contact or affected entities. If accepting State or local views will substantially change a disposal cleared by the ASC, the division or district commander will request COE to so notify the ASC and will await further instructions before proceeding with disposal.

Chapter 3 Properties That Are Not Excess

3-1. Type of property

Proposals to sell nonexcess real property and acquire replacement land, construction, and facilities under 10 USC 2667a and specific

legislation may be made only for acquired lands and after the Secretary of the Interior has found that the land proposed for sale is not suitable for a public park and recreation area.

3-2. Proposals

a. Congress must specifically authorize sale and replacement proposals. In support of proposals approved by HQDA for submission to Congress, the MACOM will upon request furnish the following to HQDA(DAEN-ZCI), WASH DC 20310-2600:

(1) A general description of the property to be sold and the specific relocation site in compliance with master planning procedures.

(2) The need for replacement property or facilities.

(3) A statement that activities at the replacement facilities will be substantially similar in character or nature to those performed at the property to be sold.

(4) A complete DD Form 1391 (Military Construction Project Data) including the cost of replacement land and facilities and relocation costs. (See AR 415-15.)

(5) An estimate of the sales proceeds.

b. MACOMs will obtain from the division or district commander—

(1) A gross estimate of the fair market value of the land and improvements to be sold.

(2) An estimate of GSA's expenses to dispose of the property.

(3) A report on any significant factors that may affect disposal and obtaining fair market value for the property.

(4) Identification of any public domain lands.

(5) If the proposal involves real estate acquisition data similar to that required in a Brief Real Estate Planning Report under AR 405-10.

3-3. Notification of the Secretary of the Interior

Before an action is proposed to Congress, DAEN-ZCI will forward through OASA(I&L) to the Deputy Assistant Secretary of Defense (Installations) for approval a notice of the proposal from the Deputy Assistant Secretary of the Army (Installations and Housing) to the Secretary of the Interior or designee. Under 10 USC 2667a, the Secretary of the Interior has 60 days to advise whether or not the property is suitable for a public park and recreation area.

Chapter 4 Disposal by the General Services Administration

4-1. Disposal agency

GSA is the disposal agency for surplus real property and related personal property unless a specific statute provides otherwise or GSA has delegated this disposal authority. GSA is also the disposal agency for nonexcess property under sale and replacement legislation. (See chap 3.)

4-2. Report of excess property to GSA

a. General. The district commander reports excess real and related personal property with an estimated value of \$1,000 or more to GSA (FPMR 101-47.202-2). This includes withdrawn or reserved public domain lands and improvements that the Department of the Interior (DOI) has determined are not suitable for return to the public domain and are excess. It also includes certain less than fee interests for screening by GSA with other Federal agencies while COE screens within DA.

b. Conditional reports. As a general rule GSA will not accept reports of excess with conditions on disposal. GSA has agreed to accept disposal reports subject to reversion in the event of a national emergency. GSA will also dispose of missile sites and similar facilities to specified local governments for civil defense purposes during 20 years after disposal and subject to reversion for breach of condition.

c. Notice of receipt. When GSA accepts the report of excess, the district commander will notify HQDA(DAEN-REM), WASH DC

20314-1000. Care and custody responsibilities will be determined from the date of GSA's acceptance of the report in accordance with paragraph 4-3a.

d. Withdrawals of reports from GSA. Requests to withdraw reports of excess must be routed through the same channels as the original recommendation to excess property. DAEN-REM must approve all withdrawals of property reported to GSA for disposal, but will obtain OASA(I&L) approval for withdrawal of properties valued at more than \$50,000. DAEN-REM will then ask the district commander to request GSA to remove the property from the GSA inventory and to advise DAEN-REM and the MACOM when GSA approves the withdrawal.

4-3. Custody and accountability, protection, and maintenance

a. General.

(1) Pending transfer or disposal, GSA requires the holding agency to—

(a) Retain custody and accountability for excess and surplus real and related property.

(b) Perform protection and maintenance to prevent vandalism and development of unsafe conditions, to maintain property values, and to promote good public relations.

(c) Initiate or cooperate in actions to prevent, contain, or remedy hazardous conditions as prescribed by the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300 and AR 200-1).

(d) Show the property to prospective transferees or purchasers.

(2) GSA states guidelines for maintenance and protection at FPMR 101-47.4913. COE, in coordination with GSA, will furnish guidance to installations on minimum maintenance necessary to effect maximum economies. These requirements do not apply to historic properties declared excess or surplus; instead, use special Army procedures outlined in TM 5-801-2. Maintenance and protection may be accomplished by the using command, a contracted party, or an interim user. The holding agency is responsible for expense of protection and maintenance for not more than 12 months plus the period to the first day of the succeeding fiscal quarter after the date of GSA's notice to the Army of receipt of the excess report. The responsibility for expenses will also be extended to cover any period of time that disposal is deferred by the holding agency. GSA will reimburse the holding agency for all expense that is not extraordinary in the judgment of GSA after the period described above. GSA will not be fiscally responsible for care and custody without a written agreement (FPMR 101-47.4). Such agreements will be between the MACOM or designee and GSA. The U.S. Property and Fiscal Officer will sign the agreement for National Guard properties.

b. Using command responsibility.

(1) The using command will retain custody and accountability of property and will continue programming funds and personnel for protection and maintenance; this responsibility ends on the date GSA disposes of the property or agrees to assume this responsibility in accordance with *a* above, whichever occurs first.

(2) DAEN-REM must approve in advance all requests for exceptions to this policy and for any Army element to use vacated excess property.

c. District and division commander responsibility. The district or division commander will maintain close liaison with GSA to ensure prompt transfer of custody and accountability to GSA or the recipient of the property.

4-4. Interim use of excess property

Interim use can minimize Federal expenses for ordinary protection and maintenance and preclude damage to property by theft, pilferage, and vandalism. Such use by State and local governments may assist the economic recovery of a community following an installation realignment and may be accomplished in accordance with the economic recovery plan of the Office of Economic Adjustment in the Office of the Assistant Secretary of Defense (Manpower, Installations, and Logistics) OASD(MI&L). Such interim use does not

entitle the user to credit in subsequent disposal for improvements the user places on the property; nor will such use imply a disposal commitment to the user. (See AR 405-80 for specific guidance.)

4-5. Report of nonexcess property to GSA

The district commander reports nonexcess property to GSA for sale in compliance with the requirements of chapter 3 and specific legislative authority providing for disposal by GSA.

4-6. GSA return of undisposable property

GSA will return property considered undisposable by letter or return of the Report of Excess to HQDA(DAEN-REM), WASH DC 20314-1000. COE will coordinate the proposed action with the former MACOM accepting accountability and then advise the district commander how to proceed.

Chapter 5 DA Return of Public Domain Lands

5-1. Alternatives

Normally, DA will return withdrawn public domain lands that have minor or no improvements to the public domain. When the Secretary of the Interior and the GSA Administrator agree that the land's character has substantially changed so that the land is not suitable for such disposition, GSA (chap 4) or DA (chap 6) will dispose of it.

5-2. Notice of Intention to Relinquish

The district commander files a Notice of Intention to Relinquish (NIR) with the DOI after the property is determined to be excess, has been screened with negative results, and any necessary clearances have been obtained. The district commander will prepare the NIR stating the Army's assent to the relinquishment and attaching the supplemental information prepared by the installation commander in accordance with appendix E.

5-3. Bureau of Land Management determination

BLM will review the notice to determine if the lands are suitable for return to the public domain for disposition under the public land laws and if DA has—

a. Decontaminated or restored the property; or if that is not economically feasible, posted notices, installed protective devices, and agreed to maintain them.

b. To the extent deemed necessary by BLM, taken measures to correct, arrest, or prevent deterioration of the land and resources resulting from use or possession.

c. Exhausted GSA disposal procedures (including procedures in para 6-5) for improvements certified to have no value.

d. Resolved commitments to third parties as to rights and privileges in the property.

e. Furnished copies or case files for all encumbrances.

5-4. Property suitable for return

BLM will notify the district commander if it will accept accountability and responsibility on approval by the Secretary of the Interior of a public land order revoking withdrawal.

5-5. Property not suitable for return

a. In some cases, BLM may determine that some or all excess property is not suitable for return to the public domain; for example, where improvements are situated on a relatively small portion of the excess property. BLM will obtain GSA concurrence in such cases. It will also notify GSA of any mineral interests in such property not suitable for disposition under the public land mining and mineral leasing laws.

b. BLM will then notify the district commander that the property may be reported to GSA. BLM will furnish information on any

other Federal agency jurisdiction claims and any encumbrances under public land laws for transmittal with the excess report.

Chapter 6 DA Disposal of Real Property

6-1. Authority

a. GSA has delegated authority to determine surplus and dispose of real and related personal property with an estimated value under \$1000. The GSA Administrator may also designate executive agencies to dispose of other surplus property.

b. GSA has designated agencies accountable for the following real property interests as disposal agencies in FPMR 101-47.302-2:

- (1) Improvements without the underlying land.
- (2) Standing timber without the underlying land.
- (3) Embedded gravel, sand, and stone without the underlying land.
- (4) Ingrants unless GSA or the accountable agency determines that it is in the best interest of the Government to dispose of the ingrant with other property reported excess.

c. GSA has excepted growing crops from real estate disposal, when the disposal agency designates such crops for disposal by severance and removal from the land. (See also agricultural and grazing lease and license authority in AR 405-80.)

d. Also, DA has disposal authority under specific laws. (See app C for partial listing.)

e. Authority to sell Federal property is a governmental function which may not be delegated to non-Federal entities.

6-2. Competition

a. Bidding. DA policy requires competitive bidding before any sale. This gives all potentially qualified bidders an equal opportunity to compete for the property, secures the benefits of competition for the Government, and prevents charges that the Government employees have shown favoritism in selling Government property. Surplus property may be auctioned when considerable local interest is probable and when approved by the COE and GSA (FPMR 101-47.304-7). Normally, sale is to the highest responsive and responsible bidder after advertisement in conformance with GSA regulations (FPMR 101-47.304).

b. Negotiated sales. Sales may be negotiated with a particular party if DAEN-REM determines competition is impracticable or a negotiated sale is in the public interest or promotes the national defense. Such sales for property with a fair market value in excess of \$1000 must be reported through GSA to the congressional committees on Government Operations, unless excepted (FPMR 101-47.304-9 and 101-47.304-12).

6-3. Sales to civilian and military personnel

When duties of civilian and military personnel include any functional or supervisory responsibility for disposal of real property under Army control, the personnel, their agents, employees, and immediate family members may not bid for or purchase surplus property interests.

6-4. Predisposal clearances

In addition to screening and clearances required in chapter 2, the following clearances must also be obtained:

a. \$1,000,000 property. Real property and related personal property that cost \$1,000,000 or more will not be disposed of to any private interest until the U.S. Attorney General advises whether the proposed disposal would tend to create or maintain a situation inconsistent with antitrust laws (FPMR 101-47.301-2).

b. Improvements at industrial installations. The Office DSCRDA must concur with proposed disposal of improvements that will affect the productive capacity of an industrial installation.

c. Rail equipment. The Office of the Deputy Chief of Staff for

Logistics must approve proposals to dispose of DA rail equipment (AR 56-3 and AR 420-72).

d. Hospital and medical facilities. The U.S. Army Health Services Command must concur in the disposal of all hospitals and medical facilities under its control. (See AR 40-2.) Disposal of such facilities not under the U.S. Army Health Services Command must have prior approval of the appropriate MACOM.

e. Morale, welfare, and recreation facilities. HQDA(DAAG-ZX), WASH DC 20310-2101, must be notified of proposals to dispose of morale, welfare, and recreation facilities.

f. Chapel facilities. HQDA(DACH-AML) must concur in the disposal of chapel facilities. (See AR 165-20.)

6-5. Improvements

Improvements without underlying land involve special considerations. Priority attention will be given to disposal of structures used as justification to Congress for new construction to avoid prejudicing future construction programs. Active Army structures committed on DD Form 1391 will be promptly disposed of on acceptance of new construction for beneficial occupancy in accordance with AR 415-13.

a. Conditions necessary for excessing. Buildings and improvements (including barracks) on nonexcess land may be declared excess when—

(1) There is no current use and there is no mobilization requirement;

(2) They have deteriorated or been damaged to the point of being nuisances or hazards to life and property and cannot be repaired or maintained at justifiable cost (75 percent of replacement costs for barracks);

(3) They have served the purpose for which they were constructed and cannot be economically or practicably adapted to other beneficial use;

(4) They occupy or interfere with sites for new construction that have been approved for funding and execution (AR 415-13); or

(5) They are movable and will satisfy a current requirement of a military department.

b. Excess findings.

(1) The installation commander prepares DA Form 337 (Request for Approval of Disposal of Buildings and Improvements) (app B) and sends it through command channels to obtain approval to dispose of the excess property. The office approving the DA Form 337 will be approving the method of disposal. Upon completion of disposal the DA Form 337 will provide supporting documentation to remove the property from accountability records. The DA 337 should identify major items of installed building equipment that are to be disposed of with buildings and improvements. It should also show consideration given to using the equipment elsewhere. Such equipment will be physically marked to indicate its excess status.

(2) When new construction is involved, prior approval of the DA Form 337 may be obtained to prevent delays. However, all approvals for construction will be obtained before taking disposal action. Construction contracts will allow reasonable time for orderly disposal. The district commander will assure disposal is completed when improvements were scheduled to be disposed of as part of a new construction contract, except for relocatable structures or those to be disposed of by troop labor.

(3) As an exception, the district commander will prepare DA Form 337 for disposal of buildings and improvements acquired incidentally to land acquisition; the installation commander must first confirm there is no installation requirement for them, and then recommend disposal.

(4) In all cases, the commander having approval authority will sign the DA Form 337. Intermediate headquarters will make comments and recommendations only on forwarding correspondence. The original DA Form 337 will be returned through the same channels after approval to the accountability property officer.

(5) OASA(I&L) will approve the DA Form 337 for family housing with an estimated value of \$50,000 or more per project or \$5,000 or more per dwelling unit.

(6) HQDA(DAEN-REM) will approve the DA Form 337 for—

(a) Any property with a total estimated current fair market value over \$50,000 (before submission to the Army Secretariat), except for family housing.

(b) Chapels (before submission to the Chief of Chaplains).

(c) Troop housing when such housing proposed for disposal during a 1 year period exceeds 5 percent of the total installation housing.

(d) Permanent buildings with a current real property inventory cost over \$100,000 for any single item or improvements with a total current real property inventory cost over \$200,000.

(e) A historical site or property that would affect a historical site.

(f) Contaminated or hazardous excess property.

(g) Buildings and improvements acquired for Army use and transferred less than 2 years before to the using command.

(7) MACOMs are authorized to approve other DA Forms 337. Except for family housing, this authority may be delegated to installation commanders with accountability for the property if the current real property inventory cost of any item is less than \$25,000 or if c(4),(5), or (6) below apply. The installation commander may redelegate this authority, but not below the director of engineering and housing. MACOMs will approve disposal of family housing with an inventory cost of less than \$50,000 per project or \$5,000 per dwelling unit.

(8) Facilities committed for new construction on a DD Form 1391 must also be approved on a DA Form 337. Notify HQDA(DAEN-ZCP-MB), WASH DC 20314-1000, of completed disposal related to a Military Construction Authorization (MCA) Act. Notify the MACOM of such disposal approved by the installation commander.

c. Disposal. On receipt of the approved DA Form 337, the installation or the district commander will complete the disposal, note completion on the form, and forward it to the accountable property office. The district commander will complete disposal and site restoration, but may request the installation commander for assistance. GSA will dispose of machinery and equipment to be sold to a using contractor-operator.

(1) There are several methods of disposal:

(a) Demolition and use of salvage material in the Army construction and maintenance program.

(b) Transfer to another Federal agency as authorized by law and regulation.

(c) Negotiated sale to State or local government body or tax supported institution for fair market value under authorities named in FPMR 101-47.4905. Proposals for such disposals will be submitted to DAEN-REM for further guidance on the conditions of disposal.

(d) Donation to a public body under FPMR 101-47.501-2 when the property has no commercial value or the estimated sales proceeds are less than the estimated cost of continued care and handling. GSA must approve in advance a proposed donation of improvements which cost more than \$250,000. The donee must pay disposal costs incident to the donation.

(e) Sale as authorized by law and regulation.

(f) Abandonment as authorized by law and regulation.

(2) Frequent inspections of disposal contract activity are encouraged to ensure compliance with contract terms and early resolution of problems.

(3) Installation commanders will ensure that disposal plans conform with present and future building sites designated on the installation master plan (AR 210-20).

(4) If the improvements have no commercial or salvage value, the installation commander should promptly dispose of the property within available resources (AR 420-70), such as troop exercises, fire training, and similar activities. Material may also be recovered for training stocks. Do not spend funds to dispose of such improvements. If no resources are available to dispose of the improvements, maintain a record of the location, existence, and cost of the property and list its condition as nonusable (AR 405-45).

(5) If the improvements have no commercial value or the estimated costs of continued care and handling would exceed estimated

sale proceeds, the division or district commander may abandon or destroy improvements on private property or donate the improvements to a public body. The installation commander may destroy such improvements wherever they are located. Such improvements may not be abandoned on Federal land. (See (3) above and FPMR 101-47.5.)

(6) If the improvements have questionable value, the installation commander will consult the district commander. If the district commander determines that a successful sale or other disposal will not occur promptly, retain the DA Form 337, and promptly dispose of property by troop labor, demolition contract, or in-house demolition (AR 415-10, AR 420-17, AR 420-70).

(7) If improvements have sale or salvage value, the installation commander will transmit the approved DA Form 337 to the district commander for screening and disposition. The installation commander will assure that installed equipment is not removed and that facilities are not occupied or cannibalized. The district commander will advise the installation commander and return the DA Form 337 after completion of disposal by the district commander. The district commander will return the DA Form 337 for disposal by the installation commander if advertisement is unsuccessful and the district commander is not assured that successful sale or other disposition can be accomplished promptly. In such cases, installation commanders will consider the concerns of Federal and local governments and zoning authorities as to disposal. Purchasers of excess property will not use the installation as a headquarters for resale and will not erect signs of any kind on Federal property.

(8) If a relocatable building is excess, the installation commander will check whether the building is accounted for as Army personal property or Army real property before proceeding with disposal. When an Army building is accounted for as personal property, see AR 700-112. If a building is accounted for as real property, prepare a DA Form 337.

(9) Where facilities were constructed with other than appropriated funds, the sale proceeds are normally returned to the reimbursable fund in accordance with GSA regulations.

6-6. Installed building equipment

After meeting the requirements of paragraphs 2-2, 2-5, and 6-4 and after obtaining legal review if anyone has a security interest in the equipment, these fixtures may be converted into personal property using a certificate as shown at figure 6-1.

6-7. Timber

Unless otherwise agreed, the BLM disposes of timber on withdrawn public lands. Other standing timber without the underlying land is excess and approved for disposal in accordance with AR 420-74. Sales for export of unprocessed timber from installations west of the 100th meridian in the contiguous 48 states will not be made. In general, installations are responsible for forestry management and the district commander for selling timber. The district commander will prepare a memorandum of understanding with each installation that has a forestry program to provide for mutual and reciprocal support as to these responsibilities to increase effectiveness, eliminate duplicate effort, and reduce costs.

a. Advance planning and coordination. To facilitate work planning requirements, installations will furnish districts pertinent parts of forestry management plans and updates. Ninety days in advance of each fiscal year, installations will provide general declarations of availability to divisions through MACOMs. Declarations will state the volume and type of timber and provide a map of general harvest areas. Installations will coordinate specific reports of availability in advance with districts to maximize market potential for timber. Sales of metal-contaminated timber will be segregated from other sales.

b. Maximizing proceeds. Districts will aggressively market timber, including metal-contaminated timber. In all cases administrative costs will be minimized, including travel. Unit or lump sum sales will be used, as appropriate, to maximize proceeds.

c. Timely disposal. Districts will award contracts within 90 days after receipt of specific reports of availability unless otherwise

agreed by the installation and the district. COE will be advised of the reasons for delay in other cases.

d. Additional sites. Additional forestry program sites may be recommended in accordance with AR 420-74.

e. Delegation of sale authority. After informal coordination with the district commander and public notice of availability, installation commanders or their delegates (but not below the director of engineering and housing) are authorized to sell standing timber with an estimated value under \$1,000, in conformity with the forest management plan. This authority should be used whenever possible to improve the efficiency and economy of the timber sales program. Timber may not be given away. The total of such sales in any fiscal year will not exceed \$20,000 at each installation.

f. Monitoring. Performance of disposal contracts will be monitored frequently by authorized local personnel to maximize proceeds, ensure compliance with contract terms, and preclude the development of problems, such as unsatisfactory restoration. HQDA(DAEN) will also monitor the timber sales program annually to ensure efficiency and compliance with forestry management policies. HQDA(DAEN) will examine specific programs if the percentage return on gross proceeds declines or is not approaching 40 percent over a 5-year period. (See AR 420-74 for criteria on monitoring implementation of forest management plans.)

6-8. Gravel, sand, and stone

After disposal is approved in accordance with this regulation, the district commander is authorized to dispose of embedded sand, gravel, and stone (including clay and spoil) on acquired land. GSA screening and determination of surplus if the estimate value exceeds \$1,000 is required. The using command will define conditions of removal to prevent interference with the Army mission and degradation of the environment. Disposal will be by sale or other authorized method under COE procedures. The authorized officer of the BLM will dispose of such materials on withdrawn public lands under 30 USC 601. This includes grants of free use permits to the Army for use of the materials on the installation under 43 CFR Part 3620.

6-9. Ingrants

The using command will check the notice provision of any ingrant to be terminated. In the case of typical notice provisions, the command will advise the district commander at least 120 days in advance of the date of vacation. In other cases, it may be necessary to advise the district commander further in advance. This is essential to prevent payment of unnecessary rental and give the district commander maximum flexibility for screening, notifying the grantor and settling any restoration claims. The district commander may arrange for the using service to perform surveys of these properties when the grantor has a minor restoration claim as defined by COE regulations.

a. Industrial. The using command will recommend excessing of an ingrant for industrial purposes in the same manner as fee owned land.

b. Family housing. The using command will determine whether leased family housing is excess to the needs of the using command and advise the district commander, who will promptly terminate the grant without screening.

c. Command installations and recruiting offices. Normally, the using command will excess ingrants for command installations and recruiting offices, will approve disposal, and will report property to the district commander for disposal. When termination will adversely affect continuing operations of the installation or the annual rental is \$50,000 or more, the using command will report the property excess through command channels to COE.

(1) The using command is responsible for rental and care and custody until the lease is canceled or another party agrees to assume these responsibilities.

(2) The district commander will cancel ingrants in accordance with their terms after screening and when it is not necessary to report the property to a disposal agency.

(3) The COE will provide instructions for the disposal of Government owned improvements in accordance with FPMR 101-47.309.

(4) The COE or designee will return permitted property to the control of the loaning Federal agency.

d. GSA space. GSA administers disposal of GSA leases and reassignment of GSA assigned space. The district commander must notify GSA in writing at least 30 days in advance of the date GSA must issue a termination notice under the terms of a GSA lease. Therefore, the MACOM or designee must notify the district commander at least 30 additional days in advance of a requirement to terminate. In the case of release of GSA assigned space, it is recommended that the MACOM or designee advise the district commander 150 days before the date that the space will no longer be needed. Notification must include a description of the area involved, its location, and the estimated date of release. Space to be released must be consolidated and accessible for GSA reassignment to another party. MACOMs will fund any alterations required to consolidate space or to make it accessible.

Chapter 7 DA Disposal of Excess Foreign Real Estate

7-1. Real estate disposal program objectives

Real estate disposal program objectives are to—

a. Ensure compliance with international agreements affecting the real estate in question. Such agreements normally control the disposal of real estate in foreign countries.

b. Ensure compliance with DA real estate disposal policies contained in chapters 1, 2, 4, and 6 insofar as practicable.

c. Give full force and effect to the real estate laws, customs, and disposal policies and procedures of the host country, insofar as it is consistent with the U.S. mission, requirements, and operations.

d. Keep foreign real estate holdings to the minimum necessary.

e. Clearly define United States and host country obligations (e.g., restoration).

f. Protect the United States against unreasonable claims.

g. Use host government agencies as much as possible, particularly in handling real property matters with citizens of host country.

7-2. Program oversight

The COE—

a. Supervises disposals of real estate in foreign countries.

b. Issues instructions governing such disposals.

c. Approves proposed MACOM regulations on real estate disposal.

7-3. Major Army command program execution

The real estate element of the MACOM located in a foreign country—

a. Plans and executes disposal of real estate in foreign countries in accordance with real estate program objectives.

b. Furnishes real estate disposal advice.

c. Recommends real estate disposal policies.

d. Maintains a real estate office of record.

e. Issues regulations on disposal policies and procedures, which should include the following:

(1) Information about the requirements of international agreements and established implementing precedents.

(2) Information about applicable real property laws, customs, policies, and procedures of the host country.

(3) Summary of DA real estate disposal policies.

(4) Explanation of approved day-to-day disposal policies and procedures including—

(a) The authority for disposal actions and the extent of permissible delegation.

(b) The nature of permissible real estate contacts with agencies and individuals of the host country.

(c) Methods of disposal considering, among other things, the

nature of ownership and the type of funding of any improvement construction.

(d) Policy on providing for recapture in disposals.

(e) The nature of any necessary documentation.

(5) Procedures for obtaining further policy decisions and resolving conflicts.

7-4. Coordination

a. If desired by the U.S. diplomatic mission for the country or countries concerned, the MACOM will seek coordination of proposed sales or abandonment of real estate with the affected diplomatic mission. Coordination should include a disposal plan and the name of the grantee.

b. MACOMs will obtain DDESB approval for disposal of real property when ammunition or explosives contamination exists or is suspected to exist.

7-5. Methods of disposal

Methods of disposal are as follows:

a. Transfer to another military department. The MACOM may approve transfer of excess real estate to another military department under 10 USC 2571 (a).

b. Transfer to other Federal agencies. The MACOM may approve

transfer of excess real estate that is not required by another military department to another U.S. Government agency if fair market value is obtained for any salvage value of the property, unless reimbursement is not required by an Act of the Congress of the United States.

c. Sale. The MACOM may sell excess real estate that is not required by another military department or any U.S. Government agency.

d. Abandonment or destruction. The MACOM may also abandon or destroy excess buildings or improvements with prior written findings by the office directly accountable for the property that—

(1) The property has no commercial value.

(2) The estimated cost of continued care and handling would exceed the estimated sales proceeds.

(3) Abandonment or destruction is required by military necessity or by consideration of health or safety.

e. Donation. On making the findings in the preceding paragraph and before abandonment or destruction, the MACOM may donate the property to foreign nonprofit educational, health, and charitable organizations with preference to any such organizations organized under the laws of the United States, or its States, territories, and possessions.

Conversion of Real to Personal Property

I hereby certify that the items described below were installed building equipment and therefore, real property until they were severed from the real estate under authority of law for disposal. These items are now personal property and are to be turned in to the **(name of personal property management office)**:

(List of items identifying any outstanding security interests on particular items)

(Signature of Installation Commander)

(Date)

Figure 6-1. Format for a certificate converting installed building equipment to personal property

Appendix A References

Section I Required Publications

AR 5-10

Reduction and Realignment Actions. (Cited in paras 2-1, 2-5, and B-1.)

AR 11-28

Economic Analysis and Program Evaluation for Resource Management.(Cited in para 2-2.)

AR 200-1

Environmental Protection and Enhancement. (Cited in paras 1-6, 2-2, 4-3, and B-1.)

AR 200-2

Environmental Effects of Army Actions. (Cited in paras 1-6 and B-1.)

AR 210-20

Master Planning for Army Installations. (Cited in para 6-5.)

AR 210-50

Family Housing Management. (Cited in para B-7.)

AR 210-190

Post Cemeteries. (Cited in para B-9.)

AR 340-17

Release of Information and Records from Army Files. (Cited in para 1-5.)

AR 385-64

Ammunition and Explosives Safety Standards. (Cited in paras 1-6 and 2-2.)

AR 405-10

Acquisition of Real Property and Interests Therein. (Cited in para 3-2.)

AR 405-45

Inventory of Army Military Real Property. (Cited in paras 1-9 and 6-5.)

AR 405-70

Utilization of Real Estate. (Cited in para 2-1.)

AR 405-80

Granting Use of Real Estate. (Cited in paras 4-4 and 6-1.)

AR 415-13

MCA Program: Disposal of Structures. (Cited in paras 6-5 and B-7.)

AR 415-35

Minor Construction. (Cited in para 3-2.)

AR 420-17

Real Property and Resource Management. (Cited in paras 1-8 and 6-5.)

AR 420-40

Historic Preservation. (Cited in para 1-6.)

AR 420-70

Buildings and Structures. (Cited in para 6-5.)

AR 420-72

Surfaced Areas, Railroads, and Associated Structures. (Cited in para 6-4.)

AR 420-74

Natural Resources: Land, Forest and Wildlife Management. (Cited in para 6-7.)

TM 5-801-2

Historic Preservation: Maintenance Procedures. (Cited in para 4-3.)

FPMR

Federal Property Management Regulations. (Cited in paras 2-1, 4-2, 4-3, 6-1, 6-2, 6-4, and 6-5. This regulation is available in Volume 41, Code of Federal Regulations, Chapter 101.)

Section II Related Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 40-2

Army Medical Treatment Facilities: General Administration

AR 56-3

Objectives and Policy for Army Rail Equipment; Management of Army Rail Equipment

AR 165-20

Duties of Chaplains and Commander's Responsibilities

AR 210-20

Master Planning for Army Installations

AR 415-10

Military Construction—General

AR 700-1

Army Conversion to the Metric System of Measurement

AR 700-112

Relocatable Buildings

Section III Prescribed Forms

DA Form 337

Request for Approval of Disposal of Buildings Improvements(Prescribed in para 6-5 and app B.)

Section IV Referenced Forms

DD Form 1354

Transfer and Acceptance of Military Real Property

DD Form 1391

Military Construction Project Data

Appendix B Report Recommending Property To Be Excessed

Reports of excess property are required in paragraph 2-1. When an estimated value is called for, qualified installation or district personnel may make the determination. No formal appraisals are required. Where improvements are to be disposed of without the underlying land, paragraphs 6-5 and B-7 require the appropriate information on a DA Form 337 (Request for Approval of Disposal of Buildings and Improvements). All other requests for approval of excessing and disposal actions will include the following:

B-1. General description, location, and size of property proposed

for disposal. Documentation on any reduction and realignment involved as required by AR 5-10. Description of any impact on installation resources and the local civilian community, including any environmental documentation required by AR 200-1, AR 200-2, and related regulations.

B-2. Information required by appendix E for public domain lands.

B-3. Three copies of installation map showing the property proposed for disposal, and if appropriate, three copies of site map showing the location of buildings and utilities. The MACOM may retain one of each of the maps.

B-4. Information on nature and extent of any congressional involvement.

B-5. Preliminary statement on kind and cost of decontamination to be performed (app D) or a statement that "This property contains no known hazardous substances as that term is defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9601) as amended." This statement will be signed by the installation commander or a MACOM designee and dated.

B-6. Care and custody plan, including the responsible agency for custody and accountability, the legislative jurisdiction status, security measures necessary to prevent degradation, the source of funds, the date that the using command will vacate the premises, plans for the disposition of removable equipment, the estimated cost to implement the plan which separately identifies costs for any family housing area, and the results of efforts to interest local agencies in using the facility.

B-7. Statements on proposed disposal of improvements to include the following as applicable:

a. The condition prompting disposal (para 6-5a).

b. Whether the improvements were constructed with other than appropriated funds.

c. Proposed method of disposal.

d. That disposal of any improvements in the way of new construction complies with AR 415-13, the construction directive, and the installation master plan.

e. That structures are not required for the mobilization mission or are required for mobilization but have so deteriorated that preservation is not economically feasible and have been approved for replacement in a construction program.

f. Whether any improvements have net salvage value in light of restoration and other requirements, and if such value exceeds \$50,000.

g. Whether any National Historic Place or other cultural or historic site is involved.

h. That environmental documentation has been completed and includes a determination as to whether friable asbestos, Polychlorinated Biphenyls (PCB), or other hazardous substances are present. If they are present, describe procedures for eliminating or controlling them during demolition and confirm compliance with applicable Federal Standards.

i. Whether any equipment in place (not installed building equipment) will be removed prior to disposal.

j. In the case of family housing information required by AR 210-50, paragraphs 4-6c(1)-(6) and 4-8b.

k. Full explanation of proposals to dispose of improvements transferred within 2 years to the using command.

B-8. Statement of any restoration to be performed.

B-9. Summary of post cemetery record of interments maintained under AR 210-190.

B-10. Name of private cemetery or burial plot, and whether it is owned by the United States or title is reserved to former owners. Give the acreage (shown on installation map) and the approximate number of occupied and unused grave sites. Give the name and address of next of kin of interred, if known. Also, provide the current arrangements and legal responsibilities between United States and the next of kin or cemetery association for maintenance of cemetery; whether cemetery is full and dormant or actively used for burials; contractual relationships as to use, visitation, and access; and other details affecting disposal.

B-11. Data on the physical composition of industrial properties to

show production potential and designed use; recommended terms, conditions, restrictions, and reservations on disposals with information pertinent to a determination by the Secretary of the Army that such disposal is in the interest of national defense; specific recommendation for or against inclusion in the Defense Industrial Reserve (50 USC 451-455) if disposal is to be subject to recapture or future production rights. (Full justification is required to recommend inclusion.)

B-12. Other factors affecting disposal (e.g., floodplains, wetlands, endangered species, restrictions on disposal, and known encumbrances).

B-13. Names of parties interested in acquiring the excess property; details on the extent of their interests and proposed use.

B-14. Name and phone number of point of contact on the action.

Appendix C Authorities for Disposal of Real Property

The authority to dispose of United States real property is vested in the Congress (United States Constitution, Article IV, Section 3, Para 2). The principal law authorizing the disposal of Federal real estate is the Federal Property and Administrative Services Act of 1949, as amended (40 USC 471 et seq.), hereinafter called the Federal Property Act. This act provides that each Federal agency report real estate that is excess to its requirements to the GSA. GSA then determines if the available property can meet an unfulfilled requirement of any other Federal agency. If not, GSA supervises and directs the disposal of the surplus property. All disposals of real estate will be made under the authority of the Federal Property Act and implementing regulations issued by GSA called Federal Property Management Regulations (FPMR) at 41 CFR 101, unless otherwise authorized by acts of Congress. Where other legislation authorizes disposal, the procedures of the GSA implementing regulations may nevertheless be helpful as nonbinding guidelines in processing the disposal. In addition to the Federal Property Act, the principal acts of Congress authorizing the Secretary of the Army to dispose of real estate are as follows:

C-1. Interchange between military department (10 USC 2571)

Authorizes interchange of real estate without compensation between the Army, Air Force, Navy, and Coast Guard. (At the direction of the Deputy Secretary of Defense, this authority is not used except for property actively used by another military department. The military departments must normally acquire such property through GSA and pay fair-market value, unless the department has been using the property under a permit.)

C-2. Exchange 10 USC 2672

Authorizes exchange of Government-owned land valued at less than \$100,000 for other lands for national defense purposes.

C-3. Exchange 10 USC 2672a

Authorizes exchange of Government-owned land for other land for national defense purposes, to maintain the operational integrity of a military installation and under conditions of urgency that do not permit the delay needed to include the exchange in an annual MCA act.

C-4. Federal highway transfers (23 USC 317)

Authorizes transfer without charge and under certain conditions of land or material resources for the construction or maintenance of Federal highways from adjacent lands to the Department of Transportation.

C-5. Interchange national forest (16 USC 505a)

Authorizes interchange without reimbursement or transfer of funds of DA-controlled real estate and adjacent national forest lands under certain conditions.

C-6. Airport and airway development (49 USC 1723)

Authorizes conveyance of lands to a public agency without any expense to the United States under certain conditions, including retention of reversionary rights in the United States, when the Secretary of Transportation determines the use of the land is reasonably necessary to carry out a project under this act. GSA has limited DA authority to operate under this act (FPMR 101-47.308.2) for transferring nonexcess land for airport development purposes, providing that such real property does not constitute an entire airport.

C-7. International aviation facilities (49 USC 1157)

Authorizes transfer, without charge, of airport and airway property outside the continental United States (OCONUS) (excluding meteorological facilities) to the Department of Transportation under certain conditions. Authorizes transfer without charge of OCONUS meteorological facilities to the Secretary of Commerce under certain conditions.

C-8. Exchanges for housing development (42 USC 1594a)

Authorizes exchange of land or (with approval of the Secretary of Housing and Urban Development) certain types of housing when the Secretary of Defense or designee deems it necessary for housing military personnel.

C-9. Transfers to District of Columbia (40 USC 122)

Authorizes transfer of jurisdiction over property interests to the District of Columbia for purposes of administration and maintenance under certain conditions.

C-10. Federal prison industry transfers (18 USC 4122d)

Authorizes transfer without exchange of funds of any property suitable for industrial employment and training of prisoners (convicted by general courts-martial and confined in DOD institutions) to the Federal Prison Industries.

Appendix D Decontamination of Real Property

D-1. General

See paragraph 2-2 for general instructions.

D-2. Preliminary determination

Before recommending that property be excessed, the installation commander will determine whether it may contain explosives or unexploded ordnance, or may contain toxic-chemical or other hazardous substances. Determination should be based on land use history, visual inspection, records surveys, and other available information.

D-3. Recommendation to excess

a. To the extent practicable, the installation commander should include the following information in the recommendation to excess:

- (1) Nature and extent of actual or suspected contamination.
- (2) Map showing location of contaminated lands (showing acreages) and of improvements (with contamination and decontamination records attached for each).
- (3) Copies of records on closed hazardous waste facilities and sites and structures that may be contaminated with radioactive waste.
- (4) Description of terrain, indicating wetlands, forest and other areas.
- (5) Proposed method of decontamination, if any, estimated time and cost, and extent property can be used without further decontamination. MACOMs will secure necessary expertise to make these determinations.

(6) Summary of economic analysis performed in accordance with paragraph 2-2*d.*

b. District commanders will furnish land value estimates on request.

D-4. Disposal guidance

Current Federal law does not permit DA to transfer to another party all liability for contamination caused by DA, but liability may be shared with another party if properly planned disposals for sharing of liability can properly protect DA. In developing plans for disposal of contaminated property, obtain legal advice on the current state of the law to structure the disposal properly.

a. No decontamination. GSA may arrange to sell contaminated industrial plants to a purchaser whose operations will be similar and will be conducted in accordance with applicable regulation or who agrees to perform the necessary decontamination. USATHAMA, through AMC, will also review disposal plans and the completed program for adequacy of decontamination. The district or division commander will advise COE of final disposal action for inclusion in the DAEN-ZCE inventory of previously owned contaminated properties.

b. For restricted use. The accountable MACOM will proceed with decontamination. The MACOM will request DDESB, through COE and OASA, to review Statements of Clearance for property contaminated with explosives and request USATHAMA, through AMC, to monitor or perform any decontamination work and inspect for adequacy on completion for toxic-chemical and other hazardous substances. Disposal may proceed under the same circumstances as under *a.*

c. For unrestricted use. The MACOM will ensure the property is decontaminated when all necessary clearances have been obtained for excess property. For explosives contamination, the MACOM will ensure that the property is rendered innocuous (see para 2-2*a*) and request through channels DDESB to review Statements of Clearance. The MACOM will request USATHAMA, through AMC, to assure that other contaminants are controlled or eliminated. (See para 2-2*b.*)

D-5. After decontamination work

a. The using command will furnish the district commander—

(1) A Polychlorinated Biphenyls Certificate in compliance with 40 CFR 761, executed by the installation commander or a MACOM designee.

(2) Certification that any asbestos contamination has been cleaned up, removed, or covered.

(3) A Statement of Clearance, where explosives or unexploded ordnance have been cleared or cleared to a specified depth. (See fig D-1.)

b. In the case of nonexplosive contamination, USATHAMA will advise the district commander through AMC and the affected MACOM—

(1) Of studies or investigations (records, searches, surveys) conducted, including date completed.

(2) Of the nature and extent of decontamination performed or the conditions under which protection, dismantling, or disposal may occur for buildings to be occupied or disposed of by the transferees.

(3) Of the nature and extent of remaining contamination (referring to map) in accordance with current health, safety, and environmental standards. All inherent hazards must be identified.

(4) Of the affected locations, providing a real estate map depicting contaminated, cleared, and restricted areas, and identifying restricted property by tracts and building numbers.

All lands within the (installation), located approximately (miles) (direction) of (town) have been given a careful search (or other method) and have been cleared of all dangerous and/or explosive material reasonably possible to detect. The following contamination is suspected to be present: It is recommended that tracts (designated) and, as shown on the enclosed real estate map, be restricted to (surface use only or maximum safe depth of soil disturbance). All other tracts are recommended for any use for which the land is suited. This action has been conducted in accordance with AR

Approved: _____
(Installation Commander or
MACOM designee)

Signed _____
(Commander of Performing
Unit)

Figure D-1. Format for a Statement of Clearance

(5) Of its recommendation as to whether the property may be used for any purpose for which it is suited.

c. Other parties, through using command or USATHAMA through AMC, will also furnish the district commander any supplemental records of work performed, methods used, quantity and type of materials removed, names of technicians, and any other matter that may pertain to a defense of a suit or a claim that might arise during future use.

d. When the decontamination record is complete and properly coordinated, the district commander will proceed with disposal. When requested by the disposal agency, HQDA(DAEN-REM) will obtain an independent third party review of the Statement of Clearance or decontamination report. The report of excess to GSA must identify any and all inherent hazards and must require entry into land records of the nature and extent of original contamination as well as decontamination methods used.

e. Division or district commanders will ensure that the nature and extent of original contamination, decontamination methods used, and use restrictions are entered into the permanent land records of the civil jurisdictions in which the property is located.

D-6. Property retained by DA

When DA retains property pursuant to an economic analysis, USATHAMA or DDESB will determine unique requirements for upkeep and security to minimize public hazard. Contaminated locations will be posted with permanent signs prohibiting entrance of unauthorized personnel. Signs will be multilingual, where appropriate. The officer having jurisdiction over the property will periodically ensure adherence to retention requirements.

D-7. Contamination discovered after disposal

See paragraph 2-2f. The district commander will examine real estate records including historical records for information on decontamination and assist in determining whether contamination is the result of DA's former use.

Appendix E Attachment for Notice of Intention to Relinquish

E-1. Name and address of the holding agency.

E-2. Citation of the order which withdrew or reserved the lands for the holding agency.

E-3. Legal description and acreage of the lands, except where

reference to the order of withdrawal or reservation is sufficient to identify them.

E-4. Description of the improvements existing on the lands.

E-5. The extent to which the lands are contaminated and the nature of the contamination.

E-6. The extent to which the lands have been decontaminated or the measures taken to protect the public from the contamination and the proposals of the holding agency to maintain protective measures.

E-7. The extent to which the lands have been changed in character other than by construction of improvements.

E-8. The extent to which the lands or resources thereon have been disturbed and the measures taken or proposed to be taken to recondition the property.

E-9. If improvements on the lands have been abandoned, a certification that the holding agency has exhausted General Services Administration procedures for their disposal and that the improvements are without value.

E-10. A description of the easements or other rights and privileges that the holding agency or its predecessors have granted covering the lands.

E-11. A list of the terms and conditions, if any, that the holding agency deems necessary to be incorporated in any further disposition of the lands in order to protect the public interest.

E-12. Army information relating to the interest of other agencies or individuals in acquiring use of or title to the property or any portion of it.

E-13. Recommendations as to the further disposition of the lands, including where appropriate, disposition by then General Services Administration.

Glossary

Section I Abbreviations

AMC

U.S. Army Materiel Command

ASA (I&L)

Assistant Secretary of the Army (Installations and Logistics)

ASC

Armed Services Committee

ASD (MI&L)

Assistant Secretary of Defense (Manpower, Installations, and Logistics)

BLM

Bureau of Land Management

COE

Chief of Engineers

DA

Department of the Army

DCSRDA

Deputy Chief of Staff for Research, Development, and Acquisition

DDESB

Department of Defense Explosives Safety Board

DOD

Department of Defense

DOI

Department of the Interior

EO

Executive Order

FLPMA

Federal Land Policy and Management Act

FPMR

Federal Property Management Regulations

GSA

General Services Administration

HQDA

Headquarters, Department of the Army

MACOM

major Army command

MCA

Military Construction Authorization

NGB

National Guard Bureau

NIR

Notice of Intention to Relinquish

OASA (I&L)

Office of the Assistant Secretary of the Army (Installations and Logistics)

OCONUS

outside continental United States

PCB

Polychlorinated Biphenyls

USATHAMA

U.S. Army Toxic and Hazardous Materials Agency

Section II Terms

Abandon

To surrender property rights permanently with no intention of reclaiming them. Mere nonuse is not necessarily abandonment.

Active installation

A facility in use by active organizations.

Contamination

Presence of conventional unexploded ordnance; presence of biological, radioactive, toxic-chemical, or hazardous substances (as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980) at levels that may present a public hazard or exceed applicable regulatory standards.

Disposal

Any authorized method of permanently divesting DA of control of and responsibility for real estate.

District and division commanders

Heads of local and intermediate Army Corps of Engineers offices, respectively.

Excess real estate

Any real property under the control of any Federal agency that is not needed for the discharge of agency responsibilities.

Excessing

(Noun) The process of determining that real estate is not needed by the Army. (Verb) Reporting excess property to the disposal agency for disposal.

Federal Property Act

Law that controls management and disposal of most federally controlled real estate.

Fee owned

Real property for which the United States has all right, title, and interest rather than a partial interest.

Fixture

Personal property that is so related to real property that a real property interest arises in it (e.g., installed furnace). Not building materials.

Foreign excess real estate

Any excess real property interest located outside the United States, Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands. Real property overseas may not include timber, installed building equipment, and so forth. Check the applicable regulation for the definition of real estate under applicable law at each location (see USARJ 405-1 for Japan, USFK 405-7 for Korea, USAREUR 405-8 for Europe).

Hazardous materials

See contamination.

Holding agency

The Federal agency with accountability for the property.

Improvements

An addition to land amounting to more than repair or replacement and costing labor or capital (e.g., buildings, pavements, pipelines, and other structures more or less permanently attached to the land).

Industrial installation

Industrial facility held by DA in active or inactive status as a reasonable reserve of departmental controlled production capacity and potential. Installations retained and used in their entirety or in part or maintained in idle status for production of military weapons, systems, munitions, components, and supplies.

Ingrants

Property acquired for Army use by lease, license, or permit.

Installation commander

Senior officer responsible for an installation.

Installed building equipment

Equipment and furnishings required to make the facility usable and attached as a permanent part of the structure.

Nonexcess property

Property required for an Army mission but proposed for sale to obtain proceeds in an amount sufficient to fund acquisition of replacement land or facilities.

Nonusable condition

Used to describe a facility as unserviceable, because it has deteriorated to the extent that it needs extensive restoration or it is a danger to the health and safety of personnel or to equipment.

Personal property

Any property not considered real property.

Public domain

Land or interest in land owned by the United States and administered by the Secretary of the Interior, through the Bureau of Land Management, without regard to how the United States acquired ownership, except lands located in the Outer Continental Shelf

and lands held for the benefit of Indians, Aleuts, and Eskimos.

Real estate

Real property owned by the United States and under the control of the Army. It includes the land, right, title, and interest therein and improvements thereon. The land includes minerals in their natural state and standing timber; when severed from the land, these become personal property. GSA has accepted growing crops from the definition of real estate when the disposal agency designates such crops for disposal by severance and removal from the land. Rights and interest include leaseholds, easements, rights-of-way, water rights, air rights, and rights to lateral and subjacent support. Installed building equipment is considered real estate until severed. Equipment in place is considered personal property.

Real property

See real estate.

Reassignment

Change of jurisdiction over real estate from one command or agency to another within DA.

Related personal property

Any personal property that is an integral part of real property or is related to, designed for, or specially adapted to the functional or productive capacity of the real property and which, if removed, would significantly diminish the economic value of the real property. Normally, common use items (including general purpose furniture, utensils, office machines, office supplies, or general purpose vehicles) are not considered to be related personal property that the GSA Administrator determines to be related to the real property.

Relocatable building

A building designed for the purpose of being readily moved, erected, disassembled, stored, and reused (e.g. trailer type building but not mobile trailer). Usually considered personal property but in certain instances is on the real property account.

Reserved public lands

See withdrawn public lands.

Screening

Circulating a notice of real property to determine whether it is required by another organization.

Security interest

An interest in personal property or fixtures which someone obtains to ensure payment owed or performance of an obligation.

Surplus real estate

Any excess real property not required for the needs and discharge of the responsibilities of all Federal agencies, as determined by the GSA Administrator.

Transfer

Change of jurisdiction over real property from one Federal agency or department to another, including military departments and defense agencies.

Vacated premises

Property from which all military personnel and missions have been vacated.

Withdrawn public lands

Public domain held back for the use or benefit of an agency by reservation, withdrawal, or other restriction for a special governmental purpose.

There are no special terms.

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Appendix B

Fort Knox and Fort Campbell Deconstruction Fact Sheets

FORT KNOX DECONSTRUCTION FACT SHEET

- Bid solicitations are offered through open auctions conducted on weekends.
- Deposit of \$150 is required for each building. This value was chosen to help ensure that the contractors follow safety rules, remove the required amount of material, and complete the project within the specified timeframe. Violation of any of these conditions results in the automatic loss of the deposit.
- Contractor must remove at least 50% by weight of the building or 3,500 pounds from each apartment. Scales are provided at the base. Also use visual inspection to help determine if the contractor made a “good faith” attempt to remove as much as possible (maybe less salvageable material because of termite damage, water damage, fire damage, etc.). The remaining material is left on site. No containers are available for C&D debris during deconstruction activities. This material is eventually removed during post-deconstruction demolition operations.
- Contractor is required to complete the job within five weeks, regardless of the number of buildings specified in the contract. For example, if the contractor purchases the recycling rights to three buildings, the deconstruction project for all buildings must be completed within the five-week period. The maximum number of buildings that can be purchased is 10.
- Recycle contractor can request an extension, on a week-by-week basis, but will lose the deposit. Ft. Knox makes it a priority to communicate and coordinate with Real Property for any deconstruction extension.
- Plastic ID badges and parking passes are required for each contractor, subcontractor, and their employees. The badge has a project start and end date. Badges and passes are color-coded. The colors change with each new auction. Military Police are informed of deconstruction activity locations.
- Badges must be signed in blue ink to reduce opportunity to create fake badges.
- The contractor and any employee(s) working on the project must sign a two-page safety checklist and waiver. This includes any subcontractor and employee(s).

- A pre-bid visit is scheduled the day of the auction. This is done so people cannot visit the site ahead of time and identify opportunities for theft. All interested parties must pre-register and sign a waiver. Ft. Knox has a representative at the deconstruction site to verify attendees have pre-registered.
- Ft. Knox provides a bus that transports interested parties to view the buildings on Auction Day. A Ft. Knox representative at the deconstruction site is in radio contact with another person at the auction to ensure all parties have returned prior to auction time.
- Ft. Knox removes ACM, PCB-containing ballasts, and mercury-containing thermostats prior to auctioning recycling rights. They assume this is essentially a fixed cost since it would have to be done for demolition purposes.
- Paint is also tested for lead content. Contractors are notified if lead levels exceed thresholds. This is also considered a fixed cost since this process would be required prior to demolition as well.
- For multiplex buildings where more than one bidder is awarded the recycling rights, Ft. Knox recommends nailing the attic door shut to prevent theft from adjoining complexes.
- If recycling rights to a multiplex building is purchased that has a central room – structural items (beams, joists, etc.) cannot be removed because it is a safety hazard.
- Ft. Knox sells interior and exterior packages for apartment complexes. Exterior packages include gutters, shrubs, etc.
- To encourage purchase of an entire building, Ft. Knox includes the exterior package, and reduces the deposit to half, if the same person purchases the entire apartment building.
- It takes approximately three weeks for the Recycling Center to prepare everything once a parcel of property has been identified.
- The auction is promoted through a mail list developed over the years.
- Flyers are distributed to surrounding neighborhoods with dates notifying them of what will be happening.

- Recycle Program personnel are responsible for the checklist, mailing flyers, coordinating with the auctioneer, and inspecting the site.
- Some contractors will remove salvageable items (e.g. kitchen cabinets) and have them auctioned off during a Ft. Knox auction. Ft. Knox receives a percentage of the sale as a handling fee.

Fort Knox Auction Checklist

WAIVER OF LIABILITY FOR AUCTION

In consideration of receiving permission and authority to examine items to be auctioned by the Fort Knox military reservation, I, on behalf of myself, my heirs and estate, and anyone in my inspection party, their heirs, and estate, do hereby release the United States, the U.S. Army, the Installation Morale Welfare Recreation Fund and all of their officers and employees from any liability or claim for personal injury or property damage which may arise from my participating in this pre-auction inspection & auction. I understand that my presence at any other time will constitute trespassing on Federal property. I understand that removal of any materials or items without payment will constitute theft of government property. Additionally, I understand that all items must be paid for on auction day. A 10% Buyers Premium will be added to the bid price.

PRINTED Name of Head of Household

Date

SIGNATURE Head of Household

TELEPHONE # Home & Work

Additional Family Members (to include children)

_____	_____
_____	_____
_____	_____
_____	_____

Fort Knox Auction Checklist

START

- DPW issues list of buildings.
- Request maps from DPW.
- FAX Housing list of buildings.
- FAX LEC/PMO list of buildings.

WEEK 1

- Coordinate with auctioneer about date of auction.
- Establish date and time, for auction, preinspection, and cut off date.
- Put out word to other NAF activities for additional property/equipment for auction.
- Contact LEC/PMO concerning donated material.
- Coordinate with Housing about lock box keys.
- Put in request for marketing support for flyers, mailers, newspaper ads, E-Mail and get on calendar.
- Put out call for volunteers to work auction and preinspection.
- Begin inventory of buildings and apartments for contents, condition, and utilities.
- Pull lock boxes and keys.
- Print draft list of buildings and apartments inventory (see attached).
- Provide Housing and DPW with draft list.
- Provide Marketing with information for Mayor's handout, send to Housing.

WEEK 2

- Receive list of items/equipment from other NAF activities.
- Receive list of donated material from LEC/PMO
- Provide Marketing with final information for mailer and ads.
- Print out our mailing list, and get mailing list from auctioneer.

Fort Knox Auction Checklist

- Send out mailers.
- Request bus support from DOL Transportation.
- Coordinate with LEC/PMO on day and time to sign for and transfer donated items to Recycle Lot.
- Insure enough caution tape and stakes are in stock.
- Coordinate with NAF activities for delivery of their items to be auctioned.
- Coordinate with DPW about buildings with utilities on.

WEEK 3

- Ensure adequate levels of carbon paper, laminate and card stock available.
- Put caution tape around apartments.
- Final check on utilities, coordinate with DBOS if any are still on.
- Begin regular “patrols” of buildings/apartments to be auctioned.
- Prepare bidder registration sheets and cards.
- Prepare contracts, wavers, safety check lists, ID cards, parking passes, receipts for donated and miscellaneous items.
- Get large coffee urn and order donuts.
- Coordinate with Maintenance for small/medium tent (depending on weather)?
- Auctioneer delivers sound equipment the day before the auction.
- Prepare butt cans, trash and aluminum can containers.
- Final coordination with volunteers concerning areas of responsibilities.
- Get ice and start cooling drinks.
- Prepare offices and warehouse for auction.

Fort Knox Auction Checklist

AUCTION DAY

- Get ice.
- Pick up donuts, and prepare coffee.
- Dispatch volunteers to assigned duties with radios and keys.
- Put out butt cans, trash and aluminum can containers.
- At 0900 begin bussing registered bidders to inspect buildings and apartments to be auctioned.
- Schedule busses to insure that all potential bidders may see everything available for recycling at auction.
- Start auction at 1400.
- Begin collecting payment, signing contracts, signing wavers/safety checklist, & ID cards.
- Release miscellaneous items from other NAF activities at warehouse, after payment.
- Release donated items at recycle lot, after payment.

AFTER AUCTION

- After action meeting to evaluate auction process.
- Continue “patrols” of buildings/apartments auctioned off.
- Contact DBOS on emergency basis for any buildings with utilities still on.
- Open recycle lot by appointment for removal of donated items.
- Continuous monitoring to ensure the weighing of recyclables removed.
- Begin boarding up apartments as released by purchasers.
- Complete boarding up of apartments.
- Final inspection of buildings at cut off date.
- FAX DBOS a list of buildings returned to them for demolition.
- Return performance deposits to purchasers who successfully completed their contract.
- Final after action meeting.

FORT CAMPBELL DECONSTRUCTION FACT SHEET

- A mailing list was developed customizing a list provided by Ft. Knox.
- Invitations for bids are mailed to prospective contractors and newspaper announcements were placed in a 100-mile radius. A tour of the property is available to all bidders prior to submission of the sealed bid.
- Deposits are required for each property. Minimum amount of \$50 is required for bids exceeding this amount; the full bid amount is required as a deposit for bids less than \$50.
- The high bidder has 60 days to complete salvage activities and remove material and debris from one building. The building must be removed to the concrete foundation.
- If winning bidder is awarded multiple buildings, an additional 15 days is allotted per building (other than the first building).
- Ft. Campbell is responsible for assessing and removing asbestos-containing material (ACM).
- Bidders are informed about the potential for lead-based paint (LBP). A federally approved pamphlet discussing LBP hazards is provided to the winning bidder. A copy is also available to each bidder, upon their request.
- Winning bidder is responsible for providing on-site containers for refuse. Contractor is responsible for separating metal that is recycled by the Defense Reutilization and Marketing Office (DRMO).
- C&D debris is disposed of in the on-site landfill at no charge to the contractor. However, contractor must supply transportation to the landfill.
- Successful bidder is responsible for removing mercury-containing thermostats and PCB-containing light ballasts. Ft. Campbell supplies collection containers and hazardous waste management services for these items.

Appendix C

Fort Knox and Fort Campbell Safety Checklists

Deconstruction Safety Checklist and Waiver

The following safe work practices must be observed in connection with building deconstruction.

- No children (under 16 years of age) are allowed within the work site..
- Hardhats are required unless exempted by good cause (only exemptions due to religious beliefs in which case, an employee/employer relationship must not exist).
- Deconstruction Plan - **Deconstruction of exterior walls and floor construction shall begin at the top of the structure and proceed downward after the roof has been removed. Each story of exterior wall and floor construction shall be removed and dropped before commencing removal of exterior walls and floors in the story next below.**
- Structural or load supporting members on any floor shall not be cut or removed until all stories above such floor have been demolished.
- Electric, gas, and water will remain shut off. No fires are allowed in the structure, to include cutting torches, without written permission from the Fort Knox Fire Marshall. **(624-1876)**
- If utilities remain on purchaser must notify the Recycle Center immediately. (624-5026)
- Glass fragmentation hazards will be prevented, glass may not be dropped.
- Personnel are not allowed underneath where they could be struck when overhead removal is in progress.
- When ever possible, floor openings should be covered or marked when not in use as material drops.
- Work will not be conducted on roofs or top of walls when weather conditions constitute a hazard i.e. lightning, wind, ice, and etc.
- Remove debris and other material before demolishing any floor arch.
- Two Story Building Fall Protection.
 - a. All personnel when removing shingles on top of a two-story roof must be tied off with a rope or use a commercial retractable lifeline. All other work which requires standing on the roof may be done with this system or the safety monitoring system described below.
 - b. Safety monitor system: A competent person (responsible member of crew) must monitor the safety of all personnel during work on the roof. This person must be on the same roof and within sight, close enough to verbally communicate warning of a hazard or unsafe action. All work on the roof must be done with a minimum of two personnel. Mechanical equipment may be stored on the roof.

- Any violations, vandalism, or unauthorized personnel entering the buildings must be reported to the office of the Provost Marshall at **624-2111/2112**.
- If there is an employer/employee relationship between successful bidder and workers on the work site, all work is subject to OSHA regulations. Failure to follow OSHA rules may result in citation/fines and civil/criminal liability.

b. In addition to the above purchasers of recycle rights to APARTMENTS must comply with the following safety rules:

- No structural or load supporting members will be removed under any conditions.
- The only exterior items that may be removed are windows, doors, and central air units.
- Windows and exterior doors will be the last thing removed. Notify the Recycle Program at 624-5026 when removing windows and doors.**
- Caution tape provided by the Fort Knox Recycle Program surrounding work site must be maintained by the Purchaser.

Army Regulation (AR) 200-1 requires environmental clearance for proposed demolition properties. Items which have been inspected and environmentally cleared include asbestos, lead-based paint, mercury, PCB's, radioactive circuitry, hazardous materials, underground storage tanks, POL, and historical significance. Suspect materials of any nature must immediately be reported. Work in the suspected area must cease. Please contact the Recycle Center 624-5026, and the Environmental Management Division 624-3629/8811 for further assistance. It is important that any materials of a suspicious nature be addressed.

In consideration of receiving permission and authority to remove recyclable materials from the Fort Knox military reservation, I, on behalf of myself, my heirs and estate, do hereby release the United States, the U.S. Army, the Installation Morale Welfare Recreation Fund and all of their officers and employees from any liability or claim for personal injury or property damage which may arise from my participation in this recycling contract.

Signature

Printed Name

Date

_____/_____
from to

telephone number

Bldg number

BUILDING DEMOLITION SAFETY CHECKLIST

The following safe work practices must be observed in connection with building demolition.

1. Restrict access to the work site by use of engineer tape or rope to maintain a 15-20 foot buffer around the work area/building. In particular, access must be restricted below areas where overhead demolition is in progress.
2. Children under 16 years of age are not allowed within the cordoned area to perform hazardous work.
3. Hard hats and safety shoes should be worn at all times, and are required if you are working below an area where others are working (if prohibited by religion, this requirement can be exempted if overhead hazards are minimized or eliminated using risk management practices). Safety glasses or goggles, gloves and hearing protection are also required when hazards dictate.
4. Demolition of buildings, including the chimney, must be performed in a proper manner as to prevent accidental collapse of the structure. A demolition plan should be developed prior to the start of the demolition. Structural or load supporting members shall not be cut or removed until the overlaying structure has been removed. Demolition of exterior wall and floor construction should proceed downward after the roof has been removed. Each story of multi-story structures must be dismantled before commencing with removal of floors and walls in the story below.
5. Electric, gas, and water, telephone and cable TV will be disconnected from the building prior to demolition activities. All utilities must remain shut off.
6. In order to prevent glass fragment hazards glass materials will not be dropped or broken out.
7. If dropping debris through a floor hole, the area around where the material is dropped will be guarded. Floor openings should be covered or guarded with a railing when not in use as material drops.
8. Waste materials and rubbish shall be placed in appropriate containers.
9. Hand and power tools shall be inspected and determined to be in good condition before each use. Throwing tools or materials from one location to another or from one person to another, or dropping them to lower levels is not permitted.
10. Lumber should be stacked level, stable and self-supporting. Lumber piles shall not exceed six feet in height. Reusable lumber shall have nails withdrawn, hammered in, or bent over flush with the wood before stacked for storage. Loose nails shall be policed up daily.
11. All obstructions or projections into an access way shall be removed or conspicuously marked. Projections that are sharp or pointed shall be covered with protective material. Work areas and means of access shall be maintained free of equipment or material which could obstruct passage or cause a trip hazard.

12. Individuals working on top of a roof or along unguarded edges above six feet must be tied off to a fall protection system. This is a mandatory requirement for all contractors and installation employees. Falling from elevation is one of the most significant hazards faced on demolition/deconstruction projects.

13. Work will be suspended on roofs or on top of walls when weather conditions constitute a hazard (lightning, high winds, wet or icy conditions, etc).

14. Some material(s) located in the building(s) may contain hazardous substances such as asbestos, and lead based paint. Adequate precautions must be taken when removing this material(s). If unsure whether a type of material within a building contains these hazardous substances, you may check with the Contracting Officer's Technical Representative.

15. If there is an employer/employee relationship between a successful bidder and workers on the demolition/deconstruction site, all work is subject to OSHA regulation. Failure to follow OSHA regulations in this situation can result in fines and/or civil/criminal liability.

16. A welding permit must be obtained from the Fort Campbell Fire Department if welding is necessary, such as cutting metal pipes.

17. If personnel are injured performing this demolition to an extent requiring emergency medical attention, they may report to Blanchfield Army Community Hospital Emergency Room, or dial 911 for an ambulance.

18. Contractor will report all injuries requiring emergency medical attention to the Command Safety Office, 956-2621, Bldg 2170, 13 _ Street and Indiana no later than the next work day of injury.

Building Number of Structure to be demolished _____

Type of Building (Barracks, Mess Hall, etc) _____

I have been briefed on and understand the above safety procedures.

Name (Please Print)/Signature/Date

Director of Safety (Acting)

Appendix D

Sample Contracts for Deconstruction Services at Military Installations

INVITATION FOR BIDS /SALE CONTRACT
FOR THE SALE AND REMOVAL OF GOVERNMENT BUILDINGS
(And Other Attached Real Estate Fixtures)
FORT CAMPBELL, KENTUCKY

ISSUED BY:

DISTRICT ENGINEER
LOUISVILLE DISTRICT, CORPS OF ENGINEERS
ATTN: AFZB-XXX
MAILING ADDRESS

INVITATION NO. #####-#####

Dated: Month/Day/YR

Sealed bids for the purchase and removal of any or all items described on the accompanying bid form will be received at the place designated below until the date and time specified below and at that time publicly opened. The purchase and removal are subject to the General and Specific Conditions contained herein.

Unless specifically listed and identified this Invitation for Bids/Sale Contract does not include personal property except fixtures firmly attached to the buildings listed for sale.

SEALED BIDS WILL BE OPENED:

DATE:
TIME:
LOCATION:

The points of contact for this Invitation/Contract are as follows:

Fort Campbell Representatives:

- Contract Management Branch- (270) 798-5514
Mailing address:
PWBC
Attn: Contract Management Branch
865 16th Street
Fort Campbell, KY 42223

Corps of Engineers Representative:

- Elaine Waller
Mailing address:

The terms and conditions of sale and instructions to bidders are as follows:

GENERAL CONDITIONS AND INSTRUCTIONS TO BIDDERS

1. The bidder is invited, urged and cautioned to inspect the property prior to submitting a bid. The property offered for sale is available for inspection as specified by paragraph 1 of the specific terms and conditions. Arrangements for inspection of the properties offered for sale must be made with a Fort Campbell Representative identified on page one (1) above. Inspection of the property without the knowledge and supervision of a Fort Campbell Representative is not authorized. Upon written request, said Fort Campbell Representative will furnish such information as may be necessary with respect to the inspection of the property, terms, conditions and instructions contained herein. The failure of any bidder to inspect or to be fully informed regarding the condition and location of all or any portion of the property, or negligence or mistake on the part of the bidder in preparing the bid, will not constitute grounds for any claim or demand for adjustment or withdrawal of the bid after opening. The description of the property is believed to be sufficiently specific for purposes of identification. Any error or omission in the description (including locations, when specified) shall not constitute any ground or reason for nonperformance of the contract or claim by the purchaser for any allowance, refund or deduction from the amounts offered. The property is offered for sale "as is" and "where is". The Government does not make any guaranty or warranty, express or implied, with respect to the property or any installed equipment therein as to the quantity, quality, character or condition, size or kind; or that the property, including installed equipment, is usable for the purpose(s) for which intended.
2. All bids submitted shall be deemed to have been made with full knowledge of all the terms, conditions and requirements contained herein and in the accompanying bid form.
3. The right is reserved, as the interests of the Government may require, to reject any and all bids and to waive any defect or informality in bids received, to withdraw any and all items from the sale and to accept or reject any items of any bid, unless such bid is qualified by specific limitation.
4. Sealed bids must be executed and submitted on the bid form accompanying this Invitation or on an exact copy thereof. Additional copies of the bid form may be obtained from either the Corps of Engineers Representative or the Fort Campbell Representative identified on page one (1) above.
5. A bid executed by an attorney or agent on behalf of the bidder must be accompanied by four authenticated copies of his Power of Attorney or other evidence of his authority to act on behalf of the bidder. If the bidder is a corporation, the CERTIFICATE OF CORPORATE BIDDER included in the accompanying bid form must be executed. If the bid is signed by the secretary of the corporation, the Certificate must be executed by some other officer of the corporation under the corporate seal. In lieu of the Certificate of Corporate Bidder, there may be attached to the bid copies of those records of the Corporation showing the official character and authority of the signing officer. Said copies must be duly certified to be true copies by the secretary or assistant secretary under the corporate seal.
6. A separate deposit is required for each property that the bidder puts in a bid amount as an offer to purchase. The deposit will guarantee that the bidder will enter into a written contract if the bid is accepted. No bid will be considered unless a deposit accompanies it as follows:

- a. The full amount of the bid if the total bid is less than or equal to \$50.
- b. A minimum deposit of \$50 for a bid that amounts to more than \$50.

Deposits must be in the form of a certified check or money order payable to the "Finance Accounting Officer, Louisville District". Deposits of unsuccessful bidders will be returned, without interest, as promptly as possible after rejection. The deposit of the successful bidder will be retained by the Government and applied to the purchase price. The balance of the purchase price less the amount of the deposit, if any, must be paid as provided by Condition 17 and 18 hereof.

7. Bids must be submitted in a sealed envelope. The Invitation number, opening date and time must be plainly printed in the lower left corner of the envelope. Illustrated below is a sample envelope:

Return Address of Bidder	STAMP
<u>SEALED BID FOR SALE AND REMOVAL OF BUILDINGS AT FORT CAMPBELL, KENTUCKY</u>	
INVITATION NO. ###-### LINE ITEM B. _____	TO: DISTRICT ENGINEER LOUISVILLE DISTRICT, COE ATTN: XXX-XX-X <i>Mailing Address</i>
TO BE OPENED: DATE: Day/Month/Year TIME: Hour, CDT	

8. It is the duty of each bidder to see that his/her bid is delivered by the time and at the place prescribed in this Invitation. Any bid received after the prescribed date and time, or at a different location, will not be considered and will be rejected. Bids received prior to the time of opening will be securely kept, unopened. The person whose duty it is to open them will decide when the specified time has arrived, and no bid or modification of a bid or withdrawal of a bid received thereafter will be considered, except that those received prior to award but delayed in the mails by occurrences beyond the control of the bidder may be considered if written certification is furnished by authorized postal authorities to that effect. No responsibility will attach for the premature opening of a bid not properly addressed and identified. All modifications of a bid or withdrawal of a bid must be in writing. Electronic transmission of bids will not be considered, but modifications or withdrawals by electronic transmission of bids already submitted will be considered, if received prior to the time set for opening bids.

9. At the time fixed for the opening of bids, their contents will be made public by announcement for the information of bidders and others properly interested who may be present either in person or by representative; provided, however, that any information submitted in support thereof, the disclosure of which might tend to subject the person submitting it to a competitive business disadvantage, will upon request, be held in strict confidence by the Government.

10. All bids will remain open for acceptance or rejection by the Government for a period of up to 30 calendar days after the date of opening of bids; provided, however, that after said calendar days have elapsed, any bidder not having received notice of rejection may consider his bid rejected, and if the Government desires to accept any bid after such period, the consent of the bidder thereto shall be obtained.

11. Notice of acceptance or rejection of bids, notice of authority to proceed with removal of the property and any other notices hereunder, shall be deemed to have been sufficiently given when telefaxed or mailed to the bidder or his duly authorized representative at the address indicated on the bid form. The date of issuance of any and all notices shall be the postmark or telefax date of the notice.

12. **A contract will be awarded to that responsible bidder(s) whose bid, conforming to the Invitation, is the highest dollar amount per individual building identified by the building number.** A written award mailed (or otherwise furnished) to the successful bidder within the time for acceptance provided in the Invitation shall be deemed to result in a binding contract. **Identical bids will be decided by drawing lots.**

13. The purchaser will not remove any property until payment in full has been made and a fully executed copy of the sales contract is received from the District Engineer with authorization to proceed with removal. Upon payment of the full purchase price and receipt of the executed sales contract, the Government will issue the Notice to Proceed with removal of the property. Upon receipt of this Notice to Proceed, the purchaser shall assume title to said property and assume responsibility for its care, protection, and removal. The purchaser shall expeditiously remove the property from the site in a manner satisfactory to a Fort Campbell Representative at the purchaser's cost and expense in accordance with the required General and Specific conditions.

14. The purchaser shall complete the work within the time provided in the Specific Conditions.

15. Extensions of time provided to complete the removal and restoration work shall only be granted if, in the opinion of a Fort Campbell Representative, unusual and unforeseeable circumstances justify such extensions. All requests for extensions of time are subject to the following procedures:

a. The purchaser must submit, in writing, a request for an extension of time to a Fort Campbell Representative who will forward said request to the District Engineer. This written request must include a justification for the extension and must be submitted in sufficient time to allow the District Engineer to act upon the request prior to the time originally specified herein for completion of removal.

b. Pending the approval or disapproval of the requested extension, the purchaser shall diligently proceed with completion of the removal of the building, including cleanup.

c. Any delay in completion of removal beyond the time originally specified in the Specific Conditions, as the same may be extended hereunder, shall not relieve the purchaser of his/her responsibilities upon default as set out in Condition 18 of this contract. All Specific and General Conditions will continue to apply throughout the extension period.

d. No extensions of time will be granted unless first approved in writing by the District Engineer, Louisville District, Corps of Engineers.

e. If an extension is granted for other than the convenience of the Government, the Purchaser will pay the Government additional consideration at the rate of \$5 per day for each calendar day the original specified completion day is extended. Payments for extensions due the Government will be made by check or money order payable to "Finance Accounting Officer, USACE, Louisville District" within 5 days of the postmark or telefax date of written approval from the District Engineer. Payments for extensions shall not be refunded under any circumstances.

16. In the event of revocation of a bid by the bidder after the bid opening but prior to acceptance, the bidder's deposit shall become the property of the United States. The rights and remedies of the Government provided in this clause shall not be exclusive and nothing contained in this clause shall in any way diminish or be construed to waive any of the Government's other remedies provided by law or under this contract.

17. The Purchaser agrees to pay for property awarded to him in accordance with the prices quoted in his bid. Payment of the full purchase price, after applying the total bid deposit, must be made within 5 calendar days of the postmark or telefax date of written award. If the Purchaser fails to pay the balance of the purchase price as indicated above, or fails to otherwise comply with the terms of this Invitation/Contract, the Government may declare him in default.

18. In the event of default by a purchaser hereunder, all claims to and any title held by the purchaser in the property, or any portion of it remaining, will be forfeited and all payments made by the defaulting purchaser (including purchase price or guarantee/deposits) shall be applied by the Government to any loss, cost, and expense in selling or otherwise disposing of such property in such manner, whether economic or not, as time limitations allow. The defaulting purchaser is liable for the full amount of damages sustained by the Government because of his default. This includes any difference between the amount specified in the bid and the amount for which the Government may sell the property, if the latter amount is less than the former. Such liability is not limited to the amount of the aforesaid payments.

19. All payments due under the terms of this Invitation/Contract must be paid on or before the date they are due in order to avoid the mandatory sanctions imposed by the Debt Collection Act of 1982 (31 U.S.C. Section 3717). This statute requires the imposition of an interest charge for the late payment of debts owed to the United States; an administrative charge to cover the costs of processing and handling delinquent debts; and the assessment of an additional penalty charge on any portion of a debt that is more than 90 days past due. The provisions of the statute will be implemented as follows:

a. The United States will impose an interest charge, the amount to be determined by law or regulation, on late payment of debts. Interest will accrue from the due date. An administrative charge to cover the cost of processing and handling each payment will also be imposed.

b. In addition to the charges set forth above, the United States will impose a penalty charge of six percent per annum on any payment, or portion thereof, more than ninety days past due. The penalty shall accrue from the date of delinquency and will continue to accrue until the debt is paid in full.

c. All payments received will be applied first to any accumulated interest, administrative and penalty charges and then to the balance of any unpaid debt. Interest will not accrue on any administrative or late payment penalty charge.

20. The purchaser shall comply with instructions of the Fort Campbell Representative regarding methods to be employed in the removal of the buildings or any portion thereof. No part of the removal work covered by this Invitation will be performed which is unsanitary or hazardous or dangerous to the safety or health of persons engaged in the services of the purchaser. The purchaser further agrees to abide by all safety, security, traffic and other regulations in effect, at the premises, as well as all local, state, and federal laws applicable to the removal work required herein.

21. The Government shall not be responsible for the loss or damage to any equipment, machinery, or other property either hired, used, or owned by the purchaser. Upon completion of the work covered under this contract, said equipment, machinery or other property shall be immediately removed from the site by the purchaser.

22. The purchaser shall assume responsibility and liability for all injuries to persons or damages to property, directly or indirectly due to, or arising from his operations conducted under this contract and the said purchaser agrees to indemnify and save harmless the United States against any and all claims of whatsoever kind and nature due to, or arising out of, this contract.

23. Any property of the United States damaged or destroyed by the purchaser shall be promptly repaired or replaced by the purchaser to the satisfaction of a Fort Campbell Representative, or in lieu of such repair or replacement the purchaser shall, if so required by the District Engineer, pay to the United States an amount determined by the District Engineer to be sufficient to compensate for the loss sustained by the United States.

24. Except as otherwise provided in this Invitation, any dispute concerning a question of fact arising under this Invitation/Contract which is not disposed of by agreement, shall be decided by the District Engineer, who shall reduce his decision to writing, and mail, or otherwise furnish, a written copy thereof to the bidder or purchaser. The decision of the District Engineer shall be final and conclusive, unless within thirty (30) days from the date of receipt of such copy, the bidder or purchaser mails, or otherwise furnishes, to the District Engineer a written appeal addressed to the Secretary of the Army. The decision of the Secretary, or his duly authorized representative for the determination of such appeals, shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or capricious or arbitrary or so grossly erroneous as necessary to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this condition, bidder or purchaser shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the successful bidder shall proceed diligently with the performance of the contract and in accordance with the District Engineer's decision. This condition does not preclude consideration of questions of law in connection with those decisions; provided, that nothing in this condition shall be construed as making final the decision of any administrative official, representative or board on a question of law.

25. This Invitation/Contract, including the accompanying bid form, General and Specific Conditions, when accepted by the Government, shall constitute the contract of sale between the successful bidder

and the Government. Such agreement shall constitute the whole contract, unless modified in writing and signed by both parties. No oral statements or representations made by, for, or ostensibly on behalf of either party shall be a part of such contract. Neither this contract, nor any interest therein, shall be transferred or assigned by the successful bidder without the prior written approval of the District Engineer.

26. No member of or delegate to the Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom; however, this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

27. The purchaser warrants that he has not employed any person or agency to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract without liability or at its option to recover from the purchaser the amount of such commission, percentage, brokerage or contingent fee. In addition to the consideration herein set forth, this warranty shall not apply to commissions payable by the purchaser upon a contract secured or made through bona-fide established agencies maintained by the purchaser for purposes of doing business. "Bona-fide established commercial agencies" has been construed to include licensed real estate brokers engaged in the business generally.

28. Service Contract Act of 1965 (1968 Suppl). Except to the extent that an exemption, variation, or tolerance would apply pursuant to 29 CFR 4.6, if this were a contract in excess of \$2,500.00, the contractor and subcontractors herein shall pay all of his/her employees engaged in performing work on the contract not less than the minimum wage specified under Section 6(2)(2) of the Fair Labor Standards Act of 1938, as amended. However, in cases where Section 6(e)(2) of the Fair Labor Standards Act of 1928 is applicable. The rate specified therein will apply. All regulations and interpretations of the Service Contract Act of 1965 expressed in 29 CFR, Part 4, are hereby incorporated by reference in this contract.

SPECIAL NOTICES

INTERSTATE COMMERCE ACT APPLICABILITY: Attention is invited to the fact that the Interstate Commerce Act makes it unlawful for anyone other than those duly licensed under the act to transport this property in interstate commerce for hire. Anyone aiding or abetting in such violation is a principal in committing the offense (49 U.S.C. - 301-327 AND 19 U.S.C. 2).

BIDDER ELIGIBILITY NOTICE: Department of the Army/Air Force employees (including immediate members of their families) whose duties include any functional or supervisory responsibility for the disposal of Government property under the control of the Army/Air Force are prohibited from bidding.

DATA REQUIRED BY. PRIVACY ACT OF 1974: The personal information requested on the Invitation for Bids/Sale Contract for the sale of Government real property, as authorized by the Federal Property and Administrative Services Act of 1949, as amended, is needed and shall be used to contact the bidders and, in the case of the successful bidder, to prepare the contract. The information contained in the contract shall be made available to the public upon proper request.

SPECIFIC TERMS AND CONDITIONS

1. The property may be inspected at **TIME/DATE**. The Fort Campbell Representative must be contacted by 3:30 p.m. on **DATE** of your intent to attend the inspection.
2. Removal of the buildings must be accomplished during daylight hours, unless specifically granted otherwise.
3. A period of 60 days will be allowed for complete salvage and removal of materials and removal of debris of one building to the satisfaction of a Fort Campbell Representative. In the event that a bidder is awarded more than one building, an additional 15 days will be allowed per each building other than the first (one) building. The time period will begin on the date the Purchaser receives written Notice to Proceed. Removal shall start immediately and shall not stop until complete, excluding any authorized delay documented by written notice from the Contracting Officer in accordance with the General Conditions of this Invitation, Any authorized delay requested by the Government shall not be counted toward the 60-day completion period. If all work is not completed within the specified time period, and in accordance with the General and Specific Conditions, the Purchaser will immediately forfeit all right, title and interest otherwise acquired.
4. **ASBESTOS NOTICE.** Fort Campbell will remove any asbestos discovered in the building. All such material is believed to have already been removed by Fort Campbell. The Bidder is hereby informed and does acknowledge that friable asbestos was commonly used at the time this building was constructed and may exist within material or equipment to be removed. Exposure to airborne asbestos has been associated with a number of health problems. If asbestos is suspected or encountered, the purchaser will immediately inform the Fort Campbell Representative. Federal laws require asbestos removal operations in accordance with the following standards:
 - a. National Emission Standards for Hazardous Air Pollution (40 CFR Part 61 as amended)
 - b. Standards on Respiratory Protection and Asbestos (29 CFR 1910.134 and 29 CFR 1910.1001).
 - c. U.S. Army Corps of Engineers General Safety Requirements (EM 385-1-1).
5. If asbestos is confirmed to exist in the building after the Purchaser receives written Notice to Proceed, the purchaser will be provided written notice to stop work. Fort Campbell will promptly remove such material and give the Purchaser written notice when to resume salvage and removal work.
6. The bidder specifically agrees to indemnify and hold harmless the Government from liability of any nature or kind arising from asbestos exposure to the Purchaser and/or his/her associated personnel.
7. **LEAD-BASED PAINT DISCLOSURE.** The Bidder is hereby informed and does acknowledge that lead-based paint was commonly used at the time this building was constructed and/or modified and may exist on painted surfaces of the building or within the building and/or its associated structures. In accordance with the Environmental Protection Agency and the Department of Housing and Urban Development's final rule "Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing" (61 FR 9064-9088), a federally approved lead hazard information pamphlet and disclosure of any known lead-based paint and/or lead-based paint hazards will be provided to a potential bidder upon request and to the purchaser upon contract award. The property may be

inspected for lead-based paint during time specified in paragraph 1 of the specific terms and conditions, or scheduled at a time after that date. Inspection must be scheduled with the Fort Campbell Representative.

8. The building will be removed to the concrete floor and foundation (concrete piers or masonry foundation wall) including the interior structures and fixtures. Burning of debris and material will not be permitted. The Purchaser (successful bidder) will provide an approved on-site container for debris disposal and is responsible for the transportation of the debris containers to the appropriate disposal location. The purchaser is required to segregate metal from waste. The Purchaser will provide a metal recycling container. The Purchaser is not responsible for the removal and disposal of concrete piers, steps, slabs, foundation walls and footings. The Purchaser is responsible for leaving the site clean and free of nails, building parts (scrap) and trash.

9. For buildings with chimneys, the Purchaser is responsible for deconstructing the building from the chimney. For chimneys that are included in the purchase price, the Purchaser shall remove the chimney down to the concrete foundation and leave a clean site free of any loose masonry, mortar, or flue liners. No chimney shall be left in place in an unsafe condition. **Each bidder shall indicate weather or not his/her bid includes the removal of the chimney (see Building List) as part of the purchase price.**

10. The Purchaser shall comply with all applicable federal, state, and local life safety laws and regulations. Prior to commencement of removal of the structure or equipment, the Purchaser shall schedule a safety, fire and environmental briefing with the Fort Campbell Safety Office, Building 2170, Phone 270-798-6789, to determine the safety, security, environmental and administrative regulations required to accomplish removal.

11. The Purchaser shall take all reasonable precautions to protect the health and safety of workers and shall comply with all Federal, State, and local safety, traffic, health, security, fire and other regulations required by the Installation authority having jurisdiction. The Purchaser prior to the building being moved in whole or in part shall make close coordination with and approval by all appropriate officials, both on post and off post. Building mover shall be licensed as required by the jurisdiction having authority for such activity.

12. The work site shall be appropriately cordoned off to restrict casual access. Children under age 16 will not be allowed within the cordoned area and appropriate safety equipment (hard hats, safety shoes, etc) will be worn within the cordoned area unless the Contracting Officer exempts such wear. Safety requirements shall be in accordance with the approved Safety Plan submitted by the Purchaser.

13. The Purchaser will provide all labor, materials and equipment required to complete removal work. Fort Campbell will be responsible for disconnecting all utilities to the building prior to start of removal of the structure or equipment and will provide temporary electric service at no cost to the Purchaser.

14. To bid on the removal of the building, the bid must be completed in its entirety; it must be signed, dated, and returned in a sealed envelope addressed as specified in paragraph 7 of the General Conditions.

ADDITIONAL INFORMATION: Questions or request for more information must be submitted in writing prior to the scheduled inspection date. Send written request to the Fort Campbell representative.

**SALE OF GOVERNMENT PROPERTY - BID AND AWARD
FOR THE SALE AND REMOVAL OF GOVERNMENT BUILDINGS
(And Other Attached Real Estate Fixtures)
FORT CAMPBELL, KENTUCKY**

**TO: DISTRICT ENGINEER
LOUISVILLE DISTRICT, CORPS OF ENGINEERS
C/O COMMANDER, FORT CAMPBELL
ATTN: AFZB-XX-X
Mailing Address
FORT CAMPBELL, KENTUCKY 42223-5130**

Enclosed is a certified check or money order, payable to the "Finance Accounting Officer, USACE, Louisville District", in the amount of \$ _____ to cover the required deposit per property. Upon acceptance of this BID, the enclosed check will be used to pay for the property as specified in the Specific Terms and Conditions and General Conditions.

The bidder is (select and complete one of the following):

- (1) A corporation existing under the laws of the State of _____, or
- (2) A partnership consisting of _____, or
- (3) An individual doing business as _____

BUILDING LIST

<u>Building Number</u>	<u>Description</u>	<u>Dimensions (sq. ft.)</u>	<u>Amount of Bid</u>
2131	2-story barracks (with chimney)	5,310	\$ _____
2135	2-story barracks (with chimney)	5,310	\$ _____
2137	2-story barracks (with chimney)	5,310	\$ _____
2156	1-story admin (crawl space & SOG)	2,500	\$ _____
2158	1-story admin (crawl space & SOG)	2,500	\$ _____
2413	2-story barracks (with chimney)	5,310	\$ _____
2425	2-story barracks (with chimney)	5,310	\$ _____
2438	1-story admin (crawl space & SOG)	2,503	\$ _____
2446	1-story admin (crawl space & SOG)	2,500	\$ _____
2448	1-story admin (crawl space, no SOG)	2,250	\$ _____
2527	2-story barracks (with chimney)	5,310	\$ _____
2538	1-story admin (crawl space & SOG)	2,500	\$ _____
2548	1-story storage (crawl space & SOG)	2,175	\$ _____
2715	2-story barracks (with chimney)	5,310	\$ _____
2719	2-story barracks (with chimney)	5,310	\$ _____
2721	2-story barracks (with chimney)	5,310	\$ _____
2723	2-story barracks (with chimney)	5,310	\$ _____
2725	2-story barracks (with chimney)	5,310	\$ _____

2727	2-story barracks (with chimney)	5,310	\$ _____
2744	2-story barracks (with chimney)	5,310	\$ _____
2746	1-story admin (with chimney)	2,500	\$ _____
5326	1-story admin (SOG)	3,156	\$ _____
5343	1-story Motor Pool (SOG)	3,376	\$ _____
5345	1-story Motor Pool (SOG)	2,957	\$ _____

SOG = slab-on-grade

All 2-story barracks are constructed on piers (crawl space) except for boiler room (SOG).

Motor Pool buildings are slab-on-grade except for the outdoor covered bays (gravel)

I (we) make this bid with full knowledge of all the conditions and requirements contained herein and agree to execute the contract in accordance with those conditions.

Name of Bidder: _____ / _____
(Type or Print) (Signature)

Mailing Address (Type or Print): _____
(Street, City, State and ZIP Code)

Bidder's Phone Number: _____ Date of Bid: _____

ACCEPTANCE BY THE GOVERNMENT

Accepted by and on behalf of the United States of America, this _____ day of _____, 2002, as to the purchase and removal of Building(s) _____, Fort Campbell, Kentucky.

TOTAL BID AMOUNT: \$ _____

Contract No. XXXXX-XX-X- _____

BY: _____

Name
Chief, Real Estate Division
Louisville District, Corps of Engineers

CERTIFICATE OF CORPORATE BIDDER

I certify that I am the _____ of the Corporation named as bidder herein; that _____, who signed this bid on behalf of the bidder, was then _____ of said corporation; that said bid was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Signature of Person Authorized to Sign this Bid: _____

Signer's Name and Title (Type or Print): _____

AFFIX SEAL _____

WAIVER OF LIABILITY FOR AUCTION

In consideration of receiving permission and authority to examine items to be auctioned by the Fort Knox military reservation, I, on behalf of myself, my heirs and estate, and anyone in my inspection party, their heirs, and estate, do hereby release the United States, the U.S. Army, the Installation Morale Welfare Recreation Fund and all of their officers and employees from any liability or claim for personal injury or property damage which may arise from my participating in this pre-auction inspection & auction. I understand that my presence at any other time will constitute trespassing on Federal property. I understand that removal of any materials or items without payment will constitute theft of government property. Additionally, I understand that all items must be paid for on auction day. A 10% Buyers Premium will be added to the bid price.

PRINTED Name of Head of Household

Date

SIGNATURE Head of Household

TELEPHONE # Home & Work

Additional Family Members (to include children)

**Contract Between
Installation Morale Welfare and Recreation Fund
And**

Contract Number NAF-RRRP-99-0014

SUBJECT: Sale of Scrap Material From Specified Building(s)/Apartment(s) To Be Demolished

ARTICLE I The IMWRF:

1. The IMWRF grants the Purchaser the right to:

- a. Remove all recyclable/reusable materials that are part of building(s) _____ during the period of 24 June 00 – 29 July 00, **NO EXTENSIONS WILL BE GRANTED.**
- b. Remove all non-structural, non-load supporting, recyclable/reusable materials that are part of:
 - building _____ apartment(s) _____
 - building _____ apartment(s) _____
 - building _____ apartment(s) _____

2. The IMWRF will provide free use of the Fort Knox Commercial Scale to weigh material removed. **Weighing of all deconstruction material is required, even after minimum for deposit return is achieved.**

ARTICLE II The Purchaser:

1. The Purchaser agrees to purchase this lot of recyclable scrap material for \$ _____. The requirement for a performance deposit of \$ _____ is also a part of this agreement. **All material is sold as is where is. Deposit will be returned if all safety and weight requirements are met.**

2. Materials for recycling:

- a. From **BUILDINGS** being purchased *may include*; windows, doors, furnaces with heating ducts, water heaters with tanks & pipes, sinks, urinals, toilets, vinyl siding, sheet insulation, electrical wiring, circuit breaker boxes, light fixtures, aluminum soffit, hard wood floors, sheathing and dimensional lumber.
- b. From **APARTMENTS** *may include*; hard wood floors, windows, doors, central air and heat units, ducts, water heaters with tanks & pipes, plumbing fixtures, electrical wiring & fixtures, circuit breaker boxes, and light fixtures. **No structural or load bearing materials may be removed.** If the purchaser buys all apartments in a single building they may also remove the vinyl siding, attached sheds, gutters, stair rails, mail boxes, and electrical components.

3. Requests to move a building in its entirety will not be granted without first coordinating with the Fort Knox Recycle Program.
4. Purchaser must remove all materials by completion date. After that time the purchaser loses any right to any remaining material and it will be landfilled.
5. **By contract ALL material removed must be weighed at 84 Bullion Blvd. Fort Knox, KY.** This is necessary for documentation of landfill diversion statistics. Each vehicle must be weighed empty (at least once at the beginning of each auction cycle) and full every time material is taken from Fort Knox. Accountability by each apartment or building is required for weighing. Use of the scale facility for this purpose will be at no cost to the Purchaser. The scale is open 8:00 am to 8:00 pm Monday through Saturday; closed on Federal Holidays and Sundays.
6. The Purchaser must remove a minimum of:
 - a. 50%, (determined by weight), of the material from buildings.
 - b. 3,500 pounds from each apartment.
7. The Purchaser **will not** be allowed to sell or stockpile materials on Fort Knox.
8. The Purchaser guarantees that all material is purchased for recycling/reuse purposes.
9. The Purchaser acknowledges that they are aware that said buildings **may** contain lead based paint, asbestos, mercury etc, and assumes all responsibility for proper handling, disposition and disposal of this material from the time the building is released for recycling purposes by the Recycle Program Manager or his designee.
- 10. Army Regulation (AR) 200-1 requires environmental clearance for proposed demolition properties. Items which have been inspected and environmentally cleared include asbestos, lead-based paint, mercury, PCB's, radioactive circuitry, hazardous materials, underground storage tanks, POL, and historical significance. Suspect materials of any nature must immediately be reported. Work in the suspected area must cease. Please contact the Recycle Center 624-5026, and the Environmental Management Division 624-3629/8811 for further assistance. It is important that any materials of a suspicious nature be addressed.***
11. The Purchaser and any subcontractors or their representative must follow OSHA rules at all times on the job site.
12. Anyone working at a job site must have an ID & parking pass issued by the Recycle Program. Only the Purchaser, appearing in person at the Recycle Program offices, can request that an additional worker be added to the list of individuals authorized to work on that particular job site.

13. If the purchaser is a company they and any subcontractors must comply with all state requirements and provide proof of insurance before the start of any work. The Purchaser is responsible for insuring the compliance of any subcontractors. In the case of individuals being awarded a contract, a separate release must be signed releasing the United States, the U.S. Army, the IMWRF, and their officers and employees from any liability.

14. Building Deconstruction Safety Checklist.

a. The following safe work practices must be observed in connection with **BUILDING** deconstruction.

- No children (under 16 years of age) are allowed within the work site..
- Hard hats are required unless exempted by good cause (only exemptions due to religious beliefs in which case, an employee/employer relationship must not exist).
- Deconstruction Plan - **Deconstruction of exterior walls and floor construction shall begin at the top of the structure and proceed downward after the roof has been removed. Each story of exterior wall and floor construction shall be removed and dropped before commencing removal of exterior walls and floors in the story next below.**
- Structural or load supporting members on any floor shall not be cut or removed until all stories above such floor have been demolished.
- Under no circumstances is the Purchaser to cut off utilities. Violation of this rule is grounds for **immediate shut down.**
- Hours of work: Purchasers are allowed to work anytime at the buildings. Work in apartments is allowed **ONLY** 8:00 am-5:30 pm Monday through Saturday.
- Electric, gas, and water will remain shut off. Should utilities remain on, purchaser must ***immediately*** notify Recycle Center at 624-5026. No fires are allowed in the structure, to include cutting torches, without written permission from the Fort Knox Fire Marshall. (624-1876)
- Glass fragmentation hazards will be prevented, glass may not be dropped.
- Personnel are not allowed underneath where they could be struck while overhead removal is in progress.
- Purchaser is responsible for the legal removal of freon from air conditioning units removed from apartments or buildings.
- Whenever possible, floor openings should be covered or marked when not in use as material drops.

- [] Work will not be conducted on roofs or top of walls when weather conditions constitute a hazard i.e. lightning, wind, ice, and etc.
- [] Remove debris and other material before demolishing any floor arch.
- [] Purchaser assumes the risk of any damage to buildings/apartments purchased during the recycle period. (Recycle period begins at moment of purchase.)

[] Two Story Building Fall Protection.

- a. All personnel, when removing shingles on top of a two story roof, must be tied off with a rope or use a commercial retractable lifeline. All other work which requires standing on the roof may be done with this system or the safety monitoring system described below.
- b. Safety monitor system: A competent person (responsible member of crew) must monitor the safety of all personnel during work on the roof. This person must be on the same roof and within sight, close enough to verbally communicate warning of a hazard or unsafe action. All work on the roof must be done with a minimum of two personnel. Mechanical equipment may not be used or stored on the roof.

- [] Any violations, vandalism, or unauthorized personnel entering the buildings must be reported to the office of the Provost Marshall at 624-2111/2112.

- [] If there is an employer/employee relationship between successful bidder and workers on the work site, all work is subject to OSHA regulations. Failure to follow OSHA rules may result in citation/fines and civil/criminal liability.

b. In addition to the above rules purchasers of recycle rights to APARTMENTS must comply with the following safety rules.

- [] No structural or load supporting members will be removed under any conditions.
- [] The only exterior items that may be removed are windows, doors, and central air units.
- [] **Windows and exterior doors may be removed at any time. Neither Purchaser nor Recycle Program will be responsible for boarding up windows or doors. Purchaser may board openings to protect their materials using their OWN materials if they chose.**
- [] **“NO TRESPASSING SIGNS”** will be provided by the Fort Knox Recycle Program. Surrounding work site must be maintained by the Purchaser.

15. Violation of the above requirements may result in a permanent work stoppage and forfeiture of Purchaser’s payment, forfeiture of performance deposit, and may preclude the awarding of future contracts to the Purchaser.

16. I, the purchaser, in consideration of receiving permission and authority to remove recyclable materials from the Fort Knox military reservation, I, on behalf of myself, my heirs and estate, do hereby release the United States, the U.S. Army, the Installation Morale Welfare Recreation Fund and all of their officers and employees from any liability or claim for personal injury or property damage which may arise from my participation in this recycling contract.

T. MICHAEL CARNES
Recycle Program Manager
DBO Business Activities Division

Purchasers Signature

Printed Name

Street Address/city/state/zip code

Date

(_____) _____
area code

Telephone Number

Deconstruction Safety Checklist and Waiver

The following safe work practices must be observed in connection with building deconstruction.

- [] No children (under 16 years of age) are allowed within the work site..
- [] Hardhats are required unless exempted by good cause (only exemptions due to religious beliefs in which case, an employee/employer relationship must not exist).
- [] Deconstruction Plan - **Deconstruction of exterior walls and floor construction shall begin at the top of the structure and proceed downward after the roof has been removed. Each story of exterior wall and floor construction shall be removed and dropped before commencing removal of exterior walls and floors in the story next below.**
- [] Structural or load supporting members on any floor shall not be cut or removed until all stories above such floor have been demolished.
- [] Electric, gas, and water will remain shut off. No fires are allowed in the structure, to include cutting torches, without written permission from the Fort Knox Fire Marshall. **(624-1876)**
- [] If utilities remain on purchaser must notify the Recycle Center immediately. (624-5026)
- [] Glass fragmentation hazards will be prevented, glass may not be dropped.
- [] Personnel are not allowed underneath where they could be struck when overhead removal is in progress.
- [] When ever possible, floor openings should be covered or marked when not in use as material drops.
- [] Work will not be conducted on roofs or top of walls when weather conditions constitute a hazard i.e. lightning, wind, ice, and etc.
- [] Remove debris and other material before demolishing any floor arch.
- [] Two Story Building Fall Protection.
 - a. All personnel when removing shingles on top of a two-story roof must be tied off with a rope or use a commercial retractable lifeline. All other work which requires standing on the roof may be done with this system or the safety monitoring system described below.
 - b. Safety monitor system: A competent person (responsible member of crew) must monitor the safety of all personnel during work on the roof. This person must be on the same roof and within sight, close enough to verbally communicate warning of a hazard or unsafe action. All work on the roof must be done with a minimum of two personnel. Mechanical equipment may not be stored on the roof.

- [] Any violations, vandalism, or unauthorized personnel entering the buildings must be reported to the office of the Provost Marshall at **624-2111/2112**.
- [] If there is an employer/employee relationship between successful bidder and workers on the work site, all work is subject to OSHA regulations. Failure to follow OSHA rules may result in citation/fines and civil/criminal liability.

b. In addition to the above purchasers of recycle rights to APARTMENTS must comply with the following safety rules:

- [] No structural or load supporting members will be removed under any conditions.
- [] The only exterior items that may be removed are windows, doors, and central air units.
- [] **Windows and exterior doors will be the last thing removed. Notify the Recycle Program at 624-5026 when removing windows and doors.**
- [] Caution tape provided by the Fort Knox Recycle Program surrounding work site must be maintained by the Purchaser.

Army Regulation (AR) 200-1 requires environmental clearance for proposed demolition properties. Items which have been inspected and environmentally cleared include asbestos, lead-based paint, mercury, PCB's, radioactive circuitry, hazardous materials, underground storage tanks, POL, and historical significance. Suspect materials of any nature must immediately be reported. Work in the suspected area must cease. Please contact the Recycle Center 624-5026, and the Environmental Management Division 624-3629/8811 for further assistance. It is important that any materials of a suspicious nature be addressed.

In consideration of receiving permission and authority to remove recyclable materials from the Fort Knox military reservation, I, on behalf of myself, my heirs and estate, do hereby release the United States, the U.S. Army, the Installation Morale Welfare Recreation Fund and all of their officers and employees from any liability or claim for personal injury or property damage which may arise from my participation in this recycling contract.

Signature

_____/_____
from to

Printed Name

telephone number

Date

Bldg number

INVITATION FOR BIDS/SALE CONTRACT
FOR THE SALE AND REMOVAL OF GOVERNMENT BUILDINGS
(And Other Attached Real Estate Fixtures)
FORT MCCOY, WISCONSIN

ISSUED BY:

DISTRICT ENGINEER INVITATION NO. DACA45-
OMAHA DISTRICT, CORPS OF ENGINEERS
C/O COMMANDER, FORT MCCOY
ATTN: AFRC-FM-SSP-F Dated: _____
2171 SOUTH 8TH AVENUE
FORT MCCOY, WISCONSIN 54656-5136

Sealed bids for the purchase and removal of any or all items described on the accompanying bid form will be received at the place designated below until the date and time specified below and at that time publicly opened. The purchase and removal are subject to the General and Specific Conditions contained herein.

Unless specifically listed and identified, this Invitation for Bids/Sale Contract does not include personal property except fixtures firmly attached to the buildings listed for sale.

SEALED BIDS WILL BE OPENED:

DATE: _____
TIME: 1:00 p.m., Local Time
LOCATION: Directorate of Support Services
Conference Room A
2171 South 8th Avenue
Fort McCoy, Wisconsin

The points of contact for this Invitation/Contract are as follows:

Fort McCoy Representatives:

- Mr. [NAME], 608-388-5862, FAX 608-388-3136
- Mr. [NAME], 608-388-3386, FAX 608-388-7575
- Ms [NAME], 608-388-3551, FAX 608-388-7687

Corps of Engineers Representative:

- Mrs. [NAME], 402-221-4387, FAX 402-221-7688

PWTB 200-1-23
10 March 2003

The terms and conditions of sale and instructions to bidders are as follows:

GENERAL CONDITIONS AND INSTRUCTIONS TO BIDDERS

1. The bidder is invited, urged and cautioned to inspect the property prior to submitting a bid. The property offered for sale is now subject to inspection by prospective bidders. Arrangements for inspection of the properties offered for sale may be made with a Fort McCoy Representative identified on page 1. Inspection of the property without the knowledge and supervision of a Fort McCoy Representative is not authorized. Upon request, said Fort McCoy Representative will furnish such information as may be necessary with respect to the inspection of the property, terms, conditions, and instructions contained herein. The failure of any bidder to inspect or to be fully informed regarding the condition and location of all or any portion of the property, or negligence or mistake on the part of the bidder in preparing the bid, will not constitute grounds for any claim or demand for adjustment or withdrawal of the bid after opening. The description of the property is believed to be sufficiently specific for purposes of identification. Any error or omission in the description (including locations, when specified) shall not constitute any ground or reason for nonperformance of the contract or claim by the purchaser for any allowance, refund, or deduction from the amounts offered. The property is offered for sale "as is" and "where is." The Government does not make any guaranty or warranty, express or implied, with respect to the property or any installed equipment therein as to the quantity, quality, character or condition, size or kind; or that the property, including installed equipment, is usable for the purpose(s) for which intended.

2. All bids submitted shall be deemed to have been made with full knowledge of all the terms, conditions, and requirements contained herein and in the accompanying bid form.

3. The right is reserved, as the interests of the Government may require, to reject any and all bids and to waive any defect or informality in bids received, to withdraw any and all items from the sale and to accept or reject any items of any bid, unless such bid is qualified by specific limitation.

4. Sealed bids must be executed and submitted on the bid form accompanying this Invitation or on an exact copy thereof. Additional copies of the bid form may be obtained from either the Corps of Engineers Representative or the Fort McCoy Representatives identified on page 1.

5. A bid executed by an attorney or agent on behalf of the bidder must be accompanied by four authenticated copies of his Power of Attorney or other evidence of his authority to act on behalf of the bidder. If the bidder is a corporation, the CERTIFICATE OF CORPORATE BIDDER included in the accompanying bid form must be executed. If the bid is signed by the secretary of the corporation, the Certificate must be executed by some other officer of the corporation under the corporate seal. In lieu of the Certificate of Corporate Bidder, there may be attached to the bid copies of those records of the Corporation showing the official

PWTB 200-1-23
10 March 2003

character and authority of the signing officer. Said copies must be duly certified to be true copies by the secretary or assistant secretary under the corporate seal.

6. The sale will be on an all cash basis. A separate deposit is required for each property that the bidder puts in a bid amount as an offer to purchase. The deposit will guarantee that the bidder will enter into a written contract if the bid is accepted. No bid will be considered unless it is accompanied by a deposit as follows:

(a) The full amount of the bid if the total bid is less than or equal to \$50.

(b) A minimum deposit of \$50 for a bid that amounts to more than \$50.

Deposits must be in the form of a check or money order payable to the "FAO USAED - OMAHA." Deposits of unsuccessful bidders will be returned, without interest, as promptly as possible after rejection. The deposit of the successful bidder will be retained by the Government and applied to the purchase price. The balance of the purchase price, less the amount of the deposit, if any, must be paid as provided by Conditions 17 and 18 hereof.

7. Bids must be submitted in a sealed envelope. The Invitation number, opening date, and time must be plainly printed in the lower left corner of the envelope. Illustrated below is a sample envelope:

Return Address of Bidder	STAMP
SEALED BID FOR SALE AND REMOVAL OF BUILDINGS AT FORT MCCOY, WISCONSIN	
INVITATION NO. DACA45-02-B-RE-0003	TO: DISTRICT ENGINEER
LINE ITEM B. _____	OMAHA DISTRICT, CORPS OF ENGINEERS
	C/O COMMANDER, FORT MCCOY
TO BE OPENED:	ATTN: AFRC-FM-SSP-FT
DATE: Wednesday, November 7, 2001	2171 SOUTH 8TH AVENUE
TIME: 1 P.M., LOCAL TIME	FORT MCCOY, WI 54656-5136

Hand-delivered bids should be brought to [_____], Directorate of Support Services, in Building 2109 at Fort McCoy.

8. It is the duty of each bidder to see that his/her bid is delivered by the time and at the place prescribed in this Invitation. Any bid received after the prescribed date and time, or at a different location, will not be considered and will be rejected. Bids received prior to the time of opening will be securely kept, unopened. The person whose duty it is to open them will decide when the specified

10 March 2003

time has arrived, and no bid or modification of a bid or withdrawal of a bid received thereafter will be considered, except that those received prior to award but delayed in the mails by occurrences beyond the control of the bidder may be considered if written certification is furnished by authorized postal authorities to that effect. No responsibility will attach for the premature opening of a bid not properly addressed and identified. All modifications of a bid or withdrawal of a bid must be in writing. Electronic transmission (i.e., telefax) of bids will not be considered, but modifications or withdrawals by electronic transmission of bids already submitted will be considered, if received prior to the time set for opening bids.

9. At the time fixed for the opening of bids, their contents will be made public by announcement for the information of bidders and others properly interested who may be present either in person or by representative; provided, however, that any information submitted in support thereof, the disclosure of which might tend to subject the person submitting it to a competitive business disadvantage, will upon request be held in strict confidence by the Government.

10. All bids will remain open for acceptance or rejection by the Government for a period of up to 30 calendar days after the date of bid opening; provided that, after said calendar days have elapsed, any bidder not having received notice of rejection may consider his bid rejected, and if the Government desires to accept any bid after such period, the consent of the bidder thereto shall be obtained.

11. Notice of acceptance or rejection of bids, notice of authority to proceed with removal of the property, and any other notices hereunder shall be deemed to have been sufficiently given when telefaxed or mailed to the bidder or his duly authorized representative at the address indicated on the bid form. The date of issuance of any and all notices shall be the postmark or telefax date of the notice.

12. The contract will be awarded to that responsible bidder whose bid, conforming to the Invitation, will be most advantageous to the Government, price and other factors considered. A written award mailed (or otherwise furnished) to the successful bidder within the time for acceptance provided in the Invitation shall be deemed to result in a binding contract. Identical bids will be decided by drawing lots.

13. The purchaser will not remove any property until payment in full has been made and a fully executed copy of the sales contract is received from the District Engineer with authorization to proceed with removal. Upon payment of the full purchase price and receipt of the executed sales contract, the Government will issue the Notice to Proceed with removal of the property. Upon receipt of this Notice to Proceed, the purchaser shall assume title to said property and assume responsibility for its care, protection, and removal. The purchaser shall expeditiously remove the property from the site in a manner satisfactory to a Fort McCoy Representative at the purchaser's cost and expense in accordance with the required General and Specific conditions.

14. The purchaser shall complete the work within the time provided in the Specific Conditions.

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15. Extensions of time provided to complete the removal and restoration work shall only be granted if, in the opinion of a Fort McCoy Representative, unusual and unforeseeable circumstances justify such extensions. All requests for extensions of time are subject to the following procedures:

a. The purchaser must submit, in writing, a request for an extension of time to a Fort McCoy Representative who will forward said request to the District Engineer. This written request must include a justification for the extension and must be submitted in sufficient time to allow the District Engineer to act upon the request prior to the time originally specified herein for completion of removal.

b. Pending the approval or disapproval of the requested extension, the purchaser shall diligently proceed with completion of the removal of the building, including cleanup.

c. Any delay in completion of removal beyond the time originally specified in the Specific Conditions, as the same may be extended hereunder, shall not relieve the purchaser of his/her responsibilities upon default as set out in Condition 18 of this contract. All Specific and General Conditions will continue to apply throughout the extension period.

d. No extensions of time will be granted unless first approved in writing by the District Engineer, Omaha District, Corps of Engineers.

e. If an extension is granted for other than the convenience of the Government, the Purchaser will pay the Government additional consideration at the rate of \$5 per day for each calendar day the original specified completion day is extended. Payments for extensions due the Government will be made by check or money order payable to "FAO USAED - OMAHA" within 5 days of the postmark or telefax date of written approval from the District Engineer. Payments for extensions shall not be refunded under any circumstances.

16. In the event of revocation of a bid by the bidder after the bid opening but prior to acceptance, the bidder's deposit shall become the property of the United States. The rights and remedies of the Government provided in this clause shall not be exclusive, and nothing contained in this clause shall in any way diminish or be construed to waive any of the Government's other remedies provided by law or under this contract.

17. The Purchaser agrees to pay for property awarded to him in accordance with the prices quoted in his bid. Payment of the full purchase price, after applying the total bid deposit, must be made within 5 calendar days of the postmark or telefax date of written award. If the Purchaser fails to pay the balance of the purchase price as indicated above, or fails to otherwise comply with the terms of this Invitation/Contract, the Government may declare him in default.

18. In the event of default by a purchaser hereunder, all claims to and any title held by the purchaser in the property, or any portion of it remaining, will be forfeited and all payments made by the defaulting

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purchaser (including purchase price or guarantee/ deposits) shall be applied by the Government to any loss, cost, and expense in selling or otherwise disposing of such property in such manner, whether economic or not, as time limitations allow. The defaulting purchaser is liable for the full amount of damages sustained by the Government because of his default. This includes any difference between the amount specified in the bid and the amount for which the Government may sell the property, if the latter amount is less than the former. Such liability is not limited to the amount of the aforesaid payments.

19. All payments due under the terms of this Invitation/Contract must be paid on or before the date they are due in order to avoid the mandatory sanctions imposed by the Debt Collection Act of 1982 (31 U.S.C. Section 3717). This statute requires the imposition of an interest charge for the late payment of debts owed to the United States; an administrative charge to cover the costs of processing and handling delinquent debts; and the assessment of an additional penalty charge on any portion of a debt that is more than 90 days past due. The provisions of the statute will be implemented as follows:

a. The United States will impose an interest charge, the amount to be determined by law or regulation, on late payment of debts. Interest will accrue from the due date. An administrative charge to cover the cost of processing and handling each payment will also be imposed.

b. In addition to the charges set forth above, the United States will impose a penalty charge of six percent per annum on any payment, or portion thereof, more than 90 days past due. The penalty shall accrue from the date of delinquency and will continue to accrue until the debt is paid in full.

c. All payments received will be applied first to any accumulated interest, administrative and penalty charges, and then to the balance of any unpaid debt. Interest will not accrue on any administrative or late payment penalty charge.

20. The purchaser shall comply with instructions of the Fort McCoy Representative regarding methods to be used in the removal of the buildings or any portion thereof. No part of the removal work covered by this Invitation will be performed which is unsanitary, hazardous, or dangerous to the safety or health of persons engaged in the services of the purchaser. The purchaser further agrees to abide by all safety, security, traffic, and other regulations in effect at the premises, as well as all local, state, and federal laws applicable to the removal work required herein.

21. The Government shall not be responsible for the loss or damage to any equipment, machinery, or other property either hired, used, or owned by the purchaser. Upon completion of the work covered under this contract, said equipment, machinery, or other property shall be immediately removed from the site by the purchaser.

22. The purchaser shall assume responsibility and liability for all injuries to persons or damages to property, directly or indirectly due to, or arising from his operations conducted under this contract and

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the said purchaser agrees to indemnify and save harmless the United States against any and all claims of whatsoever kind and nature due to, or arising out of, this contract.

23. Any property of the United States damaged or destroyed by the purchaser shall be promptly repaired or replaced by the purchaser to the satisfaction of a Fort McCoy Representative or, in lieu of such repair or replacement, the purchaser shall, if so required by the District Engineer, pay to the United States an amount determined by the District Engineer to be sufficient to compensate for the loss sustained by the United States.

24. Except as otherwise provided in this Invitation, any dispute concerning a question of fact arising under this Invitation/Contract which is not disposed of by agreement, shall be decided by the District Engineer, who shall reduce his decision to writing and mail, or otherwise furnish, a written copy thereof to the bidder or purchaser. The decision of the District Engineer shall be final and conclusive, unless within 30 days from the date of receipt of such copy, the bidder or purchaser mails, or otherwise furnishes, to the District Engineer a written appeal addressed to the Secretary of the Army. The decision of the Secretary, or his duly authorized representative for the determination of such appeals, shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary, so grossly erroneous as necessary to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this condition, the bidder or purchaser shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the successful bidder shall proceed diligently with the performance of the contract and in accordance with the District Engineer's decision. This condition does not preclude consideration of questions of law in connection with those decisions; provided that nothing in this condition shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

25. This Invitation/Contract, including the accompanying bid form, General and Specific Conditions, when accepted by the Government, shall constitute the contract of sale between the successful bidder and the Government. Such agreement shall constitute the whole contract, unless modified in writing and signed by both parties. No oral statements or representations made by, for, or ostensibly on behalf of either party shall be a part of such contract. Neither this contract, nor any interest therein, shall be transferred or assigned by the successful bidder without the prior written approval of the District Engineer.

26. No member of or delegate to the Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom; however, this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

27. The purchaser warrants that he has not employed any person or agency to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this

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warranty shall give the Government the right to annul the contract without liability or at its option to recover from the purchaser the amount of such commission, percentage, brokerage, or contingent fee. In addition to the consideration herein set forth, this warranty shall not apply to commissions payable by the purchaser upon a contract secured or made through bona-fide established agencies maintained by the purchaser for purposes of doing business. "Bona-fide established commercial agencies" has been construed to include licensed real estate brokers engaged in the business generally.

28. Service Contract Act of 1965 (1968 Suppl). Except to the extent that an exemption, variation, or tolerance would apply pursuant to 29 CFR 4.6, if this were a contract in excess of \$2,500.00, the contractor and subcontractors herein shall pay all of his/her employees engaged in performing work on the contract not less than the minimum wage specified under Section 6(2)(2) of the Fair Labor Standards Act of 1938, as amended. However, in cases where Section 6(e)(2) of the Fair Labor Standards Act of 1928 is applicable, the rate specified therein will apply. All regulations and interpretations of the Service Contract Act of 1965 expressed in 29 CFR, Part 4, are hereby incorporated by reference in this contract.

SPECIAL NOTICES

INTERSTATE COMMERCE ACT APPLICABILITY: Attention is invited to the fact that the Interstate Commerce Act makes it unlawful for anyone other than those duly licensed under the act to transport this property in interstate commerce for hire. Anyone aiding or abetting in such violation is a principal in committing the offense (49 U.S.C. - 301-327 and 19 U.S.C. 2).

BIDDER ELIGIBILITY NOTICE: Department of the Army/Air Force employees (including immediate members of their families) whose duties include any functional or supervisory responsibility for the disposal of Government property under the control of the Army/Air Force are prohibited from bidding.

DATA REQUIRED BY PRIVACY ACT OF 1974: The personal information requested on the Invitation for Bids/Sale Contract for the sale of Government real property, as authorized by the Federal Property and Administrative Services Act of 1949, as amended, is needed and shall be used to contact the bidders and, in the case of the successful bidder, to prepare the contract. The information contained in the contract shall be made available to the public upon request.

SPECIFIC TERMS AND CONDITIONS

1. The property may be inspected between the hours of 8 a.m. and 3:30 p.m., through date of bid opening, Saturdays, Sundays, and Federal holidays excluded. A Fort McCoy Representative must be contacted to inspect the property.

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2. Removal of the buildings must be accomplished during daylight hours, unless specifically granted otherwise.
3. A period of 180 days will be allowed for complete salvage and removal of materials and removal of debris to the satisfaction of a Fort McCoy Representative. The time period will begin on the date the Purchaser receives written Notice to Proceed. Removal shall start immediately and shall not stop until complete, excluding any authorized delay documented by written notice from the District Engineer in accordance with the General Conditions of this Invitation. Any authorized delay requested by the Government shall not be counted toward the 180-day completion period. If all work is not completed within the 180-day period, and in accordance with the General and Specific Conditions, the Purchaser will immediately forfeit all right, title, and interest otherwise acquired.
4. ASBESTOS NOTICE: Fort McCoy will remove any asbestos discovered in the building. All such material is believed to have already been removed by Fort McCoy. The Bidder is hereby informed and does acknowledge that friable asbestos was commonly used at the time this building was constructed and may exist within material or equipment to be removed. Exposure to airborne asbestos has been associated with a number of health problems. If asbestos is suspected or encountered, the Purchaser will immediately inform the Fort McCoy Representative. Federal laws require asbestos removal operations in accordance with the following standards:
 - a. National Emission Standards for Hazardous Air Pollution (40 CFR 61, Part 8820, 6 April 1973 and subsequent amendments).
 - b. Standards on Respiratory Protection and Asbestos (29 CFR 1910.134 and 29 CFR 1910.1001).
 - c. U.S. Army Corps of Engineers General Safety Requirements (EM 385-1-1).
5. If asbestos is confirmed to exist in the building after the Purchaser receives written Notice to Proceed, the purchaser will be provided written notice to stop work. Fort McCoy will promptly remove such material and give the Purchaser written notice when to resume salvage and removal work.
6. The bidder specifically agrees to indemnify and hold harmless the Government from liability of any nature or kind arising from asbestos exposure to the Purchaser and/or his/her associated personnel.
7. The building will be removed to the concrete floor and foundation including the interior structures and fixtures. Burning of debris and material will not be permitted. Fort McCoy will provide an onsite area or container for debris disposal.
8. Prior to commencement of removal of the structure or equipment, the Purchaser will schedule a safety briefing with the Fort McCoy Safety Office, Building 1678, telephone 608-388-3403, to determine the safety, security, and administrative regulations required to accomplish removal.

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9. The Purchaser shall take all reasonable precautions to protect the health and safety of workers and shall comply with all safety, traffic, health, security, fire, and other regulations required by the Installation Engineer.

10. The work site shall be appropriately cordoned off to restrict casual access. Children under age 16 will not be allowed within the cordoned area, and protective headgear (hard hats) will be worn within the cordoned area unless such wear is exempted by the Fort McCoy Representative.

11. The Purchaser will provide all labor, materials, and equipment required to complete removal work. Fort McCoy will be responsible for disconnecting all utilities to the building prior to start of removal of the structure or equipment and will provide temporary electric service at no cost to the Purchaser.

12. To bid on the removal of the building, the bid must be completed in its entirety; it must be signed, dated, and returned in a sealed envelope addressed as specified in paragraph 7 of the General Conditions.

ADDITIONAL INFORMATION: Information as to the provisions of this Invitation for Bids and any additional information shall be furnished upon request. Wire, telephone, or mail your request to the Fort McCoy Representative previously identified on the first page of this Invitation.

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SALE OF GOVERNMENT PROPERTY - BID AND AWARD
FOR THE SALE AND REMOVAL OF GOVERNMENT BUILDINGS
(And Other Attached Real Estate Fixtures)
FORT MCCOY, WISCONSIN

TO: DISTRICT ENGINEER
OMAHA DISTRICT, CORPS OF ENGINEERS
C/O COMMANDER, FORT MCCOY
ATTN: AFRC-FM-SSP-FT
2171 SOUTH 8TH AVENUE
FORT MCCOY, WISCONSIN 54656-5136

Enclosed is a check or money order, payable to the "FAO USAED - OMAHA", in the amount of \$_____ to cover the required deposit per property. Upon acceptance of this BID, the enclosed check will be used to pay for the property as specified in the Specific Terms and Conditions and General Conditions.

The bidder is (select and complete one of the following):

- (1) a corporation existing under the laws of the State of _____,
or
- (2) a partnership consisting of _____,
_____ ,
or
- (3) an individual doing business as _____.

<u>Building Number</u>	<u>Description</u>	<u>Dimensions</u>	<u>Amount of Bid</u>
Building _____	_____	_____ SF	\$ _____
Building _____	_____	_____ SF	\$ _____
Building _____	_____	_____ SF	\$ _____
Building _____	_____	_____ SF	\$ _____
Building _____	_____	_____ SF	\$ _____
Building _____	_____	_____ SF	\$ _____
Building _____	_____	_____ SF	\$ _____
Building _____	_____	_____ SF	\$ _____

I (we) make this bid with full knowledge of all the conditions and requirements contained herein and agree to execute the contract in accordance with those conditions.

Name of Bidder: _____ / _____
(Type or Print) (Signature)

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Mailing Address (Type or Print): _____
(Street, City, State and ZIP Code)

Bidder's Social Security Number (if an individual) or Federal
Identification Number (if a corporation): _____

Bidder's Weekday Phone Number: _____ Date of Bid: _____
(Area Code)(Number)

ACCEPTANCE BY THE GOVERNMENT

Accepted by and on behalf of the United States of America, this
_____ day of _____, 20__, as to the purchase and removal
of Building(s) _____, Fort McCoy, Wisconsin.

TOTAL BID AMOUNT: \$ _____

BY: _____

[NAME]

Contract No. DACA45- _____

Chief, Real Estate Division
Omaha District, Corps of Engineers

CERTIFICATE OF CORPORATE BIDDER

I _____ certify that I am the _____ of the Corporation named as bidder herein; that _____, who signed this bid on behalf of the bidder, was then _____ of said corporation; that said bid was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Signature of Person Authorized to Sign this Bid: _____

Signer's Name and Title (Type or Print): _____

AFFIX SEAL _____

Appendix E

Military Deconstruction Case Studies

Fort Ord

Project:	Fort Ord Pilot Deconstruction Project; Monterey, California
Players:	Fort Ord Reuse Authority (FORA) comprised of local county and city government officials, University of California Santa Cruz Extension, Presidio of Monterey Base Realignment and Closure (BRAC), representatives from construction, regulatory agencies, and the salvage industry.
Building Description:	Four representative wood-framed one and two story buildings. Exterior: Douglas fir and cedar siding; Roof: dimensional lumber, 1" x 12" sheathing, asphalt shingles; Interior: drywall, multiple layers of flooring including tongue and groove fir; Hazardous Materials: asbestos, lead based paint.
Project Description:	Pilot project funded by the David and Lucille Packard Foundation to assess the feasibility of deconstruction as one means of removal of approximately 1,200 substandard buildings on the base. Local contractors provided eight employees for the deconstruction crew in anticipation of the benefits they would receive from the OSHA training, Lead Worker Training, jobsite safety instruction, and hands-on deconstruction experience.
End Use:	Contaminant-free Materials: sold onsite at public sale or donated to Goodwill Industries. Hazardous Materials: asbestos containing materials disposed of by certified contractor at approved site; high value Douglas fir siding warehoused for further research in removal of lead-based paint. Other: unpainted drywall composted; asphalt shingles landfilled; representative pieces of dimensional lumber re-graded and strength-tested.
Key Feature:	<p>The preliminary building assessment revealed the presence of asbestos in the vinyl tile flooring and lead based paint on the exterior siding and some interior finish materials. The deconstruction crew was trained and certified to work in an "unknown lead environment". Air sampling was conducted during representative tasks to ascertain the levels of exposure and determine appropriate protective clothing and equipment. A Hepa-vac was also used throughout the project to keep the work area clean and protect workers from exposure. Workers were given blood tests at the beginning and end of the six-month project with no increase in lead levels. This was primarily attributed to removing and isolating contaminated materials before full-scale deconstruction got underway.</p> <p>A Certified Asbestos Abatement Contractor removed and disposed of the friable asbestos. Non-friable material was double-wrapped and disposed of at the Monterey Regional Waste Management District landfill at twice the normal cost.</p> <p>The pilot deconstruction project provided a great deal of information regarding the removal of other buildings on the base. Because greater amounts of hazardous materials were discovered during the initial project, more rigorous methods of investigation were developed to assess the presence of lead or asbestos. Destructive investigation was used on future projects. In addition, new efforts have been made to review and organize the numerous regulations that pertain to hazardous material removal -- especially those that apply to the transfer of property from the Army to local jurisdictions.</p>
Source of Information:	<i>A Guide To Deconstruction</i> ; prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research; prepared by NAHB Research Center, Inc., Upper Marlboro, MD, February 2000.

Walter Reed Army Medical Center

Project:	Walter Reed Army Medical Center; Washington, D.C.
Players:	Walter Reed Army Medical Center, Ellen Wilson Pre-Apprenticeship Training Program, Environmental Protection Agency.
Building Description:	Four 20' x 100' Jenco green houses. Foundation: concrete and brick; Structure: aluminum frame with bolted and screwed connections; Glazing: 2' x 2' glass panels.
Project Description:	Manual disassembly of frame and glazing by job trainees of the Ellen Wilson Neighborhood and Public Housing Authority. Partial salvage of steam heat and misting system. Demolition of foundations and site cleanup by private general contractor.
End Use:	Re-assembly at St. Elizabeth's Hospital, Fort Meade.
Key Feature:	<p>In some cases, a building may be of such a specialized nature that its greatest value lies in its existing use. This was the case with the four greenhouses. As stand-alone materials, most of the components had little value for reuse in new or existing buildings. At best, the aluminum frame, galvanized piping, and glazing panels could have been recycled.</p> <p>Re-construction of the buildings and reuse as greenhouses was the ideal solution. This required "just the right" confluence of circumstances and interested parties. But, public housing authorities should not rule out such a possibility in their own communities.</p>
Key Feature:	<p>The deconstruction and re-construction of the greenhouses offered an excellent opportunity for job training. By the time the last greenhouse components were crated, eighteen trainees were familiar with the use of many hand and power tools, the difference between bolted and screwed connections, the names of different structural members, efficient task sequence, and the importance of jobsite safety.</p> <p>In addition to technical and mechanical skills, the trainees also gained experience in teamwork, leadership, responsibility, and reliability. As one student put it, "This program will help me in any job whether I work in construction or not."</p>
Source of Information:	<i>A Guide To Deconstruction</i> ; prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research; prepared by NAHB Research Center, Inc., Upper Marlboro, MD, February 2000.

Presidio of San Francisco

Project:	Building 901 Deconstruction; Presidio of San Francisco
Players:	National Park Service, Beyond Waste (Sonoma-based deconstruction partnership), San Francisco Community Recyclers, and Wood Resource Efficiency Network.
Building Description:	One-story wood frame building approximately 60' x 135'. Constructed in 1942 and served as a warehouse with office space. Included wood siding, wood flooring on concrete supports, and wood roof with asphalt shingles.
Project Description:	Deconstruction with an emphasis on recovery of the high-grade, old-growth wood in the building.
End Use:	Approximately one-half (34,355 board feet) of the lumber recovered was sold on-site. The remainder was divided among the project participants for their own use or sale. The on-site sale generated \$30,155. Prices ranged from \$0.25/BF for roof planking to \$1.50/BF for Douglas Fir flooring.
Key Feature:	<p>Assuming all of the recovered lumber was sold, it was estimated that the net savings over demolition could have exceeded \$20,000. This was in view of the fact that the project was conducted with “prevailing wages” under the Davis-Bacon Act. However, it was noted that none of the cost estimates included the asbestos and lead-based paint removal prior to deconstruction.</p> <p>The lot surrounding the building was converted into an ad hoc lumberyard. This reduced hauling and storage costs and facilitated the on-site sale.</p>
Source of Information:	Ambrose, Sabra, <i>Presidio of San Francisco, Building 901</i> , California Integrated Waste Management Board, Sacramento, CA, http://www.ciwmb.ca.gov/ConDemo/ , June 17, 2002.

Mather Field

Project:	Pilot Project for Six (6) Homes at the former Mather Air Force Base. Develop C&D training manual, provide training of 30 individuals and monitor the deconstruction process
Players:	Beyond Waste, Inc., California Integrated Waste Management Board (CIWMB), California Trade and Commerce Agency, ConSol, Jim Persons Environmental Health and Safety Consultant, J. R. Roberts, Jump Marketing, Kaufman & Broad, Mather Housing Company, NAHB Research Center, North Carolina Cooperative Extension Service, RichMarc Environmental Consultants, Inc., Sacramento Housing and Redevelopment Agency, Smart Growth Network, and Urban and Economic Development Division of the US Environmental Protection Agency.
Building Description:	Six very similar 1,700 sq ft, wood frame single story homes.
Project Description:	<p>Project was conducted in the fall of 1999. The main purpose was to provide training and develop a Deconstruction Training Manual. The buildings were inspected for hazardous materials and then were deconstructed manually.</p> <p>Beyond Waste provided the training and supervision on the deconstruction project. Sacramento Housing and Redevelopment Agency (SHRA) recruited 30 individuals in this Apprenticeship Construction Program. The entire deconstruction project took 6 weeks by a 30-person crew, which included training.</p>
End Use:	An area was set up at the site for resale of salvaged materials. Unsold materials were donated to non-profit organizations.
Key Feature:	Under a grant from the CIWMB, the project provided training for 30 low-income individuals from the Sacramento Housing and Redevelopment Agency's apprenticeship construction training program.
Source of Information:	ConSol, <i>Deconstruction Training Manual: Waste Management Reuse and Recycling at Mather Field</i> , http://www.ciwmb.ca.gov/Publications/default.asp?pubid=911 , California Integrated Waste Management Board, Sacramento, CA, July 2001; E-mail from Francisco Gutteres, CIWMB, Waste Prevention & Market Development, fgutter@ciwmb.ca.gov , (916) 341-6493.

Fort Chaffee

Project:	638 WWII Wood Buildings; Fort Chaffee, Arkansas
Players:	Facilities Maintenance Branch and Energy Branch of the Facilities Division of the Construction Engineering Research Laboratory of the Engineer Research and Development Center of the US Army Corps of Engineers.
Building Description:	638 buildings with a total area of over 2.5 million square feet. Included were barracks, administrative buildings, training facilities, mess halls, morale/welfare/recreation facilities, vehicle maintenance, warehouse and storage, and medical facilities. Virtually all structures were wood frame, built on reinforced concrete piers, slabs-on-grade, and various combinations.
Project Description:	Cost estimate only. Compared costs of (1) demolition and landfilling, (2) demolition and on-site incineration, and (3) various disposal methods to reduce cost.
End Use:	Cost-reduction potential focused on several areas: <ul style="list-style-type: none"> ○ “Cherry picking” for resale items including plumbing fixtures and equipment, selected mechanical equipment, electrical switch and circuit breaker boxes, fire detection and alarm panels, interior and exterior doors and hardware, miscellaneous interior fixtures, and fire escape ladders and stairs. ○ Other items with salvage value, including copper pipe, light fixtures, windows from upgraded buildings, structural steel, and bricks. ○ Reduce the volume and associated expense of disposal by grinding concrete. ○ Grinding wood debris to reduce landfilled volume. ○ Certain additional items resulting from deconstruction techniques, such as steel toilet partitions from upgraded buildings, acoustical ceiling tile from upgraded buildings, steel siding, cast iron radiators, steel and cast iron pipe, boilers and hot water storage tanks, sheet metal vents and flashing, and sheet metal ducts.
Key Feature:	The study concluded with an estimate of \$18.6 million to demolish the buildings and landfill the debris. On-site incineration was estimated to reduce this cost by \$1.5 million. In addition, it was estimated that approximately \$4.5 million worth of materials could be removed and reused or recycled.
Source of Information:	Cosper, Steve and Tom Napier, <i>Military Considerations: Opportunities to Deconstruct, Reuse & Recycle Materials from Army Buildings</i> , presented at Rebuilding Communities Through Deconstruction, ILSR, Hartford, CT, March 11, 2002. Napier, Thomas R., Stephen D. Cosper and Jacqueline C. Dearborn, <i>Cost Analysis for Building Removal at Fort Chaffee, Arkansas</i> , Engineer Research and Development Center, US Army Corps of Engineers, Champaign, IL, June 2001.

Fort McCoy

Project:	Sale and Removal of Government Buildings, Fort McCoy, Wisconsin
Players:	U.S. Corps of Engineers (Omaha District); Fort McCoy Directorate of Support Services.
Building Description:	Over 180 WW II – era wooden buildings totaling nearly 690,000 square feet.
Project Description:	The deconstruction program began in 1992 through the DoD's Facilities Reduction Program designed to eliminate surplus buildings. Building deconstruction costs range from \$2,000-\$4,000 per building versus approximately \$40,000 per building using demolition methods. Installation personnel are responsible for identifying and removing friable asbestos. Majority of these buildings have concrete pier foundations. Fort McCoy uses troop equipment and labor to remove this debris.
End Use:	End use of the recovered material has included construction of a house and two churches.
Key Feature:	The key to the success of this program was developing a successful relationship with the local community that helped tremendously in marketing the deconstruction program.
Source of Information:	Copy of Invitation For Bids/Sale Contract, Invitation No. DACA45-00-B-RE-0017, July 18, 2000; U.S. Army Corps of Engineers, Public Works Technical Bulletin 420-49-30, 10 February 2000, <i>Alternatives to Demolition for Facility Reduction</i> ; http://www.mccoy.army.mil/ReadingRoom/Triad/01252002/deconstruction.htm <i>Deconstruction Program Helps Meet Needs.</i>

Twin Cities Army Ammunition Plant

Project:	Two Buildings; Twin Cities AAP, Minnesota
Players:	Information not available.
Building Description:	Two buildings (501 and 503) with total area of 925,000 sq. ft.; Buildings had been used for manufacture and contained asbestos, PCBs, mercury in instruments and controls, mercury and cadmium in fluorescent bulbs, PCP and creosote treated timbers, lead-based paint, assorted lubricants and oils, explosives, and partial containers of paints, solvents and preservatives.
Project Description:	Project focus was to recycle the buildings' timber and lumber content; Salvaged 2.25 million board feet lumber; In process known as "killing the building", equipment, personal property and components that could deteriorate and release hazardous or otherwise regulated substances were removed.
End Use:	<p>Application of materials from building 501 into new timber framing and millwork projects created a [subsequent] demand for the material in building 503.</p> <p>The contracts were awarded for <u>disposal</u> – recycling was not mandated.</p> <p>At the time of the TCAAP project, the markets for recyclable timber and lumber were not matured.</p>
Key Feature:	<p>The disposal of buildings 501 and 503 was accomplished through a series of contracts, rather than one. This offered several advantages:</p> <ol style="list-style-type: none"> 1. This gave the Army more effective and expeditious control. 2. This provided a direct relationship with specialty contractors for abatement and hazardous waste control. 3. Competition was enhanced among small contractors. <p>A good rule of thumb adopted was to allow twice as much time for dismantlement as for demolition.</p> <p>Federal and federally funded construction projects must comply with the Davis-Bacon Act. This requires the payment of "prevailing wages". The nature of the work was compared to this and other legal requirements and it was concluded that the wage requirements <u>could</u> fall under either the Davis-Bacon Act or the Service Contract Act (41 USC 351). The Service Contract Act applies if no further Federal construction or improvement is planned. The Service Contract Act permits the payment of minimum wages, rather than the "prevailing wage".</p>
Source of Information:	<p>Lantz, Scott F. and Robert H. Falk, <i>Feasibility of Recycling Timber from Military Industrial Buildings</i>, Use of Recycled Wood and Paper in Building Applications, The Building Deconstruction Consortium, www.denix.osd.mil/denix/Public/Library/Sustain/BDC/documents.html, undated; Coper, Steve and Tom Napier, <i>Military Considerations: Opportunities to Deconstruct, Reuse & Recycle Materials from Army Buildings</i>, presented at Rebuilding Communities Through Deconstruction, ILSR, Hartford, CT, March 11, 2002.</p>

Appendix F

List of Deconstruction Contacts

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